

## LEBANON<sup>1</sup>

### OVERVIEW OF MUSLIM FAMILY LAWS & PRACTICES

(Updated as at 31 May 2017)

Family Law Matter	Description				
	Legislative Framework	Case Law	Policy	Procedure	Practice
<p><b>Equality of spouses in marriage</b></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 uncoded? 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 uncoded, or if codified laws do not sufficiently address a particular issue, how is the issue addressed e.g.</i></p>	<p>Article 7 of the Constitution states that all citizens are equal under the law.<sup>2</sup> 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.<sup>3</sup> Resulting from Article 9, Lebanon does not have a unified law that relate to personal status matters. Instead, there are 15 separate personal status laws for the country's various officially recognised religious communities (currently, 18 in total<sup>4</sup>) which are administered by separate</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.<sup>8</sup></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 no uniform personal</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.<sup>10</sup></p> <p>According to the UN Economic and Social Commission for Western Asia (ESCRWA), about 15% of households in Lebanon are headed by women.<sup>11</sup></p>

<sup>1</sup> This Musawah project to map Muslim Family Laws globally was 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 Myriam Sfeir and Mida Zantout for their inputs in its preparation.

<sup>2</sup> Article 7 of Lebanon's Constitution, [https://www.constituteproject.org/constitution/Lebanon\\_2004.pdf?lang=en](https://www.constituteproject.org/constitution/Lebanon_2004.pdf?lang=en)

<sup>3</sup> Article 9 of Lebanon's Constitution, [https://www.constituteproject.org/constitution/Lebanon\\_2004.pdf?lang=en](https://www.constituteproject.org/constitution/Lebanon_2004.pdf?lang=en)

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

<sup>8</sup> United Nations Treaty Collection Website: [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-8&chapter=4&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&clang=en)

<sup>10</sup> UNDP, "Human Development Report 2016", Table 5, pp. 214-217, [http://hdr.undp.org/sites/default/files/2016\\_human\\_development\\_report.pdf](http://hdr.undp.org/sites/default/files/2016_human_development_report.pdf)

<sup>11</sup> 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](https://www.unescwa.org/sites/www.unescwa.org/files/uploads/general_final_escwa.pdf)

<p><i>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>religious courts.<sup>5</sup></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").<sup>6</sup></p> <ul style="list-style-type: none"> <li>• <b>For Sunnis:</b> 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 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</li> </ul>	<p>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 complex situation, made more difficult by the not inconsiderable</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.<sup>12</sup></p>
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<sup>5</sup> 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](https://www.hrw.org/sites/default/files/reports/lebanon0115_ForUpload.pdf)

<sup>6</sup> 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](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>

<sup>12</sup> 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](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/LBN/INT_CEDAW_NGO_LBN_21901_E.pdf)

	<p>regard, judges often refer to the Personal Status Compendium by Qadri Pasha;</p> <ul style="list-style-type: none"> <li>• <b>For Shias:</b> 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 guide however is not binding on Jafari judges who can revert to different interpretations of their choosing.</li> </ul> <p>The codified and uncodified laws relating to Muslim personal status matters provide for a marital framework based on 'reciprocal' or 'complementary' rights (as</p>		<p>challenges that Lebanon is currently facing.<sup>9</sup></p>		
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<sup>9</sup> 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>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:<sup>7</sup></p> <ul style="list-style-type: none"> <li>• Marriage is viewed as a contract between the woman and man;</li> <li>• 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;</li> <li>• A husband may claim the following from his wife: (i) her 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;</li> <li>• A wife risks losing her financial maintenance if she is deemed 'recalcitrant'.</li> </ul>				
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<sup>7</sup> 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><b>Minimum and equal legal age for marriage</b></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) Paras. 36-39 GR21</p>	<p>There is a divergence in the law for Sunnis and Shias with regard to the minimum age for marriage:<sup>13</sup></p> <ul style="list-style-type: none"> <li>• <b>For Sunnis:</b> 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;</li> <li>• <b>For Shias:</b> 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.</li> </ul>		<p>The National Commission for Lebanese Women spear-headed 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. 30/2014.<sup>14</sup> There has been no developments thus far.<sup>15</sup></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 clerks to stress on physical signs of maturity.<sup>16</sup></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.<sup>17</sup></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.<sup>18</sup></p> <p>According to media reports, child marriages are particularly high among Syrian refugees in Lebanon (27%), followed by Palestinian refugees</p>
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<sup>13</sup> 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

<sup>14</sup> 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>

<sup>15</sup> Avenir Liban and Beirut Bar Association, "Lebanon Shadow Report on Women's Access to Justice", *Submission to the CEDAW Committee for the 62<sup>nd</sup> Session*, 2015, p. 14, [http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/LBN/INT\\_CEDAW\\_NGO\\_LBN\\_21858\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/LBN/INT_CEDAW_NGO_LBN_21858_E.pdf)

