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Women in the Judiciary in Lebanon



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Executive summary

The present background paper sheds light on the status of women in the judiciary in Lebanon as part of a series of reports on women in the judiciary in five Arab States, namely, the Sudan, Tunisia, Lebanon, Jordan, and Palestine. These five countries were selected for case studies given the comparatively high presence of women in judicial institutions. The findings of the five case studies will inform the regional study on women in the judiciary in the Arab region, currently being prepared by the Centre for Women of the Economic and Social Commission for Western Asia (ESCWA) in partnership with the International Commission of Jurists (ICJ) and the Office of the United Nations High Commissioner for Human Rights (OHCHR).

The paper assesses the impact of relevant legal, policy and administrative frameworks on women's entry and progression through the judiciary in Lebanon and underlines the key trends and obstacles in this regard. The paper is based on desk research complemented by focus groups and individual discussions with female and male lawyers, judges, prosecutors, and court officials.

The paper emphasizes that the presence of women in the judiciary in Lebanon has generally increased over the past years, with women expected to comprise the majority of judges by 2019. Despite these quantitative advances, some enduring barriers to women's entry and career progression remain unaddressed. Women are still excluded from certain senior and "sensitive" judicial positions and are starkly underrepresented in fields such as military and criminal justice. Although there are exceptions, such posts are generally reserved for men while women are more present in the less desirable or distinguished positions. To date, female judges have been unable to accede to religious courts which have jurisdiction over many personal status issues and thus have a significant impact on the lives of women and men.

The paper identifies specific barriers to women's full and equal presence in all branches of the Lebanese judicial institutions. Societal stereotypical perceptions of the respective roles of men and women continue to play a role, and chief among those is the expectation that women must act as the primary caretakers in their households, which can hinder their career progression. Stereotypical perceptions are compounded by institutional barriers to women's progress in the judiciary, including gender bias towards men in recruitment to senior and "sensitive" positions.

The paper proposes a series of policy recommendations for Lebanese authorities and relevant stakeholders to ensure women's equal presence in the judiciary. These recommendations include adopting gender-sensitive workplace arrangements enabling women to achieve a better balance between their careers and family life. Objective criteria should also be introduced for selection, recruitment and appointment in all positions, particularly in senior and "sensitive" ones, along with transparent recruitment processes at all levels. Finally, the adoption of temporary special measures, such as quotas, should be considered for judicial branches where women remain underrepresented.

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Introduction

Article 7 of the 1926 Lebanese Constitution, amended in 1990, sets out the principles of equality among all citizens and provides that “all Lebanese are equal before the law. They equally enjoy civil and political rights and assume obligations and public duties without any distinction among them”. Whereas non-discrimination based on gender is not specifically mentioned in the Lebanese Constitution, observers believe that the term “citizen” in Article 7 refers to both female and male citizens.¹ This concept of equality is reiterated in the Preamble of the Lebanese Constitution adopted in 1990.²

In addition to these constitutional provisions, several international conventions, most importantly the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified and acceded to by Lebanon in 1997,³ guarantee gender equality.⁴ The Lebanese Constitution further emphasizes that the Lebanese State is committed to the principles of the United Nations and embodies them in all sectors and scopes without exception.⁵ Moreover, national courts have the obligation to apply such principles in the application of Article 2 of the Lebanese Code of Civil Procedure, which grants international instruments concluded by Lebanon supremacy over domestic laws.

Despite these commitments to gender equality, in practice, the prevailing patriarchal confessional system undermines the efforts to eliminate gender-based discrimination,⁶ especially in the nationality law, penal code and personal status laws.⁷ Women continue to suffer from gender inequality in employment, as positive changes in recent years in favour of women on issues related to the Labour Code,⁸ Social Security Code,⁹ and State employment regulations¹⁰ have yet to be fully implemented.¹¹ Gender differences are more

¹ EU External Action, Gender Profiles of the Neighbourhood South Countries. LEBANON, EUROPEAID/129783/C/SER/multi, March 2015, p. 31, available at http://eeas.europa.eu/archives/delegations/lebanon/documents/related_links/20150713_1_en.pdf.

² Preamble of the Constitution, para. C states: “Lebanon is a Republic based on the respect of ... the equality of all its citizens in terms of rights and duties without discrimination or preference.”

³ Upon ratification, Lebanon made reservations to CEDAW regarding Articles 9:2, 16 and 29.

⁴ The most relevant International Conventions concluded by Lebanon include the Universal Declaration of Human Rights (ratified in 1948); the International Convention on the Political Rights of Women (ratified in 1955); the Convention against Discrimination in Education (ratified in 1964); the International Covenant on Economic, Social and Cultural Rights (ratified in 1972); the International Covenant on Civil and Political Rights (ratified in 1972); the International Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (ratified in 1977); and the International Convention concerning Discrimination in Respect of Employment and Occupation (ratified in 1977).

⁵ Preamble of the Constitution, para. B.

⁶ EU External Action, Gender Profiles of the Neighbourhood South Countries. LEBANON, *op. cit.*, p. 14.

⁷ Parliamentary committees recently approved some legal amendments, namely, the annulment of Article 562 of the Penal Code in August 2011, which granted men mitigating circumstances in the case of ‘crimes of honour’; the passing in April 2014 of the law that extended maternity leave from 49 to 79 days; and the adoption of Law No. 293/2014 in April 2014 criminalizing domestic violence. This was seen as a major achievement, although it fails to protect women from marital rape. In August 2017, the Lebanese parliament repealed Article 522 of the Penal Code, which absolved rapists if they marry their victims. Nevertheless, the effects of this article continue through other legal provisions.

⁸ The Lebanese Labour Law (a decree issued in 1965) clearly states that men and women undertaking the same job receive the same remuneration.

⁹ In 1987, Social Security amended the retirement age bringing it to 64 for both genders, while previously the retirement age for women was 55 years and 60 for men.

¹⁰ For instance, Income Tax Law (Article 9) acknowledged gender parity on tax reduction and, transportation fees (available at www.nclw.org.lb).

¹¹ IWSAW, Gender Profile – Lebanon, 2016, p. 3, available at <http://iwsaw.lau.edu.lb/publications/country-gender-profiles/lebanon.php>.

marked in the private sector¹² and are reflected by discrimination in the provisions of social benefits,¹³ taxation policies, and medical services. These discriminatory regulations are rooted in the perceptions of gender roles and the responsibilities of women in the family and community, where men are perceived as the breadwinners and women as the primary caretakers. These perceptions are accorded formal support through the sectarian personal status laws.¹⁴ Moreover, there are no laws in Lebanon that recognize paternity leave, expend support services for women (namely, childcare services) or prohibit sexual harassment.

A remarkable movement towards gender equality in the public sector is evident in the judiciary as a result of the rapid growth in the number of women studying law and becoming judges. In 1980, only 2.51 per cent of the judges in judicial courts¹⁵ were women,¹⁶ and today women constitute 47.7 per cent of judges in judicial courts. Current projections indicate that the judiciary might encompass a majority of women by 2019.¹⁷ Notwithstanding this progress, the presence of women in the judiciary does not automatically guarantee gender equality in judicial institutions. Patriarchal, sectarian and political modes of thinking overwhelm the awareness of the principles of gender equality.¹⁸

The report aims to investigate further the presence of women in the Lebanese judiciary. The authors used the triangulation approach in their study, whereby national stakeholders examined and validated the available documentation with further verification through the data provided by the Lebanese authorities. An initial desk review and analysis of relevant national legal, policy and administrative frameworks was conducted. The review included existing publications and statistics available from a range of sources, including the Lebanese authorities. Meetings were arranged with relevant stakeholders, utilizing a combination of focus groups and individual discussions to gather perceptions regarding the impact of the women's increasing presence in the judiciary.

The perspectives of female and male lawyers and court officials were collected through five focus group discussions under the guidelines prepared by the Economic and Social Commission for Western Asia (ESCWA). Eight individual interviews were held with female and male prosecutors and judges. Although meetings were concentrated in the Beirut and Mount Lebanon areas, several stakeholders participating in these discussions, including lawyers and judges, provided further insights by drawing on their own experiences and networks of contacts across Lebanon, thus indirectly covering most parts of the country.

¹² Women account for only a quarter of the employed population and are also more likely to be employees rather than self-employed individuals or employers. See, EU External Action, Gender Profiles of the Neighbourhood South Countries. LEBANON, *op. cit.*, pp. 25-26. See also, UNDP, Living Conditions of Households – 2007, October 2018, available at <http://www.lb.undp.org/content/lebanon/en/home/library/poverty/living-conditions-of-households-2007.html>.

¹³ For instance, while a man's social security benefits are unconditionally payable to his wife, the benefits of the working woman are not paid to her husband unless he is over 60 years old or disabled. Moreover, a working, insured man receives a family allowance for a non-working spouse (wife), but a woman does not receive such an allowance for an uninsured non-working spouse (husband). Furthermore, when both parents are working and affiliated to the Social Security Fund, the father receives the family allowance for the children (unless the mother has sole legal custody).

¹⁴ EU External Action, Gender Profiles of the Neighbourhood South Countries. LEBANON, *op. cit.*, p. 25.

¹⁵ Lebanon has a relatively complex judicial system with several jurisdictions, including the judicial courts (for civil and penal matters, which are commonly referred to as "the judiciary") and the administrative courts (for matters where the State is a party), in addition to specialized tribunals (such as military courts) and religious courts handling personal status issues. See the website of the Ministry of Justice for more information on this system, available at <https://www.justice.gov.lb/index.php/court-details/21/1>.

¹⁶ Khalil Jreije, *The Institute of Judicial Studies at the Service of the Judiciary*, Beirut, 1966, pp. 225 et seq.

¹⁷ Legal Agenda, *Women in the Lebanese Judiciary*, 2017, p. 6. Available at <https://www.legal-agenda.com/uploads/1520239484-%D8%A7%D9%84%D9%86%D8%B3%D8%A7%D8%A1%20%D9%81%D9%8A%20%D8%A7%D9%84%D9%82%D8%B6%D8%A7%D8%A1%20%D8%A7%D9%84%D9%84%D8%A8%D9%86%D8%A7%D9%86%D9%8A.pdf>.

¹⁸ EU External Action, Gender Profiles of the Neighbourhood South Countries. LEBANON, *op. cit.*, p. 30.

