

LEBANON¹

OVERVIEW OF MUSLIM FAMILY LAWS & PRACTICES (Updated as at 1 August 2022)

Family Law Matter	Description				
	Legislative Framework	Case Law	Policy	Procedure	Practice
<p>Equality of spouses in marriage</p> <p><i>Is there a Constitutional provision on equality and are there exceptions? Are there specific laws that recognise marriage as a partnership of equals i.e. are family laws and/or other laws relating to marriage and family relations codified or uncodified? If codified, what are the titles of all the applicable laws? If codified, do these laws apply to all citizens irrespective of religion? If not, do these laws apply to all Muslims or are there different codified laws for different sects within Islam? If uncodified, or if codified laws do not sufficiently address a</i></p>	<p>Article 7 of the Constitution states that all citizens are equal under the law.² Gender equality is not specifically mentioned.</p> <p>Article 9 of the Constitution guarantees the freedom of religion as well as the respect for the different systems relating to personal status matters of all religious communities.³ Resulting from Article 9, Lebanon does not have a unified law that relates to personal status matters. Instead, there are 15 separate personal status laws for the country's various officially recognised religious communities (currently, 18 in total⁴) which are</p>		<p>Lebanon has reservations to Article 9(2), Articles 16 (1)(c), (d), (f) and (g) regarding the right to choose a family name and Article 29 of CEDAW.⁸</p> <p>The Government of Lebanon in its 2006 report to the CEDAW Committee explained that Lebanon continues to retain its reservation to Article 16 because there is</p>		<p>According to the 2016 UNDP Human Development Report, Lebanon ranked 76 on the UNDP Human Development Index and 83 on the UNDP Gender Inequality Index.¹⁰</p> <p>According to the UN Economic and Social Commission for Western Asia (ESCRWA), about 15% of households in Lebanon are headed by</p>

¹ This table was originally formulated as part of a 2016-2017 Musawah project to map Muslim Family Laws globally led by Zainah Anwar and coordinated by Lead Researcher Sharmila Sharma, with substantive support from Salma Waheedi and students at the International Human Rights Clinic, Harvard Law School. For this Lebanon country table, we would also like to thank [previous researchers] for their inputs in its original preparation. This table was last updated in August 2022 as part of the Campaign for Justice in Muslim Family Laws, we would like to thank Ranim Osman for the recent update.

² Article 7 of Lebanon's Constitution, https://www.constituteproject.org/constitution/Lebanon_2004.pdf?lang=en

³ Article 9 of Lebanon's Constitution, https://www.constituteproject.org/constitution/Lebanon_2004.pdf?lang=en

⁴ Lebanon debates controversial election laws again (2016), <http://gulfnews.com/news/mena/lebanon/lebanon-debates-controversial-electoral-law-again-1.1818517>

⁸ United Nations Treaty Collection Website: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtsg_no=IV-8&chapter=4&clang=en

¹⁰ UNDP, "Human Development Report 2016", Table 5, pp. 214-217, http://hdr.undp.org/sites/default/files/2016_human_development_report.pdf

<p><i>particular issue, how is the issue addressed e.g. what Muslim school of law is applicable? Do these laws explicitly state gender-stereotypical roles between husbands and wives e.g. the husband is the head of the household or the wife is the primary caregiver?</i></p> <p><u>Applicable CEDAW Provision</u> Article 16(1)(c) Paras. 17-18 GR21 Paras. 54-55 GR29</p>	<p>administered by separate religious courts.⁵</p> <p>The main Muslim sects in Lebanon are the Sunnis, Jafari Shia, the Alawi Shia, and the Ismailis. This table primarily discusses the personal status laws of Sunnis and Jafari Shias.</p> <p>Pursuant to the 1962 Law of the <i>Shari'ah</i> Courts ("1962 Law").⁶</p> <ul style="list-style-type: none"> • For Sunnis: Judges in the Sunni courts issue judgments based on the following hierarchy: (i) Rulings issued by the Sunni Supreme Islamic Council. The most important ruling is ruling No. 46 entitled "Family Judgements", issued in December 2011 and published in the Official Gazette in December 2012 	<p>no uniform personal status law. Instead, each Lebanese is subject to the laws, regulations and courts of his or her own religious community. This legislative and judicial pluralism in the area of personal status has a constitutional framework and roots associated with the establishment and stability of Lebanon as a political entity. Accordingly, this subject is extremely sensitive and linked to the broader political and social situation in the country. It is a highly</p>	<p>women.¹¹</p> <p>A review of 447 court cases and 72 interviews by Human Rights Watch ("HRW") found that Lebanon's multiple religion-based personal status laws and the religious courts that apply them discriminate against women across the religious spectrum.¹²</p>
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⁵ Human Rights Watch, "Unequal and Unprotected: Women's Rights under Lebanese Personal Status Law", 2015, p.1, https://www.hrw.org/sites/default/files/reports/lebanon0115_ForUpload.pdf

⁶ Lena-Maria Moller, "Lebanon", in *Parental Care and Best Interests of the Child in Muslim Countries*, ed. Najma Yassari, Lena-Maria Moller and Imen Galala-Amdt, (Berlin: Springer and The Netherlands: Asser Press, 2017), pp. 147-148; Morgan Clarke, "Shari'a Courts and Muslim Family Law in Lebanon", in *Adjudicating Family Law in Muslim Courts*, ed. Elisa Guinchi (Abingdon: Routledge, 2013), pp. 34-35; Human Rights Watch, "Unequal and Unprotected: Women's Rights under Lebanese Personal Status Law", 2015, pp. 22-23, 25, https://www.hrw.org/sites/default/files/reports/lebanon0115_ForUpload.pdf; Australian Refugee Review Tribunal, "General Information on *Shari'ah* law in Lebanon in relation to matrimonial and custody issues", 2007, p. 2, <http://www.refworld.org/pdfid/4b6fe2820.pdf>

¹¹ ESCRWA et al, "A Comparative Analysis of Gender Disparities in Arab Countries: A Study Based on Household Survey Data", p. 29, https://www.unescwa.org/sites/www.unescwa.org/files/uploads/general_final_escwa.pdf

¹² Human Rights Watch, "Submission on Lebanon's Periodic Report" *Submission to the CEDAW Committee for the 62nd Session*, 2015, p.1, http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/LBN/INT_CEDAW_NGO_LBN_21901_E.pdf

	<p>under the Cabinet Resolutions; (ii) the 1917 Ottoman Law of Family Rights; and (iii) the most accepted views from Hanafi jurisprudence (<i>fiqh</i>). In this regard, judges often refer to the Personal Status Compendium by Qadri Pasha;</p> <ul style="list-style-type: none"> • For Shias: Judges in the Jafari courts issue judgments based on Jafari <i>fiqh</i>, the provisions of the 1917 Ottoman Law of Family Rights that are consistent with Jafari <i>fiqh</i> and the legal opinions (<i>fatwas</i>) issued by scholarly authorities, who may be foreign (<i>marja</i>). Following complaints from lawyers about the lack of codification, in 1994, the President of the Supreme Jafari Court drafted the <i>Guide to Jafari Justice</i>, which compiles and interprets material related to issues of marriage, divorce, affiliation, care of children, and other personal status matters. The 		<p>complex situation, made more difficult by the not inconsiderable challenges that Lebanon is currently facing.⁹</p>		
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⁹ Lebanon State party report, U.N. Doc. CEDAW/C/LBN/3 (2006), para. 3, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

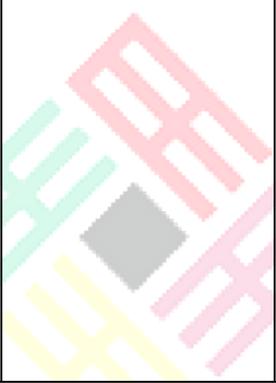
	<p>guide however is not binding on Jafari judges who can revert to different interpretations of their choosing.</p> <p>The codified and uncodified laws relating to Muslim personal status matters provide for a marital framework based on 'reciprocal' or 'complementary' rights (as opposed to 'equal' rights) between the two spouses, whereby in return for maintenance and protection from her husband, a wife is expected to obey him. Thus:⁷</p> <ul style="list-style-type: none"> • Marriage is viewed as a contract between the woman and man; • A wife may claim the following from her husband: (i) a dower (<i>mahr</i>), (ii) sufficient financial maintenance; (iii) fulfilling intercourse; and (iv) a decent marital home; • A husband may claim the following from his wife: (i) her 				
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⁷ Lebanon State party report, U.N. Doc. CEDAW/C/LBN/3 (2006), para. 335, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>; Kafa, "Zalfa's Questions on Personal Status Laws", p. 23, <http://www.kafa.org.lb/StudiesPublicationPDF/PRpdf-90-635882033908238022.pdf>

	<p>obedience in authorised matters; (ii) the right to cohabitation; (iii) the right to accompany him where he wishes to live, provided the marriage contract does not stipulate otherwise;</p> <ul style="list-style-type: none"> • A wife risks losing her financial maintenance if she is deemed 'recalcitrant'. 				
<p>Minimum and equal legal age for marriage</p> <p><i>Is there a minimum age of marriage? Are there exceptions to the minimum age (e.g. min. age at 18, with exceptions to 16)? Is there an absolute minimum age without exceptions? Is there equality in the minimum age of marriage? Does the minimum age of marriage match the age of majority? Is there a minimum age verification process before the marriage is concluded?</i></p> <p><u>Applicable CEDAW Provision</u> Article 16(2)</p>	<p>There is a divergence in the law for Sunnis and Shias with regard to the minimum age for marriage:¹³</p> <ul style="list-style-type: none"> • For Sunnis: 18 for males and 17 for females. The judge may authorise the marriage of a boy aged 12 and a girl aged 9 if she has reached puberty, with the approval of her guardian; <p>The Sunni Supreme Islamic Council, approved in 12/12/2020</p>		<p>The National Commission for Lebanese Women spearheaded the drafting of law to regulate child marriages in Lebanon. The draft law was submitted through an MP to the Parliament on and was registered by the Parliament's secretariat on 29 September 2014 under No.</p>	<p>The couple is required to submit an individual as well as a family status record with the marriage application. If the bride's age is less than the legal requirement, the judge can "interview" her to evaluate her level of maturity and willingness to get married. It is customary for judges and court</p>	<p>According to UNICEF's 2016 State of the World's Children Report, 6% of women between the ages of 20-24 were married by 18 and 1% by 15.¹⁸</p> <p>According to UNICEF's 2021 State of the World's Children Report, 19 % of women were married by 18</p>