<sup>16</sup> Information obtained from Lebanese advocate, April 2017

<sup>17</sup> UNICEF, *The State of the World's Children 2016*, Table 9, pp. 150-153, [https://www.unicef.org/publications/files/UNICEF\\_SOWC\\_2016.pdf](https://www.unicef.org/publications/files/UNICEF_SOWC_2016.pdf)

<sup>18</sup> United Nations Population Division, "World Marriage Data 2015", <https://esa.un.org/ffps/Index.html#/maritalStatusData>

					from Syria (13%). <sup>19</sup>
<p><b>Women’s consent to marriage</b></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) Paras. 15-16 GR21 Paras. 25-26, 33-34 GR29</p>	<p>Regardless of their age, both Sunni and Shia prospective brides and grooms must consent to the marriage<sup>20</sup> Consequently, <i>ijbar</i> marriages are prohibited.<sup>21</sup></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.<sup>22</sup></p>	<p>For both Sunnis and Shias:<sup>23</sup></p> <ul style="list-style-type: none"> <li>• 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;</li> <li>• There are basic templates of marriage contracts in the respective Sunnis and Shia courts that are often used.</li> </ul>	<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 the delegated right to divorce, guardianship and other protective measures to ensure equality between women and men.<sup>24</sup></p> <p>According to media reports, unregistered marriages of Syrian refugees in Lebanon is increasingly a problem. Women in</p>

<sup>19</sup> 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>

<sup>20</sup> 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>

<sup>21</sup> Information obtained from Lebanese advocate, April 2017

<sup>22</sup> Lebanon State party report, U.N. Doc. CEDAW/C/LBN/3 (2006), para. 327, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

<sup>23</sup> 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

<sup>24</sup> Information obtained from Lebanese advocate, April 2017

					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. <sup>25</sup>
<p><b>Women's capacity to enter into marriage</b></p> <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</i></p>	<p>There is a slight divergence in the law for Sunnis and Shias with regard to requirement of a marital guardian (<i>wali</i>):<sup>26</sup></p> <ul style="list-style-type: none"> <li>• <b>For Sunnis:</b> Regardless of her age, a prospective bride requires the consent of a <i>wali</i> to enter into marriage. The</li> </ul>			<p>Women from both sects may negotiate certain conditions in their marriage contracts:<sup>27</sup></p> <ul style="list-style-type: none"> <li>• <b>For Sunnis:</b> A wife may request from her husband</li> </ul>	

<sup>25</sup> 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/>

<sup>26</sup> Kafa, "Zalfa's Questions on Personal Status Laws", p. 22, <http://www.kafa.org.lb/StudiesPublicationPDF/PRpdf-90-635882033908238022.pdf>

<sup>27</sup> Kafa, "Zalfa's Questions on Personal Status Laws", p. 23, <http://www.kafa.org.lb/StudiesPublicationPDF/PRpdf-90-635882033908238022.pdf>

<p><i>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>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 <i>wali's</i> objection is misplaced;</p> <ul style="list-style-type: none"> <li>• <b>For Shias:</b> Regardless of her age, a prospective bride requires the consent of a <i>wali</i> 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 <i>wali</i> objects and his objection is misplaced or unfair. The guardian must be a male relative (father, followed by paternal grandfather).</li> </ul>			<p>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>);</p> <ul style="list-style-type: none"> <li>• <b>For Shias:</b> A wife may request from her husband the following: (i) To refrain from taking 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.<sup>28</sup></li> </ul>	
<p><b>Polygamous marriages</b></p>	<p>Both Sunni and Shia men may</p>			<p>Both Sunni and Shia</p>	<p>According to a</p>

<sup>28</sup> Information obtained from Lebanese advocate, April 2017

<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 into a polygamous marriage?</i></p> <p><u>Applicable CEDAW Provision</u> Para. 14 GR21 Para. 34 GR29</p>	<p>marry up to four wives at one time.<sup>29</sup></p> <p>Temporary marriages (<i>Zawaj Muta'a</i>) are restricted to <b>Shias</b>. 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.<sup>30</sup> The children born out of such marriages are registered under the father's name.<sup>31</sup></p>			<p>wives may seek a divorce because of the polygamous marriages of their husbands but through different mechanisms:</p> <ul style="list-style-type: none"> <li>• <b>For Sunnis:</b> A woman may add a stipulation against polygamy in her marriage contract. If the husband breaches the stipulation, the wife has the right to divorce;<sup>32</sup></li> <li>• <b>For Shias:</b> A woman can insert a stipulation in her marriage contract whereby she requests to be her husband's representative (<i>wakil</i>) in a</li> </ul>	<p>UNFPA policy brief, in 2011, about 2.3% of of marriages in Lebanon are polygamous. The trend decreases with age and education.<sup>34</sup></p> <p>According to a civil society report and information on the ground, women are generally unaware of the possibility of inserting a stipulation 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</p>
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<sup>29</sup> Kafa, "Zalfa's Questions on Personal Status Laws", p. 24, <http://www.kafa.org.lb/StudiesPublicationPDF/PRpdf-90-635882033908238022.pdf>