1. THE STATUS OF WOMEN IN THE LEBANESE JUDICIARY

This section provides a brief historical overview of the presence of women in the judiciary in Lebanon. It reviews the relevant legal, policy and administrative systems and examines the impact of these systems on the entry and progression of women through the judiciary. Furthermore, the numbers and distribution of women in the judiciary will be presented in general, and at each level, on the basis of a comparative temporal analysis.

A. FROM DENIED ENTRY TO GENDER PARITY

Civil service is accessible to all Lebanese citizens with no preference or distinction except by merit and competence.¹⁹ The Lebanese legislator has further enforced the constitutional principle of equality regarding employment in the public sector. This was reflected in the Public Service Law (Decree-Law No. 112/59) issued on 12 June 1959. Although this legislation covered the judiciary at the time – for lack of a specific law in this regard, in practice, the principle of equality was disregarded in the field.²⁰ Women were systematically prevented from entering the judiciary in light of a prevailing mindset that rejected women's presence in courts and disparaged their competence to be decision makers.²¹

In the mid-1950s and early 1960s, several women holding law diplomas submitted their applications, and some passed the entrance examination.²² Nonetheless, they were never admitted to the judiciary. The first woman to enter the judiciary was Katina Ghulam,²³ who was admitted on 12 September 1966,²⁴ without any exams after having practised as a lawyer for two years.²⁵ However, this case remained an exception as women were still seen as unqualified to enter the judiciary.²⁶

Between 1973 and 1977, the Supreme Judicial Council (SJC) rejected the applications of 27 female candidates and barred them from entering the Institute of Judicial Studies (IJS), the institution responsible for training future judges. In October 1977, banned female candidates, supported by male and female lawyers, held a symbolic protest at the Ministry of Justice challenging the SJC's decision.²⁷ After being excluded from the preliminary interview on the basis of her gender, a female candidate applying to become a judge in the administrative justice (Joset Tabarawi) appealed the decision before the State Council, the Lebanese administrative court. She won her case and was subsequently admitted as a trainee judge into the IJS.

¹⁹ Lebanese Constitution, Article 12.

²⁰ Mary-Denise Maoushi, "The Functional Status of the Female Judge and the Conditions for Her Promotion, Professional Progress and Impact on the Judiciary", in *Judges' Matters in Lebanon, Horizons and Challenges*, Lebanese Center for Policy Studies, 2000, p. 222.

²¹ Ali Moussawi, "A Female Invasion of the Judiciary and Acquisition of Advanced Positions", *Al-Mahkama Newspaper*, 25 June 2017, available at <http://www.mahkama.net/?p=104>; and Maysam Nueiri, "The Social Effect of Women's Participation in the Judiciary", in *Judges' Matters in Lebanon, Horizons and Challenges*, Lebanese Center for Policy Studies, 2000, p. 210.

²² Among these women was, for example, Nadia Mohammed Ali Dimachkie (1930-2005), as cited in Ali Moussawi, "A Female Invasion of the Judiciary and Acquisition of Advanced Positions", *op.cit.*

²³ It is sometimes falsely reported that the first woman admitted to the judiciary is Georgette Arabid Chidiac.

²⁴ Khalil Jreije, *The Institute of Judicial Studies at the Service of the Judiciary*, *op.cit.*, p. 181. See also, Faiha Abdulhadi's, "The Arab woman and the Arab culture", *Ibn Rushd* online magazine, Issue No. 16, Winter 2014-2015, available at <http://www.ibn-rushd.org/typo3/cms/ar/magazine/16th-issue-winter-20142015/faiha-abdelhadi/>.

²⁵ Khalil Jreije, *The Institute of Judicial Studies at the Service of the Judiciary*, *op.cit.*, p. 181.

²⁶ Mary-Denise Maoushi, "The Functional Status of the Female Judge and the Conditions for Her Promotion, Professional Progress and Impact on the Judiciary", *op.cit.*, p. 222.

²⁷ *Legal Agenda, Women in the Lebanese Judiciary*, *op.cit.*, p. 9; and *Legal Agenda, How to Become a Judge?* 2017, pp. 38-40.

To remedy this situation and comply with the constitutional provisions, the legislator of the 1980s promulgated Decree-Law No. 150 of 16 September 1983 regulating the judiciary in Lebanon; this Decree-Law makes no distinction between men and women regarding admission to the judiciary.²⁸ Nevertheless, while the Decree-Law stipulates a proper procedure for the selection and appointment of judges (with no gender-based criteria), it still grants the SJC broad discretion. The practice shows that the latter has resorted to its discretion in several incidents by adopting administrative policies that have specifically impacted women in the process of selecting and appointing judges.

At the end of the civil war in 1990, the number of judges was low due to resignations during the conflict. The post-war IJS entrance examinations witnessed a growth in the number of female candidates admitted to the judiciary, almost approaching parity with the number of male candidates. This growth provoked concern about a “feminization of the judiciary” in some circles. In response, the SJC issued a decision in 1993 rejecting all female applicants for the IJS entrance examination during the 1993-1994 session. To justify this decision, the SJC emphasized that the only available vacancies for that year lied outside the capital, arguing that women were often reluctant to perform judicial functions in such regions. This policy was grounded in the SJC’s discretionary power to exclude the candidates it deemed unsuitable to take on the duties of the judiciary in the provincial courts.²⁹

The decision prompted the female candidates to address an open letter to the authorities³⁰ and women’s rights’ advocates to call for the dismissal of the SJC’s prejudicial decision.³¹ The decision also triggered a wave of objections by human rights activists,³² several members of parliament and ministers.³³ This resulted in a recommendation addressed to the Minister of Justice by the parliamentary Administration and Justice Committee, requesting reconsideration of the discriminatory decision for violating not only the principle of equality in the Lebanese Constitution but also the Universal Declaration of Human Rights.³⁴ The SJC’s decision was not reverted.³⁵

²⁸ Arab Center for the Development of the Rule of Law and Integrity (ACRLI), *The Judiciary in the Arab States, Monitoring and Analysis*, (Jordan, Lebanon, Morocco, Egypt), Beirut, 2008, p. 343; ACRLI, *The Status of the Judiciary in Lebanon*, 2014, p. 57, available at http://www.arabruleoflaw.org/files/pdf/judiciary/english/p2/lebanon_finalreportp2s2_en.pdf; and Edmond Naim, “Preliminary Introduction”, in *Judges’ Matters in Lebanon, Horizons and Challenges*, Lebanese Center for Policy Studies, 2000, p. 205.

²⁹ Legal Agenda, *Women in the Lebanese Judiciary*, *op.cit.*, pp. 6-8.

³⁰ The letter was addressed to the President of the Lebanese Republic (Elias Harawi), the Speaker of the Parliament (Nabih Berri), the Prime Minister (Rafic Hariri.) and the Minister of Justice (Bahij Tabbara). It is reported that when female candidates visited the Minister of Justice following their exclusion, his answer was: “What can I do for you if you were born women?”. This incident is cited in Legal Agenda, *How to Become a Judge?* *op.cit.*, p. 38.

³¹ Open letter to the officials against the exclusion of women from the judiciary, published in *Annahar Newspaper*, 8 December 1993, cited in Legal Agenda, *Women in the Lebanese Judiciary*, *op.cit.*, p. 9, footnote no. 3.

³² Lawyer and feminist activist Laure Mughazizel addressed a letter to the SJC in the name of the “Lebanese Association for Human Rights – Equality Committee” referring to the symbolic protest held in the Ministry of Justice in October 1977 against a similar decision to exclude female candidates from applying to the judiciary during 1973-1977. Legal Agenda, *Women in the Lebanese Judiciary*, *op.cit.*, p. 9; and Legal Agenda, *How to Become a Judge?*, *op.cit.*, p. 38.

³³ Minutes of the Parliament, Session 4, held on 14 December 1993, cited in Legal Agenda, *Women in the Lebanese Judiciary*, *op.cit.*, p. 9, footnote no. 6.

³⁴ Reactions against the decision to exclude women from the judiciary, published in *Annahar Newspaper*, 9 December 1993, cited in Legal Agenda, *Women in the Lebanese Judiciary*, *op.cit.*, p. 9, footnote no. 5.

³⁵ Legal Agenda, *Women in the Lebanese Judiciary*, *op.cit.*, p. 9; and Legal Agenda, *How to Become a Judge?*, *op.cit.*, p. 38.

Following this episode, the SJC attempted to maintain a balance in the judiciary by seeking to attract more male candidates rather than discouraging women candidates.³⁶ The judicial profession had lost some of its attractiveness for men due to limited wages compared to other legal professions, such as working in international law firms. The SJC's new strategy resulted in an increase of judicial salaries in 1994, which was widely perceived as an attempt to incite more men to enter the judiciary.³⁷ A similar pay rise was introduced in 2011.³⁸

As shown in table 1, an increasing number of female candidates have successfully applied to the IJS examination demonstrating both determination and excellence.³⁹

Table 1. Gender distribution of candidates admitted to the Institute of Judicial Studies

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

³⁶ *Ibid.*, p. 6; and statements made by Joseph Mughaizel and Zaher el-Khatib, Parliament minutes, 18th Legislative Cycle, Second Regular Session, Fourth Sitting, December 14, 1993, cited in Samer Ghamroun, "Who is Afraid of a Female Majority in the Lebanese Judiciary?", *The Legal Agenda*, March 2015, available at <http://legal-agenda.com/en/article.php?id=3070>.

³⁷ *Legal Agenda*, How to Become a Judge? *op.cit.*, p.16; and Saada Alwa, "The Feminisation of the Judiciary Numerically, and the Decline of their Presence in "Sensitive" Positions", *op.cit.*

³⁸ *Ibid.*

³⁹ Ali Moussawi, "A Female Invasion of the Judiciary and Acquisition of Advanced Positions", *op.cit.*

Since 2009, the number of male judges has gradually decreased against an increase in the number of female judges. According to the Cabinet decree on judicial appointments and transfers of 10 October 2017,⁴⁰ the number of female judges is currently 248 out of the total of 520 judges,⁴¹ as shown in table 2. The percentage of women in the judiciary has gradually risen from 15 per cent in 1993 to 47.7 per cent in 2017.⁴²

Table 2. Increase in numbers of women in the judiciary

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

The proportion of female judges is expected to increase further with the announcement of the eligibility for the tenure of trainee judges currently enrolled in IJS. The majority of the trainee judges are women,⁴³ as shown in table 3.