¹³ Kafa, "Zalfa's Questions on Personal Status Laws", p. 21, <http://www.kafa.org.lb/StudiesPublicationPDF/PRpdf-90-635882033908238022.pdf>; Morgan Clarke, "Shari'a Courts and Muslim Family Law in Lebanon", in *Adjudicating Family Law in Muslim Courts*, ed. Elisa Guinchi (Abingdon: Routledge, 2013), pp. 36-37

¹⁸ UNICEF, The State of the World's Children 2016, Table 9, pp. 150-153, https://www.unicef.org/publications/files/UNICEF_SOWC_2016.pdf

<p>Paras. 36-39 GR21</p>	<p>a resolution NO. 62¹⁴ which amended ruling NO 46/2011 and added a chapter on the marriage of underage girls. The resolution (No. 62 date 12/12/2020) raises the minimum age for marriage to 18 for males and females.</p> <p>In an exception to Resolution 62, those wanting to marry before 18 must be at least <u>15 years</u> old and the union requires the approval of both the minor and the legal guardian.</p> <p>Additionally, before the marriage can take place, a medical examination must be carried out to assess the mental, physical,</p>		<p>30/2014.¹⁵ There has been no developments thus far.¹⁶</p> <p>The Supreme Council for Children, in coordination with UNICEF and in consultation with stakeholders, is working on a national strategic plan to reduce child marriage in Lebanon.</p> <p><i>CEDAW/C/LBN/6 – para 127- https://tbinternet.ohchr.org/_layouts/15/ReadyBodyExternal/c</i></p>	<p>clerks to stress on physical signs of maturity.¹⁷</p>	<p>and 5 % by 15.¹⁹</p> <p>According to UN World Marriage Data 2015, the average of first marriage among Lebanese females rose from 27.4 in 2004 to 28.3 in 2007 and among males, from 31.4 to 32.3 during the same period.²⁰</p> <p>The findings of a very recent study conducted by Saint Joseph University and shared at a conference on 29 June 2015 show</p>
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¹⁴ The Lebanese University, Center for Research and Studies in Legal Informatics, “Amending the Family Provisions Law No. 46/2011 to include a chapter on marriage of minors”, (Resolution No 62) 12 December 2020
<http://77.42.251.205/Law.aspx?lawId=287620#:~:text=%D9%86%D9%88%D8%B9%20%D8%A7%D9%84%D9%86%D8%B5%3A%20%D9%82%D8%B1%D8%A7%D8%B1%20%7C%20%D8%B1%D9%82%D9%85%2062.%D8%AA%D8%A7%D8%B1%D9%8A%D8%AE%3A%2012%2F12%2F2020&text=%D9%88%D9%84%D9%80%D9%85%D8%A7%20%D9%83%D8%A7%D9%86%20%D9%81%D8%B1%D8%B6%20%D8%B9%D9%84%D9%89%20%D8%A7%D9%84%D9%80%D9%85%D9%83%D9%84%D9%81.%D8%A8%D8%A7%D9%84%D8%B9%D9%82%D8%AF%D8%8C%20%D9%88%D8%A5%D9%86%20%D8%A8%D8%B5%D9%88%D8%B1%D8%A9%20%D9%85%D9%88%D8%AC%D8%B2%D8%A9%20%D9%88%D9%85%D9%83%D8%AB%D9%81%D8%A9>

¹⁵ National Commission for Lebanese Women, “Annual Report 2014”, p. 25, <https://nclw.org.lb/wp-content/uploads/2017/02/NCLW-Annual-Report-2014-1.pdf>

¹⁶ Avenir Liban and Beirut Bar Association, “Lebanon Shadow Report on Women’s Access to Justice”, *Submission to the CEDAW Committee for the 62nd Session*, 2015, p. 14, http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/LBN/INT_CEDAW_NGO_LBN_21858_E.pdf

¹⁷ Information obtained from Lebanese advocate, April 2017

¹⁹ UNICEF, The State of the World’s Children 2021 ,Table 12 <https://data.unicef.org/resources/sowc-2021-dashboard-and-tables/>

²⁰ [United Nations Population Division, “World Marriage Data 2015”. https://esa.un.org/ffps/Index.html#/maritalStatusData](https://esa.un.org/ffps/Index.html#/maritalStatusData)

	<p>and psychological condition of the minor who seeks to be married.</p> <ul style="list-style-type: none"> ● For Shias: It is standard practice to prove attainment of the legal age of puberty. A male is expected to reach puberty at aged 15, a female at aged nine. 		<p>ountries.aspx?CountryCode=LBN&Lang=EN</p>	<p>that 13% of Lebanese women get married before the age of 18, with the highest prevalence of child marriage in Muslim communities (particularly the Alawites, Sunnis, and Shi'ites).²¹</p> <p>According to media reports, child marriages are particularly high among Syrian refugees in Lebanon (27%), followed by Palestinian refugees from Syria (13%).²²</p> <p>Available statistics for 2018 show that the marriage rate for displaced Syrian females between the ages of 15 and 19 was nearly 7 per cent higher than in 2017 (rising from 22</p>
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²¹ CMI Report, Legal Reform and Women's Rights in Lebanese Personal Status Laws, page 13 <https://www.cmi.no/publications/file/6341-legal-reform-and-womens-rights-in-lebanese.pdf>

²² Because, "Too young to be a bride: Can Lebanon put an end to child marriages?", *Because*, 9 April 2017, <http://because.bz/children/too-young-be-bride-can-lebanon-put-end-child-marriages>

					per cent to 30 per cent). ²³
<p>Women's consent to marriage</p> <p><i>Is a marriage valid without the woman's consent? Is the practice of forcing women to marry against their will (ijbar) prohibited? Is there a standard marriage contract? If so, what are its broad provisions and is there anything particular in the contract that ought to be highlighted on the basis that it advances women's rights or otherwise? Is it mandatory to register a marriage?</i></p> <p><u>Applicable CEDAW Provision</u> Article 16(1)(b)</p>	<p>Regardless of their age, both Sunni and Shia prospective brides and grooms must consent to the marriage²⁴ Consequently, <i>ijbar</i> marriages are prohibited.²⁵</p> <p>For Sunni: Under Resolution 62/2020,²⁶ minors married against their will can now request an annulment. Legal guardians can also request an annulment of the minor's marriage if it took place without their approval.</p> <p>Resolution 62 also makes it more difficult for a legal guardian to entrap or pressure the minor into</p>		<p>The Government of Lebanon in its 2006 report to the CEDAW Committee asserted that the full and free consent of both parties wishing to marry is an essential condition for the contracting of marriage among all denominations.²⁷</p>	<p>For both Sunnis and Shias:²⁸</p> <ul style="list-style-type: none"> It is mandatory to register the marriage with the Sunni or Shia court and the personal status division of the Ministry of Interior (<i>ma'amour noufous</i>) where the marriage is concluded; 	<p>According to information on the ground, some Sunni and Shia judges refuse to register a more elaborate and comprehensive contract - especially when such contracts delegated the right to divorce, guardianship and other protective measures to ensure equality between women and men.²⁹</p>

²³ CEDAW/C/LBN/6 – para 71- https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=LBN&Lang=EN

²⁴ Lebanon State party report, U.N. Doc. CEDAW/C/LBN/3 (2006), para. 327, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>; Frontiers-Ruwed Association, "Marriage Registration in Lebanon: A guide to procedures and practices", p. 22, <https://www.anamawjoud.com/resources/wedding-registration-en.pdf>

²⁵ Information obtained from Lebanese advocate, April 2017

²⁶ The Lebanese University, Center for Research and Studies in Legal Informatics, "Amending the Family Provisions Law No. 46/2011 to include a chapter on marriage of minors", (Resolution No 62) 12 December 2020

<http://77.42.251.205/Law.aspx?lawid=287620#:~:text=%D9%86%D9%88%D8%B9%20%D8%A7%D9%84%D9%86%D8%B5%3A%20%D9%82%D8%B1%D8%A7%D8%B1%20%7C%20%D8%B1%D9%82%D9%85%2062.%D8%AA%D8%A7%D8%B1%D9%8A%D8%AE%3A%2012%2F12%2F2020&text=%D9%88%D9%84%D9%80%D9%85%D8%A7%20%D9%83%D8%A7%D9%86%20%D9%81%D8%B1%D8%B6%20%D8%B9%D9%84%D9%89%20%D8%A7%D9%84%D9%80%D9%85%D9%83%D9%84%D9%81.%D8%A8%D8%A7%D9%84%D8%B9%D9%82%D8%AF%D8%8C%20%D9%88%D8%A5%D9%86%20%D8%A8%D8%B5%D9%88%D8%B1%D8%A9%20%D9%85%D9%88%D8%AC%D8%B2%D8%A9%20%D9%88%D9%85%D9%83%D8%AB%D9%81%D8%A9>

²⁷ Lebanon State party report, U.N. Doc. CEDAW/C/LBN/3 (2006), para. 327, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

²⁸ Information obtained from Lebanese advocate, April 2017; Frontiers-Ruwed Association, "Marriage Registration in Lebanon: A guide to procedures and practices", pp. 26-27, 34-35, <https://www.anamawjoud.com/resources/wedding-registration-en.pdf>; Morgan Clarke, "Shari'a Courts and Muslim Family Law in Lebanon", in *Adjudicating Family Law in Muslim Courts*, ed. Elisa Guinchi (Abingdon: Routledge, 2013), p. 37

²⁹ Information obtained from Lebanese advocate, April 2017

<p>Paras. 15-16 GR21 Paras. 25-26, 33-34 GR29</p>	<p>marriage by increasing the requirements needed before marriage is carried out.</p> <p>If the legal guardian attempts to marry off the minor without a judge's permission or without completing the required procedures, the court will force all parties involved in the marriage to provide the required documents before moving forward.</p> <p>If a minor is not comfortable with the marriage or if it appears the minor is unfit for marriage, a judge has the power to dissolve a marriage by pardon or at the request of the minor or legal guardian.</p>			<ul style="list-style-type: none"> • There are basic templates of marriage contracts in the respective Sunnis and Shia courts that are often used. 	<p>According to media reports, unregistered marriages of Syrian refugees in Lebanon is increasingly a problem. Women in unregistered marriages are deprived from claiming certain rights that would have been available to them had their marriages been officially registered such as access to justice in divorce cases etc. They also deprive children born in such marriages from accessing social services, such as healthcare and education, due to the lack of official documentation such as birth certificates.³⁰</p>
<p>Women's capacity to enter into marriage</p>	<p>There is a slight divergence in the law for Sunnis and Shias with</p>			<p>Women from both sects may negotiate</p>	