Table 3. Gender distribution of current trainee judges at the Institute of Judicial Studies

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

^a There were exceptionally two sessions in 2016: the first announced at the end of 2015, with exams ending at the beginning of 2016, while the second session began and ended in 2016.

B. PROCEDURES FOR THE SELECTION AND APPOINTMENT OF JUDGES UNDER THE LEBANESE LEGISLATION

According to Decree-Law No. 150/83, trainee judges are recruited following a needs assessment of the required number of new judges conducted by the Ministry of Justice in consultation with SJC.⁴⁴ The latter organizes an entrance exam upon the request of the Minister of Justice. SJC has discretionary powers when considering applications and selecting candidates it deems fit and entitled to participate in the IJS admissions tests. Article 68 of Decree-Law No. 150/83 stipulates the general prerequisites of eligibility, namely, nationality, age, legal and health qualifications, educational requirements, proficiency in languages, and grades required for admission as set by SJC.⁴⁵

⁴⁰ This decree is taken as a reference since it is the last official census of judges in Lebanon.

⁴¹ This count does not take into consideration the number of candidates who passed the latest entrance examination to the judiciary (session 2017-2018) since they have not yet been appointed as trainee judges at IJS.

⁴² Nizar Saghieh and Lama Karame, "Feminising the Judiciary: Which Positions? Which Jobs? Which Districts?", *The Legal Agenda*, 2012, available at <http://legal-agenda.com/article.php?id=2908>.

⁴³ Legal Agenda, *Women in the Lebanese Judiciary*, *op.cit.*, p. 6.

⁴⁴ ICJ, *The Career of Judges in Lebanon in Light of International Standards*, February 2017, p. 4, available at <https://www.icj.org/wp-content/uploads/2017/03/Lebanon-Memo-re-judges-Advocacy-Analysis-Brief-2017-ENG.pdf>.

⁴⁵ The candidate shall be a Lebanese national and have held Lebanese nationality for the previous 10 years; be under 35 years of age at the time of the written examination; enjoy all their civil rights and have no conviction for a misdemeanour or felony; be free from diseases or disabilities that would prevent them from exercising their duties; hold a Lebanese law degree; and be proficient in Arabic and either French or English. Decree-Law No. 150/83, Articles 59 and 60.

Article 62 of Decree-Law No. 150/83 specifies that SJC may conduct preliminary interviews if deemed necessary. In practice, accepted applicants are generally called for a preliminary written test aimed at assessing their general knowledge and linguistic capabilities.⁴⁶ Successful candidates become eligible for a substantive interview before SJC.⁴⁷ The successful candidate is considered qualified to undergo the written legal test. SJC is in charge of determining the subjects of the written and oral exam, which provides SJC with a large margin of discretion.⁴⁸ Candidates who have successfully passed the selection process are appointed as trainee judges at IJS by virtue of a Cabinet decree, based on a recommendation by the Minister of Justice, and approval of the SJC.⁴⁹

Apart from the IJS examination, entrance into a judicial career is also open to holders of a doctorate in law. According to Article 68 of Decree-Law No. 150/83, these candidates may be appointed directly as trainee judges without undertaking the competitive process by a Cabinet decree, on the recommendation of the Minister of Justice and after the approval by SJC. Lawyers and employees of the judicial administration, as well as employees of public institutions, holding a law degree and having exercised their functions for at least six years may be directly recruited as tenured judges⁵⁰ by a Cabinet decree.⁵¹ These appointments require the approval of SJC.⁵² The SJC's decisions in this regard, including the exclusion of a candidate, are not subject to review or the provision of an explanation.⁵³

Available data indicate that these alternative recruitment mechanisms may have been used to facilitate the admission of more men into the judiciary. Table 4 shows that the number of men admitted to the judiciary between lawyers and holders of doctorate diplomas in law is more than triple the number of women (85 men vs. 27 women). Tables 5 and 6 depict the gender distribution among those admitted to the judiciary through these alternative mechanisms.

Table 4. Gender distribution of judges based on their avenue of admission to the judiciary

Avenue/gender	Male	Female	Total	Percentage of women
ISJ examination	179	201	380	53
Other avenues	85	27	112	24
Total	364	228	492	46

Table 5. Gender distribution of PhD holders admitted to the Institute of Judicial Studies without the written examination

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

⁴⁶ See the section on the competition system of the Website of the IJS, available at <http://ijs.justice.gov.lb/en/pages.asp?id=15&subid=45&subsubid=24&LastId=18>.

⁴⁷ Decree-Law No. 150/83, Article 60.

⁴⁸ Decree-Law No. 150/83, Article 60.

⁴⁹ Decree-Law No. 150/83, Article 64.

⁵⁰ While these candidates do not need to undertake the three-year training programme at IJS, they sometimes still need to undergo an examination.

⁵¹ Decree-Law No. 150/83, Article 77.

⁵² Decree-Law No. 150/83, Article 77.

⁵³ Decree-Law No. 150/83, Article 95.

Table 6. Gender distribution of lawyers admitted to the judiciary with or without examination

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

These recruitment mechanisms were last used in 2010 for law practitioners and 2014 for PhD holders. This suggests either a lack of willingness to discriminate in favour of men or an inability to apply these mechanisms for various reasons, including the lack of qualified male candidates.⁵⁴

Regarding career advancement, Lebanese legislation does not specify objective criteria or clear qualifications to govern the appointment of tenured judges to positions within the judiciary, apart from the requirements relating to the level or grade of the judge.⁵⁵

C. IMPACT OF DISCRETIONARY POLICIES ON THE SELECTION AND APPOINTMENT OF JUDGES

The process of selecting and appointing judges does not include, in principle, any legal distinction between male and female candidates. However, Decree-Law No. 150/83 does not provide any guarantees against gender-based discrimination. In practice, observers, interview participants and focus group discussions concluded that this has resulted in a suspected bias in favour of male candidates in the selection and appointment of trainee judges as well as in career progression.

Regarding entry into the judiciary, one regularly highlighted issue is the preliminary interview system, which is not based on objective criteria and suffers from a lack of transparency.⁵⁶ The legislation regulating the judiciary in Lebanon grants SJC the right to exclude any candidate without the need to provide any justifications.⁵⁷ Moreover, decisions taken at the end of the preliminary interview are not subject to review or appeal.⁵⁸ Consequently, the current system of selecting and appointing judges does not provide guarantees against potential gender bias, whether implicit or explicit, in the identification of potential trainee judges.

Once the trainee judges have completed their three-year training at IJS, they have no guarantees of being appointed as tenured judges. These appointments are based on the discretionary decision of SJC which is focused on the perceived abilities of each trainee judge to perform judicial duties.⁵⁹ This procedure also lacks clear criteria for the decision-making process, primarily since the pertinent law provides no means for the concerned trainee judges to challenge decisions.

According to Decree-Law No. 150/83, career progression depends on the grade of the judge, and the SJC takes merit into account, too. Some conservative voices urged the SJC not to appoint female judges in some fields, positions or regions, based on the claim that women cannot overcome certain difficulties inherent

⁵⁴ Legal Agenda, *Women in the Lebanese Judiciary*, *op.cit.*, p. 14.

⁵⁵ Legal Agenda, *How to Become a Judge?* *op.cit.*, p. 32; and Legal Agenda, *Judicial Appointments and Transfers*, 2017, pp. 34-37.

⁵⁶ Legal Agenda, *How to Become a Judge?* *op.cit.*, p. 28.

⁵⁷ *Ibid.*, p. 10.

⁵⁸ Decree-Law No. 150/83, Article 95.

⁵⁹ ICJ, *The Career of Judges in Lebanon in Light of International Standards*, *op.cit.*, p. 7.

in the functions of judges.⁶⁰ Such claims have particularly focused on two issues: appointments to judicial positions in Beirut compared to other Lebanese regions and positions in the criminal field versus the civil field.

There was a long-standing belief in the Lebanese judiciary that women cannot occupy leadership or senior positions in the judiciary or positions geographically located in rural areas. This was upheld based on the fact that female judges predominantly sought appointments in Beirut.⁶¹ Some observers relate this preference to two factors: first, the prevailing mindset in remote regions across the country is deemed to be more patriarchal and conservative, prompting some litigants to refuse to be adjudicated or tried by a woman; and second, family considerations impel most female judges to prefer performing judicial functions near their family's residential location.⁶² Even when women are appointed outside of Beirut, most female judges prefer to be recruited in the centres of the governorates. Nevertheless, some female judges accept being appointed in regions away from their family, as long as they are appointed to senior positions for which they are willing to make compromises.⁶³

Compared to magistrates in fields such as the civil, commercial or administrative law, female judges active in criminal law have faced stronger stereotypical views regarding their ability to handle certain types of cases. For instance, while women are deemed able to handle financial and commercial crimes, terrorism or crimes of a sexual nature are believed to exceed their psychological capacity to prosecute, investigate and adjudicate. Some officials have pressed for women's exclusion from these fields, exploiting the discretionary powers of the SJC.⁶⁴

This reasoning sheds light on the standards or "ideal image" which female judges must abide by and are propagated by the male-controlled political and justice system. According to such standards, female criminal judges should not investigate "obscene" cases of homosexuality, prostitution or other sexual practices that could offend their modesty and purity. On the contrary, it is preferred to assign female judges to juvenile courts because the judge is "ultimately a mother, and therefore more understanding of the needs of infants and children".⁶⁵ In practice, such beliefs have historically led to an unfair distribution of court cases between male and female judges.⁶⁶

Female judges have proved that such arguments are invalid by their appointment in the criminal justice field as investigating judges and prosecutors and achievement of high degrees of recognition of their competency.⁶⁷ However, the stereotypes mentioned above still bear weight, given that progress in women's appointment in criminal justice has been slower, and male dominance in the criminal justice branch has remained above the overall average. Female judges made up only 37 per cent of judges in this branch in 2017, which is far below their overall representation in the judiciary. Nevertheless, this represents a definite improvement compared to the figures for 2010 (24.5 per cent) and 2004 (12.5 per cent).

The most senior positions in the judiciary were traditionally seen as a male preserve which delayed women's career progression to the highest judicial institutions. In addition to the stereotypes highlighted above, this

⁶⁰ Edmond Naim, "Preliminary Introduction", in *Judges' Matters in Lebanon, Horizons and Challenges*, *op.cit.*, p. 205.

⁶¹ Maysam Nueiri, "The Social Effect of Women's Participation in the Judiciary", in *Judges' Matters in Lebanon, Horizons and Challenges*, *op.cit.*, p. 217.

⁶² Nizar Saghieh and Lama Karame, "Feminising the Judiciary: Which Positions? Which Jobs? Which Districts?", *op.cit.*, p. 2.

⁶³ *Ibid.*, p. 3.

⁶⁴ *Ibid.*, p. 205.

⁶⁵ Samer Ghamroun, "Who is Afraid of a Female Majority in the Lebanese Judiciary?", *op. cit.*

⁶⁶ *Ibid.*

⁶⁷ For instance, Najat Abou Chakra, appointed as a military investigating judge, dealt in this capacity with terrorism cases, such as the case of Ahmad Assir terrorist acts against the Lebanese army.

exclusion is explained by the fact that the acquisition of such positions does not depend solely on merit or qualifications. Most of these positions are politically distributed, making the appointment of senior judges dependent on the preferences of the political factions in a broader national political context that tends to exclude women.⁶⁸ Political involvement is evident in the appointment mechanisms of two high-level judicial institutions, namely, the Judicial Council⁶⁹ and the Constitutional Council⁷⁰, where nominations are highly politicized. Only one female judge (Judge Nahida Khaddaj) has been appointed to the former while the latter has no female presence.

Women have nevertheless made significant strides by being appointed to senior positions that were once exclusive to men.⁷¹ An examination of the Ministry of Justice's organigram shows that, except for the Minister himself, all departments are presided or headed by women. This comprises the Director-General (Judge Maysam Nueiri), the Head of the Committee of Legislation and Consultations (occupied by Judge Mary-Denise Maoushi until her death in July 2018), the Head of the Committee of Cases (Judge Helena Iskandar), and the President of IJS (Judge Nada Dakroub).

D. DISTRIBUTION OF WOMEN IN THE JUDICIARY

This section examines the gender distribution of judicial positions by grade, judicial category, function (specialization), and geographical location. The analysis is based on the 2017 decree on judicial appointments in comparison to previous years. Most of the statistics presented in the tables below correspond to already appointed tenured judges; statistics related to trainee judges will be specifically referred to. Given the limited number of judges, 94 female judges were assigned supplementary judicial tasks besides their initial jurisdiction, compared to 54 male judges given additional assignments. This explains some discrepancies between the total number of tasks counted and the number of judges listed below.

Statistics indicate that the judiciary currently comprises 520 judges (272 males and 248 females) (table 2). Seventy-three judges are expected to graduate from IJS in the coming months, including 48 women and 25 men, bringing the total to 296 female judges and 293 male judges (table 3).⁷² The number of female judges is expected to further increase, given that the majority of retiring judges are men, while most of those entering the judiciary are women. In the latest IJS examination, in 2018, there were 23 successful female candidates compared to 7 successful male candidates.⁷³

⁶⁸ ESCWA, Women's Political Representation in the Arab Region, *op.cit.*, p. 20.

⁶⁹ Pursuant to Article 357 of the Code of Criminal Procedure, the Judicial Council shall be composed of the first President of the Court of Cassation as President and of four judges of the Court of Cassation appointed by a decree taken by the Council of Ministers on the proposal of the Minister of Justice and the approval of the SJC. An additional judge or more shall be appointed in the decree to replace the original in the event of death, disqualification, dismissal or termination of service. The Public Prosecution shall be represented at the Judicial Council by the Public Prosecutor, or by any of his deputies. It is noteworthy that pursuant to Article 356 of the Code of Criminal Procedure, the Judicial Council shall consider the following offences: offenses against the State's external and internal security (Articles 270 et seq. of the Criminal Code); illicit associations (Article 336 of the Criminal Code); offenses provided for in Law 11/01/1958 on terrorism; all crimes resulting from arms and ammunition transactions held or held by the Ministry of National Defence and associated or affiliated crimes, in particular those provided for in Articles 351 to 366 of the Criminal Code and in Articles 376, 377 and 378 thereof and in Articles 453 to 472, and in Articles 138 and 141 of the Military Justice Act. See, Mohamed Nazzal, "Judicial Council: Appointments, Doubts and Questions", Al-Akhbar Newspaper, 9 February 2018, available at <https://www.al-akhbar.com/Politics/244467>.

⁷⁰ Pursuant to Article 3 of Act No. 250/1993 on the formation of the Constitutional Council, the members of the Constitutional Council shall be chosen from among active or former judges who have practiced the judicial or administrative judiciary for at least 20 years or among law professors of higher education who have been teaching for at least 20 years, in addition to lawyers who have practiced law for at least 20 years.

⁷¹ Majida Sbeiti, "The Female Surge in the Judicial Body", *op.cit.*

⁷² These numbers do not encompass judges reaching retirement age.

⁷³ See the results on the SJC website, <http://www.csm-lib.com/>.

1. *Distribution of posts by grade*

The grading system for the judicial function falls under the general rules provided by the Public Service Law. Pursuant to Article 32 of Decree-Law No. 112/59, a new grade is automatically obtained for every two years of work. Trainee judges acquire one grade at the end of each training year at the IJS (Article 66 of Decree-Law No. 150/83). Article 80 of Decree-Law No. 150/83 indicates the required grade to be assigned specific judicial functions, as follows:

- Single judge: grade two or above;
- Advisor to the Court of Appeal, president of a chamber of the First Instance Court, investigating judge, attorney-general to the Court of Appeal, assistant to the Government Commissioner of the Military Court: grade four or above;
- President of a chamber at the Court of Appeal, public prosecutor to the Court of Appeal, Government Commissioner before the Military Court, First Investigating Judge: grade six or above;
- Adviser to the Court of Cassation, attorney general to the Court of Cassation: grade eight or above;
- President of a chamber at the Court of Cassation, First President of the Court of Appeal: grade ten or above;
- First President of the Court of Cassation, public prosecutor before the Court of Cassation: grade fourteen or above.

Table 7 shows the current number and percentage of female judges per grade.

Table 7. Gender distribution of judges based on their grade

Grade/gender	Male	Female	Percentage of women
1	12	15	55.5
2	17	35	67.5
3	9	5	35.5
4	0	0	—
5	0	0	—
6	8	8	50
7	16	24	60
8	27	39	59
9	27	13	32.5
10	19	25	57
11	16	22	58
12	18	9	33.5
13	13	0	0
14	12	11	48
15	17	17	50
16	15	9	37.5
17	18	9	33.5
18	13	3	18.5
19	1	1	50
20	9	2	18
21	1	0	0
22 and above	2	1	33.5
Total	272	248	47.5

2. Distribution of posts in judicial bodies

The term “judicial bodies” refers to the governing bodies of the judiciary, namely: SJC, the Judicial Inspection Authority, the Disciplinary Board, the General Directorate of the Ministry of Justice, the Committee of Legislation and Consultations, and the Committee of Cases at the Ministry of Justice.

(a) *Supreme Judicial Council*

Pursuant to Decree-Law No. 150/83, SJC is composed of 10 members divided into three categories:

- Permanent members: the First President of the Court of Cassation (President of SJC); the Public Prosecutor in the Court of Cassation (Vice-President of the SJC); and the President of the Judicial Inspection Committee (member);
- Elected members: two judges among the presidents of Chambers at the Court of Cassation, elected for three years by the First President of the Court of Cassation, the presidents of the chambers, and all the advisors in the Court of Cassation;
- Appointed members: one judge among the presidents of the Chambers at the Court of Cassation, two judges among the presidents of the chambers at the Courts of Appeals, one judge among the presidents of the chambers at the Courts of First Instance and one judicial judge among the presidents of the courts or the presidents of the departments in the Ministry of Justice, appointed by virtue of a decree upon the suggestion of the Minister of Justice for three non-renewable years.

The primary duty of SJC is to oversee the proper functioning, dignity and independence of the judiciary, as well as the good performance of the judges in the courts and to take necessary decisions in this regard. It makes suggestions concerning the judicial transfers, appointments and delegations and submits them to the Ministry of Justice for approval. SJC also selects members of the disciplinary board for judges and examines requests for special amnesties.⁷⁴

The first female member of SJC (Ferial Dalloul) was appointed in 2006 by a Cabinet decree, while in 2012, and for the first time, a female judge (Suheir Harake) was elected as a member of this council among the presidents of the chambers of the Court of Cassation for a three-year mandate. Following the expiry of Harake’s term in 2015, SJC did not have any female members.⁷⁵ This situation was rectified in 2017, when a female judge (Helena Iskandar) automatically became a member of SJC after replacing the retired male judge (Marwan Karkabi) as Head of the Committee of Cases at the Ministry of Justice.

The weak presence of women in SJC (one out of ten members) does not reflect the fact that women make up about half of the judges eligible for appointment to the Council, as shown in table 8.

Only two female judges have ever been considered potential candidates to chair SJC: Judge Alice Chabtini in 2011 and Judge Ghada Aoun in 2017. However, neither was appointed.⁷⁶

⁷⁴ More information on SJC is available on the website of the Ministry of Justice at <https://www.justice.gov.lb/index.php/court-details/35/1>; and ICJ, *The Lebanese High Judicial Council in Light of International Standards on the Independence of the Judiciary*, February 2017, available at <https://www.icj.org/wp-content/uploads/2017/03/Lebanon-Memo-re-HJC-Advocacy-Analysis-Brief-2017-ENG.pdf>.

⁷⁵ Legal Agenda, *The Composition of the Supreme Judicial Council*, *op. cit.*, p.18.

⁷⁶ Legal Agenda, *Women in the Lebanese Judiciary*, *op. cit.*, p. 18.

Table 8. Required grade for membership of the Supreme Judicial Council

Membership/required grade		Required grade	Proportion of judges at this grade or above who are women (percentage)
Permanent members	President of the Court of Cassation	14	37.5
	Public prosecutor of the Court of Cassation	14	37.5
	Head of the Judicial Inspection Department	14	37.5
Elected or appointed members	Three presidents of chambers at the Court of Cassation	10	41.5
	Three among the presidents of chambers at the Courts of Appeal	6	45.5
	One among the presidents of the Courts of First Instance	4	45.5
Judge among the presidents of courts or heads of departments at the Ministry of Justice		10	41.5

(b) *Judicial Inspection Authority*

Under Decree-Law No. 150/83, the Judicial Inspection Authority is composed of a Judicial Inspection Committee with the following membership:

- A president, appointed by virtue of a Cabinet decree issued upon the suggestion of the Minister of Justice, among the judicial judges of the fourteenth grade and above;
- Four general inspectors, appointed by virtue of a Cabinet decree issued upon the suggestion of the Minister of Justice among the judicial judges of the seventh grade and above;
- Six inspectors, appointed by virtue of a Cabinet decree issued upon the suggestion of the Minister of Justice among the judicial judges of ninth grade and above.