³⁰ Malath al-Zoubi, "Syrian refugees in Lebanon resort to unofficial marriages", *The Syrian Observer*, 4 February 2014, <http://syrianobserver.com/EN/Features/26609/Syrian+Refugees+in+Lebanon+Resort+to+Unofficial+Marriages/>

<p><i>Is consent of a marital guardian (wali) required? If so, can a woman choose her own wali? Can a woman go before a court or other competent authority to seek permission to marry if her wali refuses to consent to her marriage? Can a woman negotiate her marital rights prior to marriage and can these rights be changed during marriage? If so, who can change these rights and under what circumstances e.g. mutual consent?</i></p> <p><u>Applicable CEDAW Provision</u> Articles 16(1)(a), 16(1)(b) Paras. 15-16 GR21 Para. 34 GR29</p>	<p>regard to requirement of a marital guardian (wali):³¹</p> <ul style="list-style-type: none"> • For Sunnis: Regardless of her age, a prospective bride requires the consent of a wali to enter into marriage. The guardian must be a male relative (father, followed by the brother, grandfather, and the uncle). The judge can authorise the marriage after determining that the wali's objection is misplaced; • For Shias: Regardless of her age, a prospective bride requires the consent of a wali to enter into marriage unless: (i) she was no longer a virgin by virtue of a former marriage; (ii) it is impossible to reach the guardian in his absence; (iii) the wali objects and his objection is misplaced or unfair. The guardian must be a male relative (father, followed by paternal grandfather). 			<p>certain conditions in their marriage contracts:³²</p> <ul style="list-style-type: none"> • For Sunnis: A wife may request from her husband the following: (i) To refrain from taking a second wife, in which case she or the other wife are considered divorced; (ii) To refrain from taking her out of her country; (iii) To maintain an equal right to divorce, that is the wife is delegated the right to unilateral divorce by the husband (<i>'isma</i>); • For Shias: A wife may request from her husband the following: (i) To refrain from taking 	
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³¹ Kafa, "Zalfa's Questions on Personal Status Laws", p. 22, <http://www.kafa.org.lb/StudiesPublicationPDF/PRpdf-90-635882033908238022.pdf>

³² Kafa, "Zalfa's Questions on Personal Status Laws", p. 23, <http://www.kafa.org.lb/StudiesPublicationPDF/PRpdf-90-635882033908238022.pdf>

				her out of her country; (ii) To be his representative (<i>wakil</i>) in divorcing herself; and (iii) in some instances, to relinquish the right to unilateral divorce. ³³	
<p>Polygamous marriages</p> <p><i>Does the law prohibit polygamy or impose strict conditions on such practice? Is the permission of the court required for a polygamous marriage? Is the permission of an existing wife required for a polygamous marriage? Is it necessary to inform an existing wife of the polygamous marriage? Are temporary marriages such as traveler's marriages (misyar) recognised? Is it necessary to register a polygamous marriage? Can a woman stipulate in the marriage contract that her intended husband cannot enter</i></p>	<p>Both Sunni and Shia men may marry up to four wives at one time.³⁴</p> <p>Temporary marriages (<i>Zawaj Muta'a</i>) are restricted to Shias. A temporary marriage is limited in time and does not grant the woman any of the wife's rights. A woman contracting a temporary marriage is only entitled to maintenance if she requests it upon contracting the marriage.³⁵ The children born out of such marriages are registered under the father's name.³⁶</p>			<p>Both Sunni and Shia wives may seek a divorce because of the polygamous marriages of their husbands but through different mechanisms:</p> <ul style="list-style-type: none"> • For Sunnis: A woman may add a stipulation against polygamy in her marriage contract. If the husband breaches the stipulation, the 	<p>According to a UNFPA policy brief, in 2011, about 2.3% of of marriages in Lebanon are polygamous. The trend decreases with age and education.³⁹</p> <p>According to a civil society report and information on the ground, women are generally unaware of the possibility of inserting a stipulation</p>

³³ Information obtained from Lebanese advocate, April 2017

³⁴ Kafa, "Zalfa's Questions on Personal Status Laws", p. 24, <http://www.kafa.org.lb/StudiesPublicationPDF/PRpdf-90-635882033908238022.pdf>

³⁵ Kafa, "Zalfa's Questions on Personal Status Laws", p. 24, <http://www.kafa.org.lb/StudiesPublicationPDF/PRpdf-90-635882033908238022.pdf>

³⁶ Information obtained from Lebanese advocate, April 2017

³⁹ Jocelyn Dejong and Sonya Meyerson Knox, "Lebanon: An Overview – Contexts, Evolving Demographics for Women, Sexual and Reproductive Health, Poverty and Women, Gender and Rights, *UNFPA Policy Brief PB-2011-02*, p. 20, https://www.mcgill.ca/isid/files/isid/pb_2011_02_dejong.pdf

<p><i>into a polygamous marriage?</i></p> <p><u>Applicable CEDAW Provision</u> Para. 14 GR21 Para. 34 GR29</p>				<p>wife has the right to divorce;³⁷</p> <p>• For Shias: A woman can insert a stipulation in her marriage contract whereby she requests to be her husband's representative (<i>wakil</i>) in a divorce. This enables her to be granted a divorce if the husband marries another woman.³⁸</p>	<p>prohibiting their husbands from entering into a polygamous marriage and where they are aware of the possibility, they are often discouraged of doing so by their families and religious authorities alike. In addition, men who accept such terms and stipulations are looked down upon and their masculinity is questioned.⁴⁰</p>
<p>Divorce rights</p> <p><i>Is there equal right to divorce between women and men? Can the husband divorce without</i></p>	<p>Both Sunnis and Shias have three mechanisms for divorce: (i) unilateral repudiation by the husband (<i>talaq</i>); (ii) sovereign divorce; and (iii) redemptive</p>		<p>The Government of Lebanon in its 2014 report to the CEDAW Committee acknowledged that</p>	<p>For Shia women, some religious authorities accept inserting a clause where the husband</p>	<p>According to various sources:⁵⁴</p> <ul style="list-style-type: none"> • The delegated

³⁷ Article 38 of the Ottoman Law of Family Rights of 1917. The text of the Ottoman Law of Family Rights of 1917 is available in the translation of 'Ārif Afandī Ramaḍān, *Majmū'at al-Qawānīn: Taḥṭawī 'alā Jamī' al-Qawānīn al-Ma'mūl bi-Mūjabihāfi Jamī' al-Bilād al-'Arabiyya al-Munsalikha 'an al-Ḥukūma al-'Uthmāniyya* (Beirut: al-Maṭba'a al-'Ilmiyya, 1927), pp. 353-373; Kafa, Zalfa's Questions on Personal Status Laws, p. 24, <http://www.kafa.org.lb/StudiesPublicationPDF/PRpdf-90-635882033908238022.pdf>

³⁸ Kafa, "Zalfa's Questions on Personal Status Laws", p. 22, <http://www.kafa.org.lb/StudiesPublicationPDF/PRpdf-90-635882033908238022.pdf>

⁴⁰ Information obtained from Lebanese advocate, April 2017; Human Rights Watch, Unequal and Unprotected: Women's Rights under Lebanese Personal Status Law (2015), pp. 6-7, https://www.hrw.org/sites/default/files/reports/lebanon0115_ForUpload.pdf

⁵⁴ Information obtained from Lebanese advocate, April 2017; Morgan Clarke, "Shari'a Courts and Muslim Family Law in Lebanon", in *Adjudicating Family Law in Muslim Courts*, ed. Elisa Guinchi (Abingdon: Routledge, 2013), p. 41; Lana Asfour, "Lebanon's divorce and child custody laws discriminate against women", *The New Arab*, 19 January 2015, <https://www.alaraby.co.uk/english/news/2015/1/19/lebanons-divorce-and-child-custody-laws-discriminate-against-women>

<p><i>reason and without having to go to court? What are the main forms of divorce? Can all forms of divorce be sought only through the courts? Are the grounds for divorce the same for the husband and wife? Is unilateral divorce by repudiation (talāq) prohibited? If unilateral divorce is not prohibited, what is the procedure i.e. is the presence of the spouse to be divorced required, are witnesses required, does the spouse seeking divorce need to go to court, is the divorced spouse informed of the divorce? Is the unilateral right to divorce delegated to the wife? If so, is it by law or through the marriage contract? Is it mandatory to register a divorce?</i></p> <p><u>Applicable CEDAW Provision</u> Article 16(1)(c) Paras. 17-18 GR21 Paras. 34, 39-40 GR29</p>	<p>divorce (<i>khu'</i>).⁴¹</p> <p>For Sunnis:</p> <p>A husband may unilaterally pronounce divorce without many restrictions.⁴²</p> <p>A husband may delegate his unilateral right to divorce to his wife (<i>isma</i>) through a stipulation in the marriage contract, thus permitting her to pronounce <i>talaq</i> upon herself (<i>talaq-i-tafwid</i>).⁴³</p> <p>Valid grounds for seeking a judicial divorce by a wife include: (i) spousal maintenance is not paid; (ii) her husband is unable to have sexual relations because of impotence, contagious disease, or insanity; (iii) the husband has a prolonged absence from the marital abode due to travel, disappearance, or imprisonment; (iv) "hardship and discord," or</p>		<p>the right to dissolve a marriage among Muslim sects are unequal:⁵¹</p> <ul style="list-style-type: none"> • Neither Sunnis nor Shias have much restrictions on the right of the man to effect a divorce of his own volition; • According to the Sunni School, a wife may divorce herself by herself, if she has stipulated the right to unilateral divorce in the marriage contract. For Shias, it is invalid 	<p>relinquishes his right to divorce unilaterally.⁵²</p> <p>For both Sunnis and Shias, it is mandatory to register a divorce with the persona status division of the Ministry of Interior.⁵³</p>	<p>right to divorce is stigmatised. Few women are aware of this option and fewer women are able to request it;</p> <ul style="list-style-type: none"> • It is not uncommon for Sunni and Shia women to struggle to register their divorce when their husbands divorce divorces them unilaterally - especially if the woman wishes get married again or wants to claim her financial
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⁴¹ Morgan Clarke, "Shari'a Courts and Muslim Family Law in Lebanon", in *Adjudicating Family Law in Muslim Courts*, ed. Elisa Guinchi (Abingdon: Routledge, 2013), p. 41