The main tasks of the Judicial Inspection Committee include monitoring the right course of justice as well as the performance of judges and judicial employees, issuing a warning to judges and staff when needed and calling on SJC to take the necessary measures against any judge.⁷⁷ A number of judicial assistants assist the Committee. Under the supervision of the Ministry of Justice, the jurisdiction of the Judicial Inspection Committee covers, *inter alia*, judicial courts, administrative courts, committees of the Ministry of Justice, audit (or financial) courts, departments of the Ministry of Justice, notaries, experts, and other judicial employees.

Until 2010, the Judicial Inspection Authority comprised men exclusively. Two female judges were appointed to the Authority in 2010, followed by a third female judge in 2014.⁷⁸ Following the vacancy of the position of Head of the Judicial Inspection Authority in 2016, two judges were proposed by SJC: a male judge, Burkan Saad, and a female judge, Rola Jadayel.⁷⁹ Saad was ultimately appointed to office to the position in 2017.

⁷⁷ More information on the Judicial Inspection Authority is available on the website of the Ministry of Justice at <https://www.justice.gov.lb/index.php/court-details/36/1>.

⁷⁸ Legal Agenda, The Judicial Inspection Authority, 2017, available at <http://legal-agenda.com/uploads/%D9%87%D9%8A%D8%A6%D8%A9%20%D8%A7%D9%84%D8%AA%D9%81%D8%AA%D9%8A%D8%B4%20%D8%A7%D9%84%D9%82%D8%B6%D8%A7%D8%A6%D9%8A.pdf>.

⁷⁹ Legal Agenda, Women in the Lebanese Judiciary, *op.cit.*, p. 18.

(c) *Disciplinary Board of Judges*

Pursuant to Decree-Law No. 150/83, the Disciplinary Board of Judges is composed of three members: the president of the Board chosen among the presidents of the chambers of the Court of Cassation, and two members selected from among the presidents of chambers of the Courts of Appeal. The president of SJC appoints three members (among judges of grade ten and above) at the beginning of each judicial year, and he may also appoint a substitute for any of the members, in case of absence or vacancy.

The Board shall consider disciplinary measures against judges, as enumerated in Article 89 of Decree-Law No. 150/83, based on a referral by the Judicial Inspection Committee and according to the procedures provided for by Decree-Law No. 150/83.

In 2012, a woman (Suheir Harake) was appointed as Head of the Disciplinary Board of Judges for the first time.

3. *Distribution by judicial category*

The Lebanese judicial system consists of civil and criminal courts where civil justice is handled by the following:⁸⁰

- Courts of First Instance: composed of chambers, each consisting of one president and two members, and sections of one single judge;
- Courts of Appeal: each composed of a president and two advisors; each Court of Appeal has a First President who shall usually head the First Chamber;
- Court of Cassation: the Supreme Court at the head of the judiciary courts, located in Beirut. It has several chambers, and Decree-Law No. 150/83 indicates its composition.

The following bodies handle ordinary criminal justice:⁸¹

- Courts of First Instance for penal cases: composed of single criminal judges;
- Courts of Appeals for misdemeanours and contraventions: composed of chambers, each comprising a president and two advisors. The Appeal Public Prosecution or the Financial Public Prosecution is represented before the Court of Appeals depending on the type of the case being examined;
- Criminal Courts: consist of one of the chambers of the Court of Appeals in every province, and each is composed of a president and two advisors in the presence of the representative of the Public Prosecution Office and the clerk;
- Criminal Cassation Court: is at the head of the criminal justice courts and located in Beirut. It is composed of a number of chambers per the requirements of the work and its distribution. Each chamber comprises a president and two advisors. The Public Prosecutor represents the Public Prosecution Office to the Cassation Court or one of the Attorneys General therein.⁸²

⁸⁰ Further information on each of those courts (composition and jurisdiction) is available on the website of the Ministry of Justice at <https://www.justice.gov.lb/index.php/court-details/6/1>.

⁸¹ In addition to the ordinary criminal justice courts, special criminal courts are assigned the task of examining specific crimes under special trial proceedings, such as the Supreme Council for prosecuting presidents and ministers, the Judicial Council; the Press Offences Court; the Fraud Court; the Juvenile Court. Further information on these special courts (composition and jurisdiction) is available on the website of the Ministry of Justice at <https://www.justice.gov.lb/index.php/court-details/7/1>.

⁸² Further information on the Courts of First Instance (composition and jurisdiction), Courts of Appeal (composition and jurisdiction) and Court of Cassation (composition and jurisdiction) is available on the website of the Ministry of Justice at <https://www.justice.gov.lb/index.php/court-details/7/1>.

Table 9. Evolution in numbers of female judges in different judicial positions according to categories

Year		2004	2010	2017			Proportion of judges at this grade or above who are women (2017)
Category	Position	Female/total	Female/total	Female/total	Percentage (2017)	Required grade	
Major responsibilities	Major responsibilities	0/32	3/33	5/33	15	—	—
	Percentage	0	9	15			
Attorneys-general and investigating judges	Attorneys-general (excluding public prosecutors)	6/40	7/47	18/56	32	4	45.5
	Investigating judges (excluding first investigating judges)	0/29	3/32	14/43	32.5	4	45.5
	Percentage	8.5	12.5	33.5			
Presidents of Chambers	Courts of Appeal (without the first president)	5/33	13/41	20/49	41	6	45.5
	Labour Arbitration Councils	7/12	7/13	7/13	54	6	45.5
	First Instance	6/17	11/22	15/24	62.5	4	45.5
	Percentage	29	40.5	49			
Sections	Single judges	54/104	51/119	85/147	58	2	47.5
	Real estate/subsidiary	3/11	3/13	7/18	47	2	47.5
	Percentage	49.5	41	56.5		2	47.5
Advisors and members of chambers	Advisors at the chambers of the Court of Cassation	10/42	18/34	20/41	49	8	43.5
	Advisors at the chambers of the Courts of Appeals	28/84	50/102	59/114	52	4	45.5
	Members of the First Instance Courts	9/34	30/45	34/48	71	1	47.5
	Percentage	29.5	54	55.5			
Judges attached to the Ministry of Justice	Ministry and General Directorate	4/15	1/14	9/47	33.5	-	-
	Committee of Cases	0/5	4/9	5/8	62.5	-	-
	Committee of Legislation and Consultations	3/5	5/7	5/7	71.5	-	-
	Percentage	28	33.5	45		-	-

(a) *Senior and “sensitive” positions*

Available numbers derived from judicial appointments decrees show that women have reached the highest administrative posts (most departmental heads at the Ministry of Justice are women), but less so in court circuits. There is a noticeable strong male supremacy in senior judicial positions even though some of these positions have been recently allocated to female judges. Senior positions assigned to women include the following:

- One out of a total of ten positions of president of the chambers of Court of Cassation (in 2010);
- One out of a total of six positions of first president of the Courts of Appeal (in 2010);
- One out of a total of six positions of first investigating judge (in 2017);
- Two of a total of six positions of public prosecutor to the Court of Appeal (in 2010).

Some positions within the judiciary are categorized as “sensitive” given the tasks associated with these functions. They include public prosecutors, investigating judges, presidents of the chambers of the Courts of Appeal, presidents of the First Instance Courts, Labour Arbitration Councils, single judges and Real estate judges.

Positions of public prosecutors, attorneys general and investigating judges are deemed particularly sensitive given the capacity of these judges to issue orders depriving individuals of their freedom with immediate effect (namely, detention orders).⁸³ As table 9 shows, the positions of investigating judges were entirely occupied by men in 2004. There were also few female Public Prosecutors, as shown in table 10.

Table 10. Gender distribution within the Judicial Public Prosecution Office

Specialization/year	2004	2010	2017	Percentage of women occupying these positions (2017)
	Female/total	Female/total	Female/total	
Public Prosecution Office of the Court of Cassation	3/9	2/11	5/11	45.5
Public Prosecution Office of the Court of Appeal	3/32	6/35	9/40	22.5
Financial public prosecution	0/4	0/4	4/7	57

As tables 9 and 10 indicate, there has been a significant increase in the number of women in some of these positions compared to previous years. For instance, the number of female investigating judges increased from 0 in 2004 to 14 in 2017. Similarly, an increase from 6 in 2004 to 18 in 2017 in the number of female attorneys general has been observed. However, until 2017, male judges still comprised the overwhelming majority of the so-called sensitive positions, namely, investigating judges (29 men vs. 14 women), public prosecutors (40 men vs. 18 woman) and attorneys general (38 men vs. 18 woman).

Table 9 also shows an increasing proportion of other sensitive positions occupied by women. Though men still retain the majority of the presidencies of the Chambers of Appeal (29 men vs. 20 women), women have gained the majority of the presidencies of the Labour Arbitration Councils since 2004 (7 women vs. 6 men) and the majority of the positions as heads of the First Instance Courts since 2017 (15 women vs. 9 men).

⁸³ For further information about their respective roles and tasks, see Articles 11-38 of the Code of Criminal Procedures for Public Prosecutors and Attorneys General and Articles 51-127 of the Code of Criminal Procedures for Investigating Judges, available at <https://www.stl-tsl.org/en/documents/relevant-law-and-case-law/applicable-lebanese-law/340-lebanese-code-of-criminal-procedure>.

The difference among all presidency positions is also shrinking, with 42 assigned to women versus 44 to men in 2017.

(b) *Single judges and real estate judges*

Under the Code of Civil Procedure, single judges shall examine, exclusively, the following civil and commercial cases:

- Personal lawsuits and cases relating to movable and immovable goods not exceeding 100 million Lebanese pounds;
- Civil status lawsuits except for the ones related to nationality;
- Requests for limitation of succession unless they include a litigation concerning the determination of the heirs or the succession shares;
- Lawsuits concerning lease contracts of movable and immovable properties;
- Acquisition lawsuits.

The jurisdiction of real estate judges covers all litigations relating to property.

As shown in table 9, women constituted 58 per cent of the majority in the category of single judges and 47 per cent of real estate judges in 2017.

(c) *Advisors (counsellors) in chambers*

The positions of advisor or counselor are often perceived as inferior as they are largely consultative roles, without any substantial decision-making power.⁸⁴ This outlook finds its roots in the hierarchical composition of the chambers but has no validation from a legal standpoint, especially since the advisors can express a dissenting opinion. Nevertheless, these positions remain generally less attractive to judges, even as advisors to the chambers of the Court of Cassation, chambers of the Courts of Appeal or members of the chambers of First Instance.

Table 9 shows that the majority of women are members of the Courts of First Instance (71 per cent) and are advisors to the chambers of the Courts of Appeal (52 per cent) . As for the advisors to the chambers of the Court of Cassation, the percentage of women holding these positions diminished to 49 per cent in 2017 compared to 55.5 per cent in 2010.

This examination shows that women have achieved progress across all judicial positions, even in some that were deemed exclusive to men.⁸⁵ Despite the progress made, however, men continue to predominantly occupy senior positions, and women also tend to hold the majority of less prestigious ones, including as single judges or advisors.

4. *Distribution of posts based on function or specialization*

(a) *Criminal versus civil*

Table 11 presents comparative numbers of women in both fields in 2004, 2010 and 2017. In 2004 and 2010, men constituted the majority in the criminal justice field compared to the majority of women in the civil field. While the percentage of women has increased in the criminal field following the 2017 decree on judicial

⁸⁴ Nizar Saghih and Lama Karame, "Feminising the Judiciary: Which Positions? Which Jobs? Which Districts?", *op.cit.*, p. 5.

⁸⁵ Legal Agenda, Women in the Lebanese Judiciary, *op.cit.*, p. 24; and Legal Agenda, Judicial Appointments and Transfers, *op.cit.*, pp. 53-54.

appointments, they still only represent 37 per cent. The percentage of women increased to 62 per cent in the civil field in 2017.

Table 11. Gender distribution of judicial functions according to specialization

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

Some observers have suspected an institutional bias in favour of male judges in the criminal justice field while promoting women's presence in the civil justice field.⁸⁶ Nevertheless, the proportion of women in criminal justice has notably increased, and female judges have been appointed to senior criminal justice functions, such as the following:

- President of the Criminal Court of Cassation (Judge Suheir Harake);
- Former Head of the Public Prosecution Office in the Governorate of Nabatieh (Judge Ghada abu Karroum);
- Former President of the Criminal Court in Beirut (Judge Helena Iskandar);
- Former Head of the Criminal Court in the South and Head of the Criminal Court in Sidon (Judge Role Jadayel);
- Investigating Judge at the Military Court (Judge Najat abu Chakra);

⁸⁶ Saada Alwa, "The Feminisation of the Judiciary Numerically, and the Decline of their Presence in "Sensitive" Positions", *op.cit.*

- Head of the Accusation Commission in Beirut and President of the Institute of Judicial Studies (Judge Nada Dakroub);
- Head of the Public Prosecution Office in Mount Lebanon (Judge Ghada Aoun).

(b) *Military versus judicial*

While the judicial courts' jurisdiction covers litigations arising amongst individuals, the military courts' jurisdiction, as defined by the Code of the Military Judiciary, Act No. 24 of 13 April 1968, encompasses a large number of offences and includes the following:⁸⁷

- Crimes of evasion of the military duties;
- Crimes violating the military order;
- Crimes of treason, spying and illegal relations with the enemy;
- Crimes related to holding weaponry and munitions;
- Crimes committed against one of the military personnel;
- Crimes perpetrated against personnel of the internal security forces, general security forces, State security forces, and customs officers.

The military judiciary is comprised of the Military Cassation Court, Permanent Military Court and the Unique Military Judge.⁸⁸

As shown in table 12, women's entry into the military judiciary is relatively recent. As of 2017, the percentage of women holding high positions in the military public prosecution (28.5 per cent) is comparable to that of the public prosecution field (31 per cent).

Table 12. Gender distribution according to specialization/jurisdiction (judicial vs. military)

Specialization/year	2004	2010	2017	Percentage of women occupying these positions
	Female/total	Female/total	Female/total	
Military investigating judges	0/50	1/6	2/7	28.5
Judicial investigating judges	0/31	2/33	13/43	30.5
Members of the Military Public Prosecution Office	0/4	0/6	2/7	28.5
Members of the Judicial Public Prosecution Office	6/45	8/50	18/58	31

⁸⁷ Further information on the military judiciary jurisdiction is available on the website of the Ministry of Justice at <https://www.justice.gov.lb/index.php/courts/1#courts7>; and ICJ, The Jurisdiction and Independence of the Military Courts System in Lebanon in Light of International Standards, May 2018, available at <https://www.icj.org/wp-content/uploads/2018/05/Lebanon-Memoire-army-courts-Advocacy-Analysis-Brief-2018-ENG.pdf>.

⁸⁸ More information on the role of each military court is available on the website of the Ministry of Justice at <https://www.justice.gov.lb/index.php/courts/1#courts7>; and ICJ, The Jurisdiction and Independence of the Military Courts System in Lebanon in Light of International Standards, May 2018, available at <https://www.icj.org/wp-content/uploads/2018/05/Lebanon-Memoire-army-courts-Advocacy-Analysis-Brief-2018-ENG.pdf>.

5. Distribution of posts based on geographical location

Table 13 illustrates that although the overall number of women judges has gradually increased in all judicial courts, there remain substantial disparities between governorates. Women comprise the majority of judges in Beirut (51 per cent) and Mount Lebanon (56.5 per cent) following the 2017 appointments, but their presence in other regions remains limited, particularly outside the centre of the governorate.

Table 13. Gender distribution of positions based on geographical location

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

2. KEY TRENDS, OBSTACLES AND POSITIVE FACTORS

A. ENTRY INTO THE JUDICIARY AND MOTIVATION

Female judges who were interviewed reported a different experiences in joining the judiciary. For some, the judicial profession was a vocation; others found it the most attractive compared to other careers (teaching, for instance). Among the respondents, two were encouraged to enter the judiciary by their families. Some had difficulties in pursuing their judicial careers. For example, the entry of one female judge was challenging because she lacked a network in the field and political support, which she considers to be the most vital factors to enter the judiciary. Another judge cited the prevailing patriarchal mentality at the time she decided to join, as she was faced with the belief that only men are entitled to be judges.

The female judges referred to several motivations for entering the judiciary, with social values being the most common. Respondents argued that women seek to demonstrate their capabilities to assume responsibility in society. One female judge highlighted women's endeavours to challenge social stereotypes and demonstrate their physical and mental capabilities to be decision makers. She added that women are higher achievers at the university level and perform at higher success rates on the IJS entrance examination in comparison to men.

Respondents held diverging views on the women's higher rates of admission into the judicial training. Some pointed out women's merits, determination, hard work, and perseverance, while others held a more reserved position. Some participants stressed that women are usually more studious than men, which explains why female candidates pass the theoretical admission examination in higher numbers. According to some male respondents, being a judge goes beyond textbooks and men are better equipped with the required additional and practical skills. Female lawyers noted, however, that the exam statistics are a positive indicator of the development of society, which now encourages women to succeed in their university studies and apply to the judiciary.

There is a general belief among all participants that women choose to join the judiciary because of the stability this career provides. A judgeship is considered a suitable job for a woman regarding salary, comprehensive health and social insurance coverage, a long judicial holiday, and fixed working hours, enabling women to reconcile their professional and familial duties.

Male and female respondents believed that the judiciary provides an acceptable salary commensurate with women's financial aspirations, unlike men who strive for greater financial gain. A female judge found that the judicial profession is financially more attractive to women than to men in light of the Arab culture that depicts men as the breadwinners. She added that, while her husband covers the expenses of the household, she pays for her personal activities and clothing.

However, not all respondents shared this view. One female judge found that the remuneration was unsatisfactory given the heavy workload. Two male judges expressed concerns about the lower judicial wages and, consequently, the prestige of the profession. They underlined that this resulted in men distancing themselves from the judiciary, making the profession increasingly interesting for women.⁸⁹

Almost all respondents noted that women are attracted to the judiciary for its social standing. A judicial position allows women to access a position of power, which is quite rare in the Lebanese context as women have few opportunities to take leadership positions in the private sector and public institutions. One male lawyer pointed out that this social standing provides women not only with financial security but also with the ability to protect themselves in society at large.

⁸⁹ This feedback from the interviewees supports information gathered attributing officials' decision to introduce pay raises in 1994 and 2011, as an "attempt to re-attract men to the judiciary". Saada Alwa, "The Feminisation of the Judiciary Numerically, and the Decline of their Presence in "Sensitive" Positions", *op. cit.*; and Samer Ghamroun, "Who is Afraid of a Female Majority in the Lebanese Judiciary?", *op. cit.*

Several respondents commented on the impact of social expectations on the career choices of men and women. One male lawyer argued that the judiciary achieves women's ambition, while men choose a liberal profession (namely, lawyer) to achieve their political and social aspirations. Some participants referred to the various privileges the judiciary offers to women, such as distinctive number plates, which fit the Lebanese interests in maintaining prestige and keeping up appearances. According to a male judge, the judiciary is more suitable for a woman than the liberal professions because they do not have to complete various procedures at police stations as lawyers would have to, for instance, when filing a complaint on behalf of their clients.

Participants suggested other factors related to demographic shifts, women's aspirations to achieving justice and working in a non-sectarian environment to explain the increasing presence of women in the judiciary. One female lawyer stressed that the growth in the number of women in the judiciary must be understood in light of the general demographic shifts in Lebanon, where there are more women than men in the country because of men's emigration. This general demographic change has also affected several professional fields. One male judge considered that most women studying law prefer to stay in Lebanon rather than looking for work abroad, thus finding the judiciary more appropriate than other legal professions.

Three male and female respondents believed that women are motivated to join the judiciary because they aspire to achieve justice. One male judge also pointed out that the judiciary might be attractive to women since it is a secular environment. One female judge found the judicial function attractive as a neutral person with no political affiliation.