⁴² Kafa, "Zalfa's Questions on Personal Status Laws", p. 32, <http://www.kafa.org.lb/StudiesPublicationPDF/PRpdf-90-635882033908238022.pdf>; Morgan Clarke, "Shari'a Courts and Muslim Family Law in Lebanon", in *Adjudicating Family Law in Muslim Courts*, ed. Elisa Guinchi (Abingdon: Routledge, 2013), p. 41

⁴³ Human Rights Watch, *Unequal and Unprotected: Women's Rights under Lebanese Personal Status Law* (2015), pp. 42 & 43, https://www.hrw.org/sites/default/files/reports/lebanon0115_ForUpload.pdf; Ibrāhīm b. Muḥammad al-Ḥalabī, *Multaqā al-Abḥur, waMa'ahu al-Muyassar 'alāMultaqā al-Abḥur*, ed. WahbīSulaymānGhāwījī al-Albānī, 2 vols. (Beirut: Mu'assasat al-Risāla, 1989), 1:268-69

⁵¹ Lebanon State party report, U.N. Doc. CEDAW/C/LBN/4-5 (2014), para. 210.3.1, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

⁵² Information obtained from Lebanese advocate, April 2017

⁵³ Information obtained from Lebanese advocate, April 2017; Morgan Clarke, "Shari'a Courts and Muslim Family Law in Lebanon", in *Adjudicating Family Law in Muslim Courts*, ed. Elisa Guinchi (Abingdon: Routledge, 2013), p. 41

	<p>“harm arising from poor conjugal relations, such as assault and insult, or compulsion to perform a prohibited activity or the performance thereof”.⁴⁴</p> <p>A wife may seek redemptive divorce (<i>khul'</i>), whereby she is granted a divorce by her husband in exchange for a mutually-agreed compensation to be paid to him. Typically, this takes the form of her renouncing her rights (<i>huquq</i>), this is her dower (<i>mahr</i>) owed and the maintenance she is due during the waiting period after the divorce (<i>iddah</i>). A <i>khul'</i> divorce requires the consent of both parties. If the husband does not consent to a <i>khul'</i> divorce, the wife will have to seek a judicial divorce.⁴⁵</p> <p>For Shias:</p> <p>A husband may unilaterally pronounce divorce without much restrictions. However, two male witness are required to witness</p>		<p>for a wife to impose the condition on her husband in the marriage contract that she has the option to divorce. It is, however, valid for a husband to authorise his wife to divorce herself from him.</p>		<p>rights.</p> <p>A 2015 Human Rights Watch report on personal status laws in Lebanon indicated the following:⁵⁵</p> <ul style="list-style-type: none"> • Of the 14 Muslim women interviewed, none had the delegated divorce (<i>'isma</i>) clause in their marriage contracts, and only three of the 150 divorce judgments by the Sunni and Shia courts reviewed, were issued based on the exercise of a wife's right to delegated
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⁴⁴ Human Rights Watch, *Unequal and Unprotected: Women's Rights under Lebanese Personal Status Law* (2015), p. 44, https://www.hrw.org/sites/default/files/reports/lebanon0115_ForUpload.pdf; Morgan Clarke, “Shari’a Courts and Muslim Family Law in Lebanon”, in *Adjudicating Family Law in Muslim Courts*, ed. Elisa Guinchi (Abingdon: Routledge, 2013), pp. 42-43

⁴⁵ Morgan Clarke, “Shari’a Courts and Muslim Family Law in Lebanon”, in *Adjudicating Family Law in Muslim Courts*, ed. Elisa Guinchi (Abingdon: Routledge, 2013), p. 41

⁵⁵ Human Rights Watch, *Unequal and Unprotected: Women's Rights under Lebanese Personal Status Law* (2015), pp. 3, 4, 44 https://www.hrw.org/sites/default/files/reports/lebanon0115_ForUpload.pdf

	<p>the divorce.⁴⁶</p> <p>A wife may also initiate divorce by way of <i>wakil</i> i.e. when an explicit clause is inserted into a marriage contract stating that the wife wants to initiate a divorce.⁴⁷</p> <p>Valid grounds for seeking “sovereign divorce” by a wife include non-payment of maintenance, harm, poor conjugal relations, or abandonment. This requires her to obtain an order from a Shia religious authority to divorce her from her husband on her husband’s behalf. This order must then be certified by the Jafari court;⁴⁸</p> <p>A wife may divorce by way of <i>khul’</i>, whereby she is granted a divorce by her husband in exchange for a mutually-agreed compensation to be paid to him. Typically, this takes the form of her renouncing her rights and</p>				<p>divorce;</p> <ul style="list-style-type: none"> • Religious figures often persuade women not to ask for the delegated right to divorce. One of the justifications pertains to hormonal changes due to women’s period that make it “difficult (for women) to make the right choices”; • 65 Sunni court cases that were reviewed showed that where women successfully filed
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⁴⁶ Kafa, “Zalfa’s Questions on Personal Status Laws”, p. 33, <http://www.kafa.org.lb/StudiesPublicationPDF/PRpdf-90-635882033908238022.pdf>; Morgan Clarke, “Shari’a Courts and Muslim Family Law in Lebanon”, in *Adjudicating Family Law in Muslim Courts*, ed. Elisa Guinchi (Abingdon: Routledge, 2013), p. 41

⁴⁷ Human Rights Watch, *Unequal and Unprotected: Women’s Rights under Lebanese Personal Status Law* (2015), pp. 42-43 & 50, https://www.hrw.org/sites/default/files/reports/lebanon0115_ForUpload.pdf

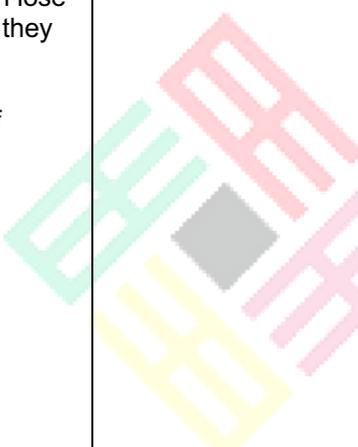
⁴⁸ Human Rights Watch, *Unequal and Unprotected: Women’s Rights under Lebanese Personal Status Law* (2015), pp. 42-43 & 50, https://www.hrw.org/sites/default/files/reports/lebanon0115_ForUpload.pdf; Morgan Clarke, “Shari’a Courts and Muslim Family Law in Lebanon”, in *Adjudicating Family Law in Muslim Courts*, ed. Elisa Guinchi (Abingdon: Routledge, 2013), pp. 42-43

	<p>frequently payment of an additional sum of compensation.⁴⁹</p> <p>The Ja`fari courts are preparing to launch a conditions book announced by its president, Sheikh Muhammad Kanaan, during a seminar organized by the “Ta3a nehki ” group in the city of Tire under the title “Raising the age of custody for the Shiite sect. (27 July 2019).</p> <p>Sheikh Kanaan gave examples of the items that will be contained in the book of conditions, including “the right of a woman to be her own representative to divorce her in the event that her husband has been imprisoned for more than a year, or if he has been absent for more than two years, and she also has the right to require custody after the divorce for her children until they reach the legal age if Abused her.”</p> <p>The announcement of the book of conditions will take place at a press conference, according to what Sheikh Kanaan confirmed. Until now, these reforms have not been officially issued under a</p>				<p>for judicial divorce, the courts often find them partially culpable for the failure of the marriage – even when the husband beat them – thus reducing their financial rights. As a result, a number of women relinquish their right to maintenance and deferred dowry in order to encourage their husband to agree to initiate a divorce;</p> <ul style="list-style-type: none"> • According to a Sunni judge, cases involving divorce on the grounds of hardship, discord
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⁴⁹ Morgan Clarke, “Shari’a Courts and Muslim Family Law in Lebanon”, in *Adjudicating Family Law in Muslim Courts*, ed. Elisa Guinchi (Abingdon: Routledge, 2013), p. 41

	<p>decision.⁵⁰</p>				<p>and harm, remain pending between 12 to 18 months before the judge pronounces severance. According to him, this allows both spouses to take some time and room for reconciliation before taking a final decision to end the marriage;</p> <ul style="list-style-type: none"> • The Shia “sovereign divorce” process is lengthy. It may take up to two years to receive the order, with no guarantee that the Jafari court will then verify it and that the woman will obtain a divorce.
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⁵⁰ Annahar, , 30 July 2019 <https://bit.ly/3Uii06e> عين على دفتر شروط إتمام عقد الزواج في المحاكم الجعفرية هل من جديد

<p>Women’s financial rights after divorce</p> <p><i>Is there a legal concept of matrimonial assets? Is there equal division of marital property upon dissolution of the marriage? Is the woman’s role as wife and mother recognised as contribution to the acquisition of assets? What spousal maintenance are available to the wife after a divorce? Is she entitled to maintenance during the waiting period after the divorce (iddah)? Is she entitled to a consolatory gift or compensation upon divorce (mut’ah)? Who is responsible for the financial maintenance of children following a divorce? Can the couple agree to the division of assets acquired during marriage in the marriage contract? Can this stipulation be amended? If so, by who and on what basis e.g. mutual consent?</i></p> <p><u>Applicable CEDAW Provision</u> Articles 16(1)(c), 16(1)(h)</p>	<p>Generally, upon divorce, a Sunni and Shia woman may be entitled to financial maintenance during the waiting period after the divorce (<i>iddah</i>). The <i>iddah</i> period depends on the woman’s situation e.g. whether she is menstruating or pregnant and generally ranges from three months to one year. Both Sunni and Shia women lose their right to maintenance if they are deemed disobedient.⁵⁶</p> <p>There is no legal concept of matrimonial assets for both Sunnis and Shias.</p>		<p>The Government of Lebanon in its 2014 report to the CEDAW Committee explained that the Sunni and Shia courts do not require a wife to be compensated for divorce. She is only entitled to financial maintenance during the <i>iddah</i> period in which she may not remarry, in accordance with the terms stipulated, and to the deferred portion of her dower.⁵⁷</p>	<p>According to Human Rights Watch, many women are left destitute following a divorce or the death of the husband.⁵⁸</p>
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⁵⁶ Kafa, “Zalfa’s Questions on Personal Status Laws”, p. 29, <http://www.kafa.org.lb/StudiesPublicationPDF/PRpdf-90-635882033908238022.pdf>; M. Afzal Wani, “Maintenance of Women and Children under Muslim Law: Legislative Trends in Muslim Countries”, (Journal of the Indian Law Institute, 3&4: 35, 2003), p. 417-418, [http://14.139.60.114:8080/jspui/bitstream/123456789/12592/1/014_Maintenance%20of%20Women%20and%20Children%20under%20Muslim%20Law_Legislative%20Trends%20in%20Muslim%20Countries%20\(40\).pdf](http://14.139.60.114:8080/jspui/bitstream/123456789/12592/1/014_Maintenance%20of%20Women%20and%20Children%20under%20Muslim%20Law_Legislative%20Trends%20in%20Muslim%20Countries%20(40).pdf)

⁵⁷ Lebanon State party report, U.N. Doc. CEDAW/C/LBN/4-5 (2014), para. 210.3.3, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

⁵⁸ Human Rights Watch, “Lebanon: Laws Discriminate Against Women”, 2015, <https://www.hrw.org/news/2015/01/19/lebanon-laws-discriminate-against-women>

<p>Paras. 30-33 GR21 Paras. 34-35, 43-48 GR29</p>					
<p>Custody of Children</p> <p><i>Do parents have equal rights over the custody of their children? If no, who has priority right over the custody of the child? Is custody decided based on the best interest of the child? Do mothers automatically lose custody upon remarriage or if she is deemed disobedient or when the child reaches a designated age when custody goes to father?</i></p> <p><u>Applicable CEDAW Provision</u> Articles 16(1)(d), 16(1)(f) Paras. 19-20 GR21</p>	<p>Both Sunni and Shia mothers have priority right over the custody of their children⁵⁹</p> <ul style="list-style-type: none"> • For Sunnis: A mother has priority right over the custody her children until 12; <p>A mother loses custody of her children upon her remarriage to a person who has no consanguineous relation with her children (<i>mahram</i>).</p> <ul style="list-style-type: none"> • For Shias: A mother has priority right over the custody of her daughter until she turns seven and her son until he turns two.⁶⁰ 	<p>In 2007, judge Khamis gave precedence to civil laws protecting juveniles and granted custody of a 10 year old girl to her mother who claimed the father was mistreating their daughter⁶¹.</p> <p>In a case reviewed by Human Rights Watch in 2015, a divorced Sunni woman who had custody of her children remarried, only to learn that her new marriage was grounds for her first husband to take their children. Despite divorcing</p>			<p>According to civil society and media reports:^{63 64}</p> <ul style="list-style-type: none"> • Women are all too often reluctant to leave their husbands in order to keep their children. • A mother is deemed unfit for a wide number of reasons. These actions can include having a tattoo, posting pictures of herself with friends on Facebook, or working outside

⁵⁹ Kafa, "Zalfa's Questions on Personal Status Laws", p. 26, <http://www.kafa.org.lb/StudiesPublicationPDF/PRpdf-90-635882033908238022.pdf>

⁶⁰ Kafa, "Zalfa's Questions on Personal Status Laws", p. 26, <http://www.kafa.org.lb/StudiesPublicationPDF/PRpdf-90-635882033908238022.pdf>

⁶¹ Mida Zantout, "Women, Mothers, and Children: Colonisation and Islamic Law in the Lebanese State", 2011, p.129, http://digitool.library.mcgill.ca/webclient/StreamGate?folder_id=0&dvs=1480775980911~851

⁶³ Lana Asfour, "Lebanon's divorce and custody laws discriminate against women", *The New Arab*, 19 January 2015, <https://www.alaraby.co.uk/english/news/2015/1/19/lebanons-divorce-and-child-custody-laws-discriminate-against-women>; Human Rights Watch, "Unequal and Unprotected: Women's Rights under Lebanese Personal Status Law", 2015, p. 5, https://www.hrw.org/sites/default/files/reports/lebanon0115_ForUpload.pdf

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	A mother loses custody of her children upon remarriage.	her second husband through <i>khul'</i> to keep her children, the Sunni Supreme Court revoked her custody of her children. ⁶²			the home.
<p>Guardianship of Children</p> <p><i>Do parents have equal rights over the guardianship of their children? If no, who has priority right over the guardianship of the child? Is guardianship decided based on the best interest of the child?</i></p> <p><u>Applicable CEDAW Provision</u> Articles 16(1)(d), 16(1)(f) Paras. 19-20 GR21</p>	Both Sunni and Shia fathers have priority right over the guardianship of their children. ⁶⁵	Barbara Batlouni became the first Lebanese woman to open a bank account for her underage sons independent of their father's legal consent at the headquarters of the Bank of Beirut and other Arab Countries (BBAC). ⁶⁶	The Government of Lebanon in its 2014 report to the CEDAW Committee said that the overriding priority they accord the father to guardianship over the children, even while the mother has custody, remains one of the fundamental obstacles to recognising a mother's right to grant her nationality to her children. ⁶⁷	Women were allowed to open bank accounts for their minor children in 2010 when BBAC bank decided to offer a banking product called a fiduciary account, which offers a contract between an individual and a bank in favor of a third party, which in this case would be the child. ⁶⁸	According to a Human Rights Watch report, a mother cannot travel with her minor children without the permission of the guardian. In addition, she cannot apply for passports or control the assets of her minor children. ⁶⁹

⁶² Human Rights Watch, "Unequal and Unprotected: Women's Rights under Lebanese Personal Status Law", 2015, p. 82, https://www.hrw.org/sites/default/files/reports/lebanon0115_ForUpload.pdf

⁶⁵ Kafa, "Zalfa's Questions on Personal Status Laws", p. 25, <http://www.kafa.org.lb/StudiesPublicationPDF/PRpdf-90-635882033908238022.pdf>

⁶⁶ Fara Silvana Kanaan, "Lebanese Mother Scores Points for Human Rights", *The Daily Star*, 18 December 2009, <http://www.dailystar.com.lb/News/Lebanon-News/2009/Dec-18/55994-lebanese-mother-scores-point-for-womens-rights.ashx>

⁶⁷ Lebanon State party report, U.N. Doc. CEDAW/C/LBN/4-5 (2014), para. 212.4, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

⁶⁸ Fara Silvana Kanaan, "Lebanese Mother Scores Points for Human Rights", *The Daily Star*, 18 December 2009, <http://www.dailystar.com.lb/News/Lebanon-News/2009/Dec-18/55994-lebanese-mother-scores-point-for-womens-rights.ashx>

⁶⁹ Human Rights Watch, "Unequal and Unprotected: Women's Rights under Lebanese Personal Status Law", 2015, p. 59, <https://www.hrw.org/report/2015/01/19/unequal->

<p>Family Planning</p> <p><i>Do women require the consent of the husband to practise family planning, including abortions and sterilisation in law or in practice?</i></p> <p><u>Applicable CEDAW Provision</u> Articles 16(1)(e), 12 Paras. 21-23 GR21</p>	<p>Contraceptive pills are legal in Lebanon and the morning after pill can be found in drugstores although according to some schools of law it's is considered as a mean for abortion. However pharmaceutical laws classify it as a legal drug that does not need any prescription.⁷⁰</p> <p>Abortion is strictly prohibited unless it is necessary to save a pregnant woman's life.⁷¹</p>				<p>According to World Bank data, the total fertility rate decreased from 5.1 children per woman in 1960 to 1.7 in 2015.⁷²</p> <p>According to the UN Population Division's 2015 Trends in Contraceptive Use Worldwide:⁷³</p> <ul style="list-style-type: none"> • 63% of married women aged 15-49 are using a method of contraception, with 40% of women using a modern method; • 13% of married women aged 15-49 have an unmet
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[and-unprotected/womens-rights-under-lebanese-personal-status-laws](#)

⁷⁰ Now, "In Lebanon Access to Contraceptives is not the Problem", *Now*, 13 November 2011,

<https://now.mmedia.me/lb/en/reports/features/in-lebanon-access-to-contraceptives-is-not-the-problem>

⁷¹ Penal Code (1943), <http://ilo.org/dyn/natlex/docs/ELECTRONIC/89873/103350/F300391946/LBN89873%20Arab.pdf>; Centre for Reproductive Rights, "The World's Abortion Laws", 2014, <https://www.reproductiverights.org/sites/crr.civactions.net/files/documents/AbortionMap2014.PDF>

⁷² World Bank, "Fertility rates, total (births per woman)", <http://data.worldbank.org/indicator/SP.DYN.TFRT.IN>

⁷³ United Nations Population Division, "Trends in Contraceptive Use Worldwide 2015", Annex Table 1, pp. 36-42, <http://www.un.org/en/development/desa/population/publications/pdf/family/trendsContraceptiveUse2015Report.pdf>

					<p>need for family planning services; and</p> <ul style="list-style-type: none"> • 54% of marriage women aged 15-49 had their demands for family planning satisfied by modern methods of contraception. <p>According to the UN Population Division's 2019 Trends in Contraceptive Use Worldwide:</p> <p>44% of married women aged 15-49 are using modern methods of contraception, 4 % are using traditional methods</p> <p>10% of married women aged 15-49 have an unmet need for family planning services; and 54% of married women aged 15-49 have no</p>
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					need for family planning services ⁷⁴
<p>Personal rights of spouses</p> <p><i>Does a woman need the consent of her spouse or guardian to work, choose a profession, leave the house, travel, drive, receive various health services, study, etc. on her behalf? Does a woman have the right to retain her birth name upon marriage or to choose her family name? Can a woman protect her personal rights through her marriage contract?</i></p> <p><u>Applicable CEDAW Provision</u> Article 16(1)(g) Para. 24 GR21 Para. 34 GR29</p>	<p>The Preamble to the Constitution guarantees the freedom of movement and choice of residence of all Lebanese.⁷⁵</p> <p>Article 8 of the Constitution guarantees everyone the right to personal freedom.⁷⁶</p> <p>Article 12 of the Constitution provides that every Lebanese has the right to public employment.⁷⁷</p> <p>The personal rights of married Sunni and Shia women in Lebanon could potentially be restricted as a result of the maintenance-for-obedience marriage contractual framework</p>				<p>According to World Bank data, female labour force participation increased from 18% in 1990 to 24% in 2016.⁷⁹ During the same period, male labour force participation increased from 69% to 70%.⁸⁰</p> <p>According to World Bank data, female labour force participation increased from 22% in 1990 to 24% in</p>

⁷⁴ United Nations Population Division :Contraceptive Use by Method 2019 – page 2-
https://www.un.org/development/desa/pd/sites/www.un.org.development.desa.pd/files/files/documents/2020/Jan/un_2019_contraceptiveusebymethod_databooklet.pdf

⁷⁵ Preamble to Lebanon's Constitution, https://www.constituteproject.org/constitution/Lebanon_2004.pdf?lang=en