B. OBSTACLES IN DAILY WORK (INCLUDING INTERACTIONS WITH COLLEAGUES AND USERS OF THE JUDICIAL SYSTEM)

None of the female judges believed that there was a systemic gender-bias in judicial institutions. Gender equality is ensured through a competency-based admission examination and applied through the three-year training at the IJS. All female judges believed that men and women are at equal footing in the exams and during the three-year training at the IJS, except for one female judge who indicated that judges occupying high positions tend to favour male candidates at the entrance examination.

Female judges experienced other forms of discrimination, including difficulties in relationships with male colleagues. One female judge, appointed to the military court, was explicitly told by her male counterparts that she was unwelcome among them. Another female judge felt that the male judges she had worked with consistently insinuated that they were more competent because they are men. Both respondents stressed that they strove to overcome these difficulties by proving themselves through their hard work.

Almost all interviewed male judges stressed that they do not treat female judges differently from their male colleagues. They see them as judges, regardless of their sex. One male judge preferred dealing with female judges, believing that they are more productive and governed by tact and mutual respect. Another male judge believed that gender-based considerations still govern the relationship between female and male judges as men think of themselves as being more competent and rigorous.

None of the female judges reported difficulties in working with lawyers (male or female); however, opinions among lawyers were more varied. Most reported no difficulties in working with female judges. Two lawyers were of the view that interacting with women judges differed from that of male judges though not necessarily negatively. One female lawyer believed that the relationship with female judges is more serious than with others. One male lawyer explained that the relationship with female judges is strictly professional and distant while male judges allow more personal contact. Two of the male court clerks had split opinions. One of them mentioned that being judicial officers, they are forbidden to act differently with judges based on gender. The other clerk noted that some female judges could be authoritarian, but his personal experience in working with some female judges was nonetheless positive.

While most respondents reported no significant difficulties in female judges' relationships with their colleagues, court officers and lawyers, they also noted that interactions with litigants and users of the judicial system could be more delicate. Participants highlighted that the attitudes of litigants towards female judges reflected the patriarchal mentality rooted in some regions. Some litigants still refuse to have their matter adjudicated before a female judge. One male lawyer witnessed an incident wherein an accused started shouting during the trial that the female presiding judge was not entitled as a woman to adjudicate his case. Another female lawyer recounted an example of a male defendant who tried to deceive a female judge by providing false information about football to give himself an alibi, assuming she would not have adequate knowledge of the sport because of her gender (she did and dismissed the accused's alibi). Two male judges believed that some litigants try to take advantage of female judges by appealing to their compassion in favour of their cause. Nevertheless, two lawyers, male and female, noted that some litigants might feel better in the presence of a female judge, particularly in the cases of female survivors of gender-based violence, who may feel more comfortable being heard by another woman.

Almost all female judges identified difficulties in dealing with litigants. They recalled personal experiences facing male litigants with traditional and conservative perceptions of women, in general, and female judges, in particular. One judge presided over a case wherein the defendant, a religious leader, persistently refused to appear before her because of his religious belief that a woman could not be a judge. A second judge recalled a male defendant who refused to look at her during a hearing solely of her gender. Another respondent said that when she was an investigating judge, defendants were surprised to see her questioning them; this challenge was exacerbated when she took a senior position in the criminal judiciary. All respondents affirmed that their response to such incidents was to remain objective and professional.

Some male judges interviewed witnessed similar incidents. One respondent, who had been appointed in several courts outside of Beirut, stressed that a judiciary with a female majority faces greater difficulty in gaining the respect of litigants in certain regions characterized by a general patriarchal mentality. Another male judge noted that "manly attributes" are typically affixed, not only by the population and litigants but also by the lawyers and other judges, to a successful female judge capable of keeping order during hearings and facing opposing parties.

Female judges highlighted that some challenges in their day-to-day work are not gender-based, but faced by judges of both genders. This includes exposure to political pressure, attempts to interfere in judicial work and security issues, as well as threats of death.

C. OBSTACLES TO CAREER PROGRESSION

All respondents, including male judges, considered the increasing presence of women in senior positions a positive development. Some participants underscored that there are still fewer women in high positions and women have never held certain posts. Some male judges attributed this to women's limited experience in the judiciary, which has delayed their appointment in such positions. Some lawyers, of both genders, pondered whether there is a "glass ceiling" obstructing women from taking charge of critical judicial positions.

All female judges noted that inequalities emerge after the training period. Two female judges reported political interference in the appointment of judges, usually in favour of men, as an obstructing factor. However, they were able to overcome these difficulties by proving their competence and hard work. One of the female judges stressed that it takes courage for a woman to progress hierarchically, given that competition between men and women intensifies at higher levels. She also pointed out that the distribution of senior positions is more likely to be subjected to political interference. Another female judge had to accept difficult work conditions, namely, being appointed far away from where she lived, without complaining, for the sake of her career advancement. The same respondent noted that, although the SJC measures progress through appointments and transfer decisions, there are other criteria for advancement. These include the judge's productivity, the percentage of his/her rulings being appealed, and whether he/she is repeatedly inspected.

All the respondents among female judges stressed that female judges need to work harder than men to increase their chances of integration and progression. Nonetheless, all female judges rejected the introduction of a quota system, which in their view risks undermining the concept of gender equality. One male judge proposed to introduce a quota in the future, however not in women's favour, but rather to guarantee men's presence in the judiciary because he believed the presence of women in the field could only increase.

The allocation of work remains a notable obstacle for women taking on professional responsibilities. One female judge noted that women were being appointed to civil courts while criminal functions were mostly reserved for men. All female judges implied that different case distribution could occur on the basis of gender. One respondent stressed that when she allocates different cases to judges, she makes no discrimination based on gender. However, she prefers to assign cases of violence against women to female judges to help the survivor feel more comfortable. Another female judge reported the positive personal experience in which her supervisor, a senior male judge, believed in her capabilities and assigned her "tough" criminal functions, namely, investigating terrorism cases. However, another female judge noted that she had never been assigned terrorism cases because the SJC allocated them to men only.

Two male judges affirmed that female judges might experience specific difficulties in dealing with certain criminal cases, in particular, sexual and other violent crimes. One judge recounted an incident when a female judge spontaneously screamed in shock during a trial as the president of the Criminal Court was interrogating an alleged rapist.

When discussing other factors that could impede women's career development, the common theme was women's familial responsibilities towards their children and home. One female judge had difficulties in trying to reconcile her professional and familial duties. She often had to work on weekends given the heavy workload. She noted that the woman's partner usually plays a vital role in this regard, expressing concern that many female judges are divorced because some men do not approve of a wife who occupies a powerful professional role. She concluded that family challenges, as opposed to professional considerations, make up the chief factors that hinder the career progression of female judges. Another respondent pointed out that in the local culture, women are required to be almost solely responsible for their children and household. In her view, female judges face more discrimination at home by their husband than at work by their male colleagues, which is reflected in the high divorce rates. Hitherto, she clarified that not all women share these difficulties since some female judges prioritize their well-being at the expense of their work, thus investing less time working on cases.

One male court clerk, whose wife is a judge, raised the concern that women might not be able to find a balance between their professional and familial responsibilities given the stressful and time-consuming nature of the judicial profession. One male judge explained that the judicial function is inherently stressful for both men and women. However, it is more so on female judges since their professional duties are coupled with their family obligations beside dealing with social pressures. Because of the workload of the judiciary and the insufficient number of judges, women find themselves forced to make sacrifices in their lives, either their careers, their families or their health. The male judge described examples of female colleagues who experienced these difficulties, one of whom had recently passed away after being sick for years. One of the male lawyers also mentioned this sad occurrence. Both respondents pointed out that the illness of the deceased judge resulted from work stress, long working hours, major professional responsibilities, and a high-level judicial position.

D. SUPPORTING INITIATIVES AND POLICIES

In the early 1990s, the judiciary witnessed a "qualitative renaissance"⁹⁰ from a gender perspective where sensitive and senior posts, previously reserved for men, were assigned to women. According to several of the female judges, this underlines a commitment to the promotion of women by SJC and the Ministry of Justice.

⁹⁰ Ali Moussawi, "A Female Invasion of the Judiciary and Acquisition of Advanced Positions", *op.cit.*; and Azza Baydoun, "The Fear of the Feminisation of the Judiciary", Janoubia Newspaper, 22 March 2012, available at <http://janoubia.com/2012/03/22/%D8%A7%D9%84%D8%AE%D8%B4%D9%8A%D8%A9-%D9%85%D9%86-%D8%AA%D8%A3%D9%86%D9%8A%D8%AB-%D8%A7%D9%84%D9%82%D8%B6%D8%A7%D8%A1/>.

Apart from these initiatives, interviewed female judges indicated that both men and women receive the same training. They also noted the lack of formal or informal support systems specific to female judges. All the female judges highlighted that the Ministry of Justice denied them the right to establish any groups or professional organizations.⁹¹ However, it must be emphasized that this is not only specific to female judges but reflects the rules applicable to all judges and public servants.⁹²

E. IMPACT OF WOMEN'S PRESENCE IN THE JUDICIARY

Participants reported both positive and negative impacts of women's growing presence in the judiciary from a qualitative point of view. Almost all respondents shared the belief that female judges are inherently compassionate, thus giving the rulings a "human touch" and the courts a "human face". One male lawyer pointed out that female judges have better listening skills than male judges and are more sensitive to the needs of marginalized groups. A recent incident was cited wherein a female judge paid the release bail of a foreign inmate. However, a male lawyer argued that a woman's emotional and compassionate nature is a double-edged sword, as objectivity and the use of rational arguments and rulings are required in the legal and judicial work. A female lawyer replied that the "emotional nature" argument must not be generalized since some female judges can be very strict.

A male judge referred to one of his rulings, where in 2009, he found himself in support of a Lebanese widow's plea to recognize her children from her deceased foreign husband as Lebanese, despite that the Lebanese Nationality Law denies Lebanese women this right. He indicated that a female judge subsequently appealed his decision and it was afterwards reversed in 2010 by a court composed of three female judges.⁹³ One male lawyer noted that no matter how strict a female judge is, she inherently cares like a mother. Several lawyers emphasized that upholding human rights depends on the beliefs of the judge rather than on their gender.

Several respondents, including male and female lawyers and judges, pointed out that the growing number of women in the judiciary reduces the likelihood of corruption within the judicial body and limits the risk of political intervention.⁹⁴ A female judge explained that women are less likely to hold meetings behind closed doors with men as this is less socially acceptable. One female judge noted that male judges aim to build a rapport with politicians whereas women are more committed to judicial independence.