⁷⁶ Article 8 of Lebanon's Constitution, https://www.constituteproject.org/constitution/Lebanon_2004.pdf?lang=en

⁷⁷ Article 12 of Lebanon's Constitution, https://www.constituteproject.org/constitution/Lebanon_2004.pdf?lang=en

⁷⁹ World Bank, "Labour force participation rate, female (% of female population ages 15+) (modelled ILO estimate)", <http://data.worldbank.org/indicator/SL.TLF.CACT.FE.ZS>

⁸⁰ World Bank, "Labour force participation rate, male (% of male population ages 15+) (modelled ILO estimate)", <http://data.worldbank.org/indicator/SL.TLF.CACT.MA.ZS>

	<p>e.g, a married woman may require the consent of her husband to work.⁷⁸</p>				<p>2021.⁸¹ During the same period, male labour force participation increased from 72% to 76%.⁸²</p> <p>According to the 2016 UNDP Human Development Report.⁸³</p> <ul style="list-style-type: none"> • 53% of women over 25 have at least some secondary educations as compared to 55% of men of the same age group; • 99% of females and males aged 15-24 are able to read and write a short simple sentence; and
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⁷⁸ Lebanon State party report, U.N. Doc. CEDAW/C/LBN/4-5 (2014), para. 212.1.1, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

⁸¹ World Bank, "Labour force participation rate, male (% of male population ages 15+)- <https://data.worldbank.org/indicator/SL.TLF.ACTI.MA.ZS>

⁸² World Bank, "Labour force participation rate, female (% of male population ages 15+)-<https://data.worldbank.org/indicator/SL.TLF.TOTL.FE.ZS?locations=LB>

⁸³ UNDP, "Human Development Report 2016", Tables 5, 9, 14, pp. 214-217, 230-233, 250-253, http://hdr.undp.org/sites/default/files/2016_human_development_report.pdf

					<ul style="list-style-type: none"> • 57% and 60% of women and men, respectively, are satisfied with their freedom of choice. <p>According to the 2020 UNDP Human Development Report:</p> <p>54.3% of women over 25 have at least some secondary education as compared to 55.6% of men of the same age ⁸⁴</p> <p>99.8% of females aged 15-24 are able to read and write a short simple sentence compared to 99.8% of men of the same age;(year 2018)⁸⁵</p>
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⁸⁴ UNDP- 2020 STATISTICAL annex- table 5- https://hdr.undp.org/sites/default/files/data/2020/2020_statistical_annex_all.xlsx

⁸⁵ UNDP- 2020 STATISTICAL annex- table 5- literacy rate- https://hdr.undp.org/sites/default/files/data/2020/2020_statistical_annex_all.xlsx

<p>Inheritance rights</p> <p><i>Are women and men in the same degree of relationship to a deceased entitled to equal shares in the estate and to equal rank in the order of succession? Are there procedures to address any inequalities in inheritance between women and men e.g. can a will be written, can beneficiaries agree to inherit equal shares of the estate or can the children agree to forgo their inheritance in favour of their mother upon the death of their father?</i></p> <p><u>Applicable CEDAW Provision</u> Paras. 34-35 GR21 Paras. 49-53 GR29</p>	<p>Generally, inheritance rights between Sunni and Shia women and men are unequal. Generally, inheritance is based on the rules of Hanafi and Jafari <i>fiqh</i>, respectively. In many instances, the share of male heirs is double that of the female.⁸⁶</p> <p>According to Jafari <i>fiqh</i>, daughters of a deceased who has no sons inherit the whole estate.⁸⁷</p>				<p>According to a report by the Centre on Housing Rights and Evictions:⁸⁸</p> <ul style="list-style-type: none"> • The prevalent perceptions of traditional gender roles impedes any attempt at legal reform with regard to inheritance; • Sunni Muslims who only have daughters are often converting to Shiism in order for their daughters to inherit.

⁸⁶ Centre on Housing Rights and Evictions, "In Search of Equality: A Survey of Law and Practice Related to Women's Inheritance in the Middle East and North Africa (MENA) Region", 2006, p. 65, http://www.gewamed.net/share/img_documents/41_in_search_of_equity-a_survey_of_law_and_practice_related_to_women_inheritance_rigths.pdf

⁸⁷ Centre on Housing Rights and Evictions, "In Search of Equality: A Survey of Law and Practice Related to Women's Inheritance in the Middle East and North Africa (MENA) Region", 2006, p. 67, http://www.gewamed.net/share/img_documents/41_in_search_of_equity-a_survey_of_law_and_practice_related_to_women_inheritance_rigths.pdf

⁸⁸ Centre on Housing Rights and Evictions, "In Search of Equality: A Survey of Law and Practice Related to Women's Inheritance in the Middle East and North Africa (MENA) Region", 2006, pp. 67-68, http://www.gewamed.net/share/img_documents/41_in_search_of_equity-a_survey_of_law_and_practice_related_to_women_inheritance_rigths.pdf

<p>Violence against women in the family</p> <p><i>Are there laws that define what constitute domestic violence such as battery, female circumcision, marital rape and other forms of sexual assault and violence that affect a woman's mental health which are perpetuated by traditional attitudes? Is there specific legislation that recognises domestic violence as a crime? Is the husband allowed to discipline his wife? Can a suspected perpetrator marry his alleged abused victim to avoid punishment? Are there support services for women who are the victims of aggression or abuses?</i></p> <p><u>Applicable CEDAW Provision</u> GRs 12 & 19</p>	<p>The Law 293/2014 on the Protection of Women and Family Members Against Family Violence criminalises a number of acts of domestic violence.⁸⁹ The law applies to all Lebanese.</p> <p>Article 2 of Law 293/2014 defines “family violence” as “any act refrainment from acting, or threat committed by a family member against one or more family members – as defined in the definition of the family – that entails an offense stipulated in this law and results in homicide or physical, psychological, sexual or economic harm.”⁹⁰</p> <p>The Penal Code also contains some general prohibitions that are applicable to domestic violence such as beating and harming.⁹¹</p>	<p>On 31 May 2014, the first judicial ruling on the basis of Law 293/2014 was issued. The judge ruled that domestic violence is not restricted to those forms of violence specifically mentioned in Article 2 of Law 293/2014. Rather, domestic violence includes other forms of violence that were not mentioned in the law, including non-physical violence such as verbal abuse, humiliation, confiscating of a person's</p>			<p>According to civil society and media reports:⁹⁴</p> <ul style="list-style-type: none"> It is not uncommon for Lebanese women to be subjected to domestic violence. The domestic violence hotline of KAFA, a Lebanese NGO, receives more than 2,600 reports of domestic abuse per year. Between 2010 and 2013, KAFA
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⁸⁹ Kafa, “Annual Report 2014”, p. 5, <http://www.kafa.org.lb/StudiesPublicationPDF/PRpdf-82-635689245975040950.pdf>

⁹⁰ Kafa, “Supplement Report to the Replies of Lebanon on the list of Issues and questions”, *Submission to the CEDAW Committee for the 62nd Session*, 2015, p. 3, http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/LBN/INT_CEDAW_NGO_LBN_21857_E.pdf

⁹¹ Penal Code (1943), <http://ilo.org/dyn/natlex/docs/ELECTRONIC/89873/103350/F300391946/LBN89873%20Arab.pdf>; Kafa, “Supplement Report to the Replies of Lebanon on the list of Issues and questions”, *Submission to the CEDAW Committee for the 62nd Session*, 2015, p. 3, http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/LBN/INT_CEDAW_NGO_LBN_21857_E.pdf

⁹⁴ Nadine Mazloum, “Rayan Iaali, Lebanon’s first domestic violence homicide of 2017”, *Newsroom Nomad*, 11 March 2017, <https://newsroomnomad.com/rayan-iaali-lebanons-first-domestic-violence-homicide-2017/>; Ghinwa Obeid, “Experts dissect domestic violence law loopholes”, *The Daily Star*, 9 March 2017, <http://www.dailystar.com.lb/News/Lebanon-News/2017/Mar-09/396706-experts-dissect-domestic-violence-law-loopholes.ashx>; Florence Massena, “Lebanese activists succeed in first step to repealing controversial ‘rape law’”, *Al Monitor*, 12 December 2016, <http://www.al-monitor.com/pulse/originals/2016/12/lebanon-abolish-article-522-rape-marriage-women-rights.html>; Tamer Salman, “Lebanon: A dangerous place for women”, *Now*, 15 August 2016, <https://now.mmedia.me/lb/en/blogs/567277->

<p>Para. 40 GR21</p>	<p>Law 293/2014 and the Penal Code do not specifically criminalise marital rape:⁹²</p> <ul style="list-style-type: none"> • Article 3(7)(a) of Law 293 criminalises the beating, harming or threatening a spouse to claim a marital right; • Article 503 of the Penal Code on rape excludes marital rape; • Article 522 of the Penal Code exempts a rapist from punishment if he marries his victim. 	<p>identification documents and mobile phone, or preventing them from leaving the house.⁹³</p>			<p>received reports of 25 killings of women by a family member;</p> <ul style="list-style-type: none"> • There is a lack of awareness of the existing of Law 293/2014 among women; • In 2014, the General Directorate of Internal Security Forces put in place a centralized information system linking sectors concerned with domestic violence in various Lebanese regions, and has
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[lebanon-a-dangerous-place-for-women](#); Human Rights Watch, “Lebanon: Domestic Violence Law Good, but Incomplete”, *HRW News*, 3 April 2014, <https://www.hrw.org/news/2014/04/03/lebanon-domestic-violence-law-good-incomplete>

⁹² Florence Massena, “Lebanese activists succeed in first step to repealing controversial ‘rape law’”, *Al Monitor*, 12 December 2016, <http://www.al-monitor.com/pulse/originals/2016/12/lebanon-abolish-article-522-rape-marriage-women-rights.html>; Kafa, “Supplement Report to the Replies of Lebanon on the list of Issues and questions”, *Submission to the CEDAW Committee for the 62nd Session*, 2015, pp. 3-4, http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/LBN/INT_CEDAW_NGO_LBN_21857_E.pdf

⁹³ Nizar Saghie, “Interpreting Lebanon’s Law Against Domestic Violence: Jurisprudence as Legal Reform”, 30 June 2014, <http://legal-agenda.com/en/article.php?id=626&lang=en>