Another female judge drew on her personal experience to mention that men might sometimes hesitate to take certain stances, and women feel they have a duty to do so. One female judge noted, for example, that she was more likely to use the full extent of the legal provisions to protect and extract a woman from an abusive relationship compared to male colleagues, who would instead seek to reconcile the woman and her partner. Another respondent believed that female judges are more diligent and patient, study the cases in advance and attend the hearings prepared. One of the female lawyers underlined that female judges have shown noticeable professionalism, especially in terms of research before rendering a decision. This contrasts with male judges who rely on information garnered from cases that have set precedence rather than research.

⁹¹ For more information on the subject, see, Legal Agenda, Judges' Freedoms of Expression and Association and the Creation of Organisations, 2017, available at <http://legal-agenda.com/uploads/%D8%AD%D8%B1%D9%8A%D8%A9%20%D8%A7%D9%84%D9%82%D8%B6%D8%A7%D8%A9%20%D9%81%D9%8A%20%D8%A7%D9%84%D8%AA%D8%B9%D8%A8%D9%8A%D8%B1%20%D9%88%D8%A7%D9%84%D8%AA%D8%AC%D9%85%D8%B9%20%D9%88%D8%AA%D8%A3%D8%B3%D9%8A%D8%B3%20%D8%AC%D9%85%D8%B9%D9%8A%D8%A7%D8%AA.pdf>.

⁹² At the time of drafting (after the completion of the interviews), judges were given the authorization to create a "club".

⁹³ This case is cited in the 4th and 5th CEDAW Periodic Report by Lebanon, CEDAW/C/LBN/4-5, 15 May 2015, para. 114.4, available at <https://nclw.org.lb/wp-content/uploads/2017/10/CEDAW-Fourth-and-Fifth-Periodic-Report-Lebanon.pdf>.

⁹⁴ This finding supports a declaration by the former Minister of Justice, Chakib Kortbawi, who, in 2012, said that "female judges have proven to be more serious in work and less corrupt". Marline Wehbe, "A Female Invasion of the Palace of Justice", Al-Joumhouria Newspaper, 20 April 2017, available at <http://www.aljoumhouria.com/news/index/362337>.

Two male judges held a similar view, asserting that their female counterparts have more discipline, organization, and they have proven to be very competent and productive. One male lawyer noted that the desire of a female judge to constantly prove herself positively affects the judiciary as it promotes professionalism. However, he noted that women's strict discipline could also limit their flexibility, which is essential in the judiciary. Another male judge considered that women's persistent need of women to prove they are better than their male counterparts has resulted in authoritarian attitudes. Two lawyers, male and female, spoke of arrogant attitudes of some female judges claiming that this adversely affects the judiciary.

Several respondents flagged motherhood and childcare as crucial issues. One female judge recalled that during her application to the IJS examination, one candidate was pregnant, prompting a male interviewer to comment: "You get why we do not hire women judges...". The respondent added that this applicant was successful in entering the IJS. In the same vein, most interviewed male judges felt that the two-month maternity leave delays the progress of work, creates more pressure on the female judge's colleagues and affects the judicial productivity given the insufficient number of judges. Adversely thereto, a male judge pointed out that he did not see this matter as an issue and never minded replacing female colleagues during their maternity leave. One male lawyer believed that pregnancy and maternity do not necessarily constitute an obstacle for female judges. He gave an example of a pregnant female judge taking case files with her during her hospital stay, beside completing work after childbirth and during her maternity leave.

Several respondents mentioned that family priorities of female judges could compromise their productivity compared with their male counterparts. Most interviewed female judges expressed this concern by asserting that their partners do not assist in the household responsibilities. However, they did not let this challenge affect their work productivity and worked extra hours from home and during weekends. One interviewed male judge believed that productivity is not a female-specific issue, especially since some male judges render only one decision every two months. Another male judge clarified that there are no credible and comprehensive statistics in Lebanon showing a difference in productivity between male and female judges.

Some participants presented other arguments about the impact of women's presence in the judiciary. For instance, one female judge mentioned the negative impact of the "psychological configuration of women" in the context of such a stressful profession. She argued that hormonal fluctuations might make her more emotional, which affects the quality of her work. She wondered whether this is a personal difficulty or a common problem for all female judges. Another female lawyer raised the concern about a negative impact of women on the judiciary and said that female judges are not punctual while male judges arrive for the hearings on time. She added that newly graduated female judges take more time to render decisions, which affects the course of justice.

3. CONCLUSIONS AND POLICY RECOMMENDATIONS

The presence of women in the Lebanese judiciary has risen considerably in recent years, and women are expected to represent the majority of judges by the end of 2019. A critical factor in this development has been the rapid increase in the number of women studying law and choosing to become judges. The growing presence of women in this profession is a positive development for the status of women in Lebanon, and it can be interpreted as a characteristic of an open society that respects the values of equality and justice. Lebanese women in the judiciary have proven their excellence and have developed the competencies required to assume decision-making positions. There are many examples of female judges who are proving themselves at the national and international levels.⁹⁵ These female judges have also established themselves in non-judicial functions.⁹⁶

Nevertheless, it is less certain whether this quantitative increase necessarily implies that gender equality has been achieved in the judicial sector. Some enduring barriers to women's entry and career progression have not been addressed. Accordingly, inequalities persist and take many forms, most notably the unequal distribution of positions and judicial functions between men and women. Certain positions, especially at the senior level, remain exclusively occupied by men, while less distinguished positions are left to women.⁹⁷ Women continue to be underrepresented in specific fields, such as criminal courts and military justice, and more rural areas. It is also noteworthy that women remain absent from sitting on religious courts.⁹⁸ Women are banned from assuming such positions due to discriminatory religious provisions. The Lebanese State is unable to require communities to observe international conventions, such as CEDAW, that prohibit discrimination against women.⁹⁹

This mixed picture suggests that the legal framework regulating the judiciary should be reformed to guarantee gender equality and to improve the presence of women at all levels of decision-making. Such reform efforts should be in line with international frameworks, including CEDAW and the Beijing Platform for Action, as well as national frameworks such as the National Strategy for Women in Lebanon (2011-2021).

Based upon an analysis of the legal, administrative and policy frameworks (including binding international commitments), as well as the extensive review of the outcomes of the discussions, ESCWA recommends the following policy actions to the Lebanese authorities, including the Ministry of Justice, SJC and IJS:

(a) *Outreach*

- Develop outreach strategies and media campaigns highlighting the importance of women's presence in the judiciary and showcasing the personal experiences of female judges to challenge the prevailing patriarchal stereotypes about the image of women in the judiciary;
- Engage in dialogue with relevant religious authorities on the possibilities to increase women's presence in personal status courts based on the successful experience of women's presence in the Lebanese judiciary.

⁹⁵ Two female judges were assigned positions in some international courts, namely, Micheline Braidi, appointed as a trial chamber judge, and Joyce Tabet, appointed as the deputy-public prosecutor at the Special Tribunal for Lebanon.

⁹⁶ This includes the former minister Alice Chabtini, who was the President of the Military Court of Cassation before being nominated as Minister in 2014.

⁹⁷ Nizar Saghieh and Lama Karame, "Feminising the Judiciary: Which Positions? Which Jobs? Which Districts?", *op.cit.*, p. 1; and Samer Ghamroun, "Who is Afraid of a Female Majority in the Lebanese Judiciary?", *op.cit.*

⁹⁸ ESCWA, Women's Political Representation in the Arab Region, *op.cit.*, p. 14.

⁹⁹ Majida Sbeiti, "The Female Surge in the Judicial Body", *op.cit.*

(b) *Transparency and fairness*

- Establish a system of incentives, including financial incentives, to encourage qualified male and female law graduates to pursue a judicial career;
- Adopt a clear, transparent, non-discriminatory and merit-based process for the selection of judges to all positions based on objective criteria, such as the judge's skills and integrity, and limit the potential for external intervention;
- Ensure that position openings are competitive and publicly posted, written in gender-neutral language;
- Introduce regular gender-sensitivity and implicit gender-bias training courses within the judiciary for both tenured and trainee judges;
- Ensure equal representation in recruitment panels for all positions, including at the most senior levels, and appointments to judicial bodies;
- Require candidates of both sexes to be featured on shortlists, where applicable.

(c) *Career progression*

- Develop clear, fair, objective, and gender-sensitive promotion procedures;
- Conduct a gender audit within the Lebanese judiciary to identify specific challenges and assess the implications of institutional policies on women, for example, requirements for magistrates to relocate at regular intervals;
- Promote the appointment of female judges in all judicial positions and functions, particularly in senior and sensitive positions;
- Update career advancement rules and regulations to ensure that periods spent on family-care leave, for instance, maternity leave, do not hinder female judges' grade and career progression.

(d) *Gender-sensitive workplace*

- Introduce gender-sensitive working arrangements such as flexible working hours, remote working (for aspects of judicial work that do not require face-to-face contact with colleagues or users of the judicial system) and the provision of childcare facilities, allowing female judges to reconcile their professional and familial responsibilities;
- Implement zero-tolerance policies against workplace discrimination, stereotyping and harassment and develop an accountability mechanism in case of violations.

(e) *Mentorship and networking*

- Allow and encourage women's presence in professional associations, support groups or professional organizations, particularly in leadership positions, that defend the independence of the judiciary and promote gender equality within the sector;
- Support the development of a national association of women judges, prosecutors and lawyers;
- Provide support networks and mentorship opportunities for women seeking to enter or advance in the judiciary.

(f) *Coordination*

- Ensure the implementation of actions to increase women's presence in the judiciary in coordination with the efforts to promote women's participation in public life and their access to justice, including the National Strategy for Women in Lebanon;
- Conduct consultations with stakeholders within the judiciary, Government and civil society to develop guidelines and national action plans toward a gender-sensitive judiciary.

(g) *National targets and accountability*

- Define a parity target for geographical distribution of judges and appointment to judicial bodies, including SJC, as well as for women's presence in judicial branches where they are currently underrepresented (including criminal justice, military justice, in presidency roles and positions of public prosecutors and investigating judges);
- Identify and hold accountable all branches of the judiciary where disproportionately large gender gaps persist, and consider the introduction of temporary special measure, such as gender quotas, for future recruitments to such entities.