					<p>adopted a standardized form to document reported cases of domestic violence, violence against women and girls, and sexual harassment⁹⁵</p> <ul style="list-style-type: none"> • The Lebanese parliament's Administration and Justice Committee agreed on 7 December 2016 to abolish Article 522 of the Penal Code. The process of amending the law is still ongoing. <p>On August 16,</p>
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⁹⁵ CEDAW/C/LBN/6- para 15- https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=LBN&Lang=EN

					<p>2017, Parliament abolished Article 522⁹⁶ ⁹⁷</p> <p>In 2018, the National Commission, in cooperation with the Internal Security Forces, established a hotline for complaints of violence (number 1745).⁹⁸</p> <p>On December 21, 2020, Lebanon passed the “Law to Criminalize Sexual Harassment and [for] Rehabilitation of Its Victims.” The law is an advance by making sexual harassment a crime and outlining whistle-blower</p>
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⁹⁶ EuroMed Feminist Initiative, “Lebanese Parliament Abolished Article 522 of the Penal Code”, 18 August 2017 <https://www.efi-ife.org/lebanese-parliament-abolished-article-522-penal-code#:~:text=On%20Wednesday%2C%2016th%20of%20August,to%20avoid%20punishment%20and%20prison.>

⁹⁷ Repeal of Article 522 and amendment of articles in the Penal Code, 14 September 2017 <http://77.42.251.205/Law.aspx?lawId=273404>

⁹⁸ CEDAW/C/LBN/6- PARA 72- https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=LBN&Lang=EN

					protections. ⁹⁹
<p>Nationality rights</p> <p><i>Does a wife have the right to confer her citizenship on foreign husbands and children? Can the nationality of an adult woman be arbitrarily removed because of marriage or dissolution of marriage or because her husband or father changes his nationality?</i></p> <p><u>Applicable CEDAW Provision</u> Article 9 Para. 6 GR21</p>	<p>A Lebanese man may pass his nationality to his non-Lebanese wife. However, a Lebanese woman may not confer her nationality to her foreign husband.¹⁰⁰</p> <p>A Lebanese woman married to a non-Lebanese husband may not confer her citizenship to their children.¹⁰¹</p> <p>A Lebanese father may pass his nationality to his children regardless of where they are born. The law does not specifically provide for a Lebanese mother to do so.¹⁰²</p>		<p>The Government of Lebanon in its 2014 report to the CEDAW Committee acknowledges that nationality rights between women and men are unequal and list a number of programmes that it is carrying out to address this.¹⁰³</p> <p>On 21 May 2019, The National Commission submitted to the Prime Minister a</p>		<p>According to academic research and a civil society report, it is not uncommon for Lebanese mothers to claim that their children are illegitimate and then to adopt them in order to be able to grant them the Lebanese nationality.¹⁰⁶</p>

⁹⁹ Lebanon: Sexual Harassment Law Missing Key Protections- <https://www.hrw.org/news/2021/03/05/lebanon-sexual-harassment-law-missing-key-protections>

¹⁰⁰ Decree No. 15 on Lebanese Nationality, <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=44a24c6c4> as amended by Law of 11 January 1960, <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=51120f8b2>; Avenir Liban and Beirut Bar Association, "Lebanon Shadow Report on Women's Access to Justice", *Submission to the CEDAW Committee for the 62nd Session*, 2015, p. 5, http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/LBN/INT_CEDAW_NGO_LBN_21858_E.pdf

¹⁰¹ Decree No. 15 on Lebanese Nationality, <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=44a24c6c4> as amended by Law of 11 January 1960, <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=51120f8b2>; Avenir Liban and Beirut Bar Association, "Lebanon Shadow Report on Women's Access to Justice", *Submission to the CEDAW Committee for the 62nd Session*, 2015, p. 5, http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/LBN/INT_CEDAW_NGO_LBN_21858_E.pdf

¹⁰² Decree No. 15 on Lebanese Nationality, <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=44a24c6c4> as amended by Law of 11 January 1960, <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=51120f8b2>

¹⁰³ Lebanon State party report, U.N. Doc. CEDAW/C/LBN/4-5 (2014), para. 114, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

¹⁰⁶ Gihane Talbet, "Women in Personal Status Law: Iraq, Jordan, Lebanon, Palestine, Syria", 2005, p. 21, <http://unesdoc.unesco.org/images/0022/002237/223760e.pdf>

			<p>draft law that would enable Lebanese women married to foreigners to pass on their nationality to their children¹⁰⁴</p> <p>The Government of Lebanon in its 2021 report to the CEDAW Committee mentioned that The National Commission for Lebanese Women is monitoring the progress of a bill pursuant to which the right of Lebanese women to transfer their nationality to their children would be recognized, and it has prepared a study, in cooperation with UN-Women, to marshal support for the bill's adoption.¹⁰⁵</p>		
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¹⁰⁴ CEDAW/C/LBN/6- PARA 162- https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=LBN&Lang=EN

¹⁰⁵ Replies of Lebanon to the list of issues and questions in relation to its sixth periodic report*- page 8- https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=LBN&Lang=EN

ACCESS TO JUSTICE (please include sources to information as much as possible)

SYSTEM	PROCEDURES	CHALLENGES FOR WOMEN	GOOD PRACTICES IN COURT SYSTEM
<p><i>How are Muslim family law (i.e. marriage and family related) cases administered in your country? (E.g. Do you have a Quazi/Kadhi court system, family courts or civil courts?)</i></p> <p>In Lebanon, Kadhi court system is implemented.</p> <p>There are two levels of sharia courts. sharia courts of the first instance and a supreme sharia court in Beirut sitting with 3 kadhis and a civil judge acting as Attorney-general.¹⁰⁷</p> <p>Courts of the first instance are composed of one judge or several single judges</p> <p><i>How many courthouses/court rooms around the country that administer Muslim family law cases?</i></p> <p>The distribution of the Sharia courts in the first instance was determined in the tables</p>	<p>Are the procedures pertaining to family matters (e.g. divorce, maintenance etc) are defined in the family law and/or are there guidelines/policies available for judges/Kadhis?</p> <p>For Sunni: The procedures pertaining to family matters are defined in the rulings issued by the Sunni Supreme Islamic Council. The most important ruling is ruling No. 46 entitled “Family Judgements”, and in the 1917 Ottoman Law of Family Rights, in addition to the law regulating the Sharia judiciary issued on 16/7/ 1962 concerning the territorial jurisdiction and time limits periods¹¹⁶</p> <p>For Shiaa: The Ja`fari judge issues his verdict according to the Ja`fari</p>	<p><i>What are some key challenges that Muslim women face in accessing justice on family law matters?</i></p> <p><i>(E.g. lack of accessibility, costly, bad procedures, delayed processes, gender insensitive judges, etc?)</i></p> <p>Discrimination against women results not only from laws but also from court procedures. Muslim women face numerous procedural obstacles, including high fees, protracted lawsuits, and lack of legal and material assistance during legal proceedings kept them from accessing religious courts and enforcing even their limited rights. Further, while the courts and religious laws should comply with the provisions of the Lebanese Constitution, the Court of Cassation, which is the highest civil court in the Lebanese judicial system, has very limited oversight over religious court</p>	<p><i>Are there any good practices, procedures or policies that you would like to share pertaining to how courts in your country deal with family law cases?</i></p> <p><i>(E.g. prioritising certain types of cases, timely delivery of decisions, clear procedure, etc)</i></p> <p>Sharia courts in Lebanon, prioritize the alimony cases when it comes to timely delivery.¹²³</p> <p>In Lebanon, when the wife files a claim for alimony, the judge immediately issues a decision on an alimony advance, which is expedited.</p> <p>In such case, the decision can be implemented immediately in the enforcement division and once the husband is notified, a decision can be issued to imprison him if he does not</p>

¹⁰⁷ Islamic Family Law- Lebanon- <https://scholarblogs.emory.edu/islamic-family-law/home/research/legal-profiles/lebanon-lebanese-republic/#:~:text=There%20are%20two%20levels%20of,judge%20acting%20as%20Attorney%2DGeneral.>

¹¹⁶ law regulating the Sharia judiciary- <http://77.42.251.205/LawView.aspx?opt=view&LawID=244292>

¹²³ Article 6 - ruling No. 46 entitled “Family Judgements”, <http://77.42.251.205/LawArticles.aspx?LawTreeSectionID=281638&LawID=230626&language=ar>

<p>annexed to the law regulating the Sharia judiciary (قانون تنظيم القضاء الشرعي السني و (الجعفري) issued on 16/7/1962, and the laws issued by the relevant Lebanese Parliament in addition to Table No. 1 ¹⁰⁸ The courts of the first instance are distributed according to the population density of the members of the sect in the regions. Thus, the geographical distribution of courts is subject to discretion in the absence of clear criteria. For Sunni: 18 Sharia courts and one supreme Sharia court in Beirut For Shiaa: 19 sharia courts and one supreme Sharia court in Beirut. ¹⁰⁹</p> <p><i>If civil or Kadhi courts - what cases are</i></p>	<p>school and what is compatible with it from the provisions of the Ottoman family law. However, there is no written text that the Ja`fari judiciary follows. while Some judges abide by the procedures defined in the Guide to Jafari Justice, Others consider that this evidence has no legal force. Note that, regarding formal procedures, the Civil Procedure Code shall be applied in the absence of a text.¹¹⁷</p>	<p>proceedings and decisions, resulting in a lack of oversight and accountability.¹²⁰ Additional structural factors also prevent Muslim women from seeking justice including prohibitive court and lawyer's fees and the uncertainty of obtaining a favourable ruling (such as divorce and custody especially in the case of Shia women). This forces women to find alternative solutions to their marital problems, often at the cost of giving up their basic and already limited rights.¹²¹ Since the summer of 2019, Lebanon has witnessed a severe economic collapse and The Lebanese pound has</p>	<p>pay within five days.¹²⁴</p>
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¹⁰⁸ Regulating the Sharia, Sunni and Jaafari Judiciary, 18 July 1962 <https://learningpartnership.org/sites/default/files/resources/pdfs/Lebanon-Family-Law-Marriage-ShiaSunni-1962-Arabic.pdf>

¹⁰⁹ The Judiciary In All Its Sections, 2018 (القضاء العادي في جميع محطاته: رسم بلون الماء"، المفكرة القانونية) <https://legal-agenda.com/wp-content/uploads/%D8%A7%D9%84%D9%85%D9%81%D9%83%D8%B1%D8%A9-%D8%A7%D9%84%D9%82%D8%A7%D9%86%D9%88%D9%86%D9%8A%D8%A9-%D8%A3%D9%8A-%D8%B6%D9%85%D8%A7%D9%86%D8%A7%D8%AA-%D9%84%D8%A7%D8%B3%D8%AA%D9%82%D9%84%D8%A7%D9%84%D9%8A%D8%A9-%D8%A7%D9%84%D9%82%D8%B6%D8%A7%D8%A1-%D8%A7%D9%84%D8%B4%D8%B1%D8%B9%D9%8A.pdf>

¹¹⁷ Abdullah Nehme, "The Guide to the Jaafari Judiciary", Dar Al-Balagha, Al-Ghobeiry, Lebanon, <https://legal-agenda.com/wp-content/uploads/%D8%A7%D9%84%D9%85%D9%81%D9%83%D8%B1%D8%A9-%D8%A7%D9%84%D9%82%D8%A7%D9%86%D9%88%D9%86%D9%8A%D8%A9-%D8%A3%D9%8A-%D8%B6%D9%85%D8%A7%D9%86%D8%A7%D8%AA-%D9%84%D8%A7%D8%B3%D8%AA%D9%82%D9%84%D8%A7%D9%84%D9%8A%D8%A9-%D8%A7%D9%84%D9%82%D8%B6%D8%A7%D8%A1-%D8%A7%D9%84%D8%B4%D8%B1%D8%B9%D9%8A.pdf>

¹²⁰ Human Rights Watch, *Unequal and Unprotected: Women's Rights under Lebanese Personal Status Law (2015)* <https://www.hrw.org/report/2015/01/19/unequal-and-unprotected/womens-rights-under-lebanese-personal-status-laws>

¹²¹ CMI report- Legal Reform and Women's Rights in Lebanese Personal Status Laws -Divorce and discrimination within Muslim confessions page 14-15 <https://www.cmi.no/publications/file/6341-legal-reform-and-womens-rights-in-lebanese.pdf>

¹²⁴ Article 997 – civil procedure code- <http://77.42.251.205/LawArticles.aspx?LawTreeSectionID=260013&lawId=244565&language=ar>

<p><i>handled by what courts?</i></p> <p>Under article 17 of the law regulating the Sunni and Jaafari Sharia judiciary issued on 1962 (قانون تنظيم القضاء الشرعي السني و الجعفري),¹¹⁰ The Sharia Court governs cases related to The engagement, marriage, divorce, dower, Alimony, custody, Guardianship, Puberty, and proof of maturity, the will, Evidence of death, limitation of inheritance, and determination of inheritance shares, inherit property, orphans' funds, Islamic waqf, affiliation...</p> <p><i>How many Muslim family law-related judges? Are there women working within the court system as judges/marriage registrars e.t.c?</i></p> <p>The Sunni and Jaafari sects accept judges without a law degree. And for every court of the first instance, there is one judge, except the one in Beirut and Tripoli, there are 4 judges.</p> <p>The supreme sharia court in Beirut sits with 3 qadis and a civil judge acting as</p>	<p><i>In general practice do judges/Kadhis follow procedures?</i></p> <p>In general practice, kadhis have to follow procedures when it comes to formalities and jurisdiction requirements, but due to a load of cases and the limited number of judges, family law cases take a lot of time to have the case decided. Note that For shia, the low number of codification lead to unclear procedures to follow.</p> <p><i>How much judicial discretion do judges/Kadhis have over marriage and family matters?</i></p> <p>Kadhis have judicial discretion over family matters when it comes to determining the percentage of accountability of each partner in divorce cases, and in deciding the alimony payments, travel ban decisions...</p>	<p>lost more than 90 percent of its value against the dollar on the black market, which affected the value of the dowry specified in the marriage contract in dollars.</p> <p>The men rushed to the notary to set the dowry allowance in dollars at the exchange rate of 1507 Liras, the divorced woman instead of receiving, for example, 50,000 dollars, pays 75 million Liras, or about \$3260 noting that the enforcement division in justice does not take into account women and allows the spouse to pay at the official exchange rate.</p> <p>This also affected the value of alimony payment imposed.¹²²</p>	
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¹¹⁰ Law regulating the Sharia, Sunni and Jaafari Judiciary, 18 July 1962 <https://learningpartnership.org/sites/default/files/resources/pdfs/Lebanon-Family-Law-Marriage-ShiaSunni-1962-Arabic.pdf>

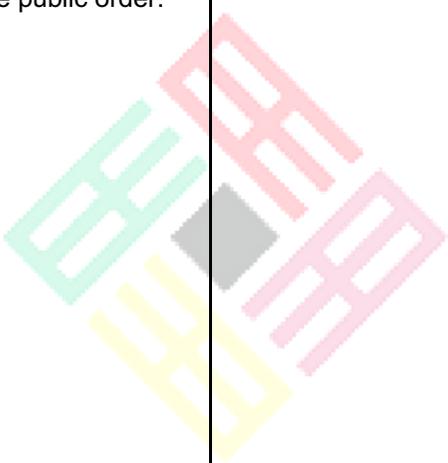
¹²² Divorce at the "official price"... Lebanese women victims of Sharia courts, Asrar Shabaro – Beirut <https://www.alhurra.com/lebanon/2022/01/31/%D8%B7%D9%84%D8%A7%D9%82-%D8%A8%D8%A7%D9%84%D8%B3%D8%B9%D8%B1-%D8%A7%D9%84%D8%B1%D8%B3%D9%85%D9%8A-%D9%84%D8%A8%D9%86%D8%A7%D9%86%D9%8A%D8%A7%D8%AA-%D8%B6%D8%AD%D8%A7%D9%8A%D8%A7-%D8%A7%D9%84%D9%85%D8%AD%D8%A7%D9%83%D9%85-%D8%A7%D9%84%D8%B4%D8%B1%D8%B9%D9%8A%D8%A9>

<p>Attorney- general. judges in religious courts do not have the same education and do not undergo the same selection process as civil judges; they are not required to hold national law degrees and are often clerics who are not required to have specialized judicial training to hold office.¹¹¹ They have very limited or no knowledge of Lebanon’s human rights commitments and have no obligation to implement these commitments. The marriage in Lebanon is registered to the religious court, then should be submitted to The Personal Status Administration for official registration. There are no women working within the Quadi court system, although Sharia and religious laws do not explicitly exclude the participation of women, and the reason for their exclusion remains unclear.¹¹²</p>	<p>Are there appeal processes? Judgments issued by Sharia courts are subject to appeal Infront of the supreme court within a limit time of 30 days or 8 days for specific kinds of judgments. Decisions and documents issued by Sharia courts upon request and without litigating anyone in matters of inheritance determination, legal permission, and others cannot be appealed to the supreme court but can be appealed with an original case.¹¹⁸ The decisions of the two supreme Sharia courts cannot be appealed.</p>		
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¹¹¹ Legal Agenda – Guarantees for the Independence of Judiciary (المفكرة القانونية- أي ضمانات لاستقلالية القضاء) - page 16 <https://legal-agenda.com/wp-content/uploads/%D8%A7%D9%84%D9%85%D9%81%D9%83%D8%B1%D8%A9-%D8%A7%D9%84%D9%82%D8%A7%D9%86%D9%88%D9%86%D9%8A%D8%A9-%D8%A3%D9%8A-%D8%B6%D9%85%D8%A7%D9%86%D8%A7%D8%AA-%D9%84%D8%A7%D8%B3%D8%AA%D9%82%D9%84%D8%A7%D9%84%D9%8A%D8%A9-%D8%A7%D9%84%D9%82%D8%B6%D8%A7%D8%A1-%D8%A7%D9%84%D8%B4%D8%B1%D8%B9%D9%8A.pdf>

¹¹² Legal Agenda – Guarantees for the Independence of Judiciary (المفكرة القانونية- أي ضمانات لاستقلالية القضاء) - page 22 <https://legal-agenda.com/wp-content/uploads/%D8%A7%D9%84%D9%85%D9%81%D9%83%D8%B1%D8%A9-%D8%A7%D9%84%D9%82%D8%A7%D9%86%D9%88%D9%86%D9%8A%D8%A9-%D8%A3%D9%8A-%D8%B6%D9%85%D8%A7%D9%86%D8%A7%D8%AA-%D9%84%D8%A7%D8%B3%D8%AA%D9%82%D9%84%D8%A7%D9%84%D9%8A%D8%A9-%D8%A7%D9%84%D9%82%D8%B6%D8%A7%D8%A1-%D8%A7%D9%84%D8%B4%D8%B1%D8%B9%D9%8A.pdf>

¹¹⁸ Article 297 and 298 of the Sharia, Sunni and Jaafari judiciary, 18 July 1962 <https://learningpartnership.org/sites/default/files/resources/pdfs/Lebanon-Family-Law-Marriage-ShiaSunni-1962-Arabic.pdf>

<p>By contrast, as of 2008, 42% of Lebanon's civil court judges were women, and this number was expected to rise to around 60% by 2011 (UNDP Lebanon 2008, 32).¹¹³</p> <p>The Personal Status Administration for official registration in Lebanon is a civil department independent of the Quadi court system. There are women working within the Personal Status Administration for official registration.</p> <p><i>Do lawyers represent clients?</i> Lawyers can represent clients in all kinds of cases <u>in front of all courts in the first instance</u>, although hiring a lawyer is not mandatory¹¹⁴</p> <p>In front of the supreme Sharia court, Litigants may not present or sign any paper without the assistance of a lawyer registered in the Syndicate's list, unless the court authorizes him to do so at his request for exceptional reasons.¹¹⁵</p>	<p>However, Article 95 of the Code of Civil Procedure has given the General Assembly of the Court of Cassation in the Judicial Judiciary the power to consider an objection to a final decision issued by a religious or Sharia court due to the lack of jurisdiction of this court or its violation of the public order.¹¹⁹</p>		
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¹¹³ Millennium Development Goals: Lebanon report, 2008 - page 32- http://www.undp.org.lb/communication/publications/downloads/MDG_en.pdf

¹¹⁴ Article 112 of Law regulating the Sharia, Sunni and Jaafari judiciary, 18 July 1962 <https://learningpartnership.org/sites/default/files/resources/pdfs/Lebanon-Family-Law-Marriage-ShiaSunni-1962-Arabic.pdf>

¹¹⁵ Article 113 of Law regulating the Sharia, Sunni and Jaafari judiciary, 18 July 1962 <https://learningpartnership.org/sites/default/files/resources/pdfs/Lebanon-Family-Law-Marriage-ShiaSunni-1962-Arabic.pdf>

¹¹⁹ Article 95 of the Code of Civil Procedure- <http://77.42.251.205/Law.aspx?lawId=244565>