<sup>30</sup> Kafa, "Zalfa's Questions on Personal Status Laws", p. 24, <http://www.kafa.org.lb/StudiesPublicationPDF/PRpdf-90-635882033908238022.pdf>

<sup>31</sup> Information obtained from Lebanese advocate, April 2017

<sup>32</sup> 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 'Arif 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>

<sup>34</sup> 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.mcqjill.ca/isid/files/isid/pb\\_2011\\_02\\_dejong.pdf](https://www.mcqjill.ca/isid/files/isid/pb_2011_02_dejong.pdf)

				divorce. This enables her to be granted a divorce if the husband marries another woman. <sup>33</sup>	alike. In addition, men who accept to such terms and stipulations are looked down upon and their masculinity is questioned. <sup>35</sup>
<p><b>Divorce rights</b></p> <p><i>Is there equal right to divorce between women and men? Can the husband divorce without 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</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 divorce (<i>khul'</i>).<sup>36</sup></p> <p><b>For Sunnis:</b></p> <p>A husband may unilaterally pronounce divorce without much restrictions.<sup>37</sup></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</p>		<p>The Government of Lebanon in its 2014 report to the CEDAW Committee acknowledged that the right to dissolve a marriage among Muslim sects are unequal:<sup>45</sup></p> <ul style="list-style-type: none"> <li>Neither Sunnis nor Shias have much restrictions on the right of the man to effect a divorce of his</li> </ul>	<p>For Shia women, some religious authorities accept inserting a clause where the husband relinquishes his right to divorce unilaterally.<sup>46</sup></p> <p>For both Sunnis and Shias, it is mandatory to register a divorce with the persona status division of the Ministry of Interior.<sup>47</sup></p>	<p>According to various sources:<sup>48</sup></p> <ul style="list-style-type: none"> <li>The delegated right to divorce is stigmatised. Few women are aware of this option and fewer women are able to request it;</li> <li>It is not uncommon for Sunni and Shia women to struggle to</li> </ul>

<sup>33</sup> Kafa, "Zalfa's Questions on Personal Status Laws", p. 22, <http://www.kafa.org.lb/StudiesPublicationPDF/PRpdf-90-635882033908238022.pdf>

<sup>35</sup> 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](https://www.hrw.org/sites/default/files/reports/lebanon0115_ForUpload.pdf)

<sup>36</sup> 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

<sup>37</sup> 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

<sup>45</sup> 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>

<sup>46</sup> Information obtained from Lebanese advocate, April 2017

<sup>47</sup> 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

<sup>48</sup> 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>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>permitting her to pronounce <i>talaq</i> upon herself (<i>talaq-i-tafwid</i>).<sup>38</sup></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 “harm arising from poor conjugal relations, such as assault and insult, or compulsion to perform a prohibited activity or the performance thereof”.<sup>39</sup></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</p>		<p>own volition;</p> <ul style="list-style-type: none"> <li>• 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 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.</li> </ul>		<p>register their divorce when their husbands divorce them unilaterally - especially if the woman wishes get married again or wants to claim her financial rights.</p> <p>A 2015 Human Rights Watch report on personal status laws in Lebanon indicated the following:<sup>49</sup></p> <ul style="list-style-type: none"> <li>• 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</li> </ul>
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<sup>38</sup> 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](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

<sup>39</sup> 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](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

<sup>49</sup> 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](https://www.hrw.org/sites/default/files/reports/lebanon0115_ForUpload.pdf)

	<p>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.<sup>40</sup></p> <p><b>For Shias:</b></p> <p>A husband may unilaterally pronounce divorce without much restrictions. However, two male witness are required to witness the divorce.<sup>41</sup></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 wife want to initiate a divorce.<sup>42</sup></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</p>				<p>divorce judgments by the Sunni and Shia courts reviewed, were issued based on the exercise of a wife's right to delegated divorce;</p> <ul style="list-style-type: none"> <li>• 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";</li> <li>• 65 Sunni court cases that were reviewed showed that where women success-</li> </ul>
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<sup>40</sup> 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

<sup>41</sup> 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

<sup>42</sup> 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](https://www.hrw.org/sites/default/files/reports/lebanon0115_ForUpload.pdf)

	<p>must then be certified by the Jafari court;<sup>43</sup></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 frequently payment of an additional sum of compensation.<sup>44</sup></p>				<p>fully filed 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"> <li>• According to a Sunni judge, cases involving divorce on the grounds of hardship, discord and harm, remain pending between 12 to 18 months before the judge</li> </ul>
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<sup>43</sup> 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](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

<sup>44</sup> 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>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"> <li>• 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.</li> </ul>
<p><b>Women’s financial rights after divorce</b></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</i></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</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</p>		<p>According to Human Rights Watch, many women are left destitute following a divorce or the death of the husband.<sup>52</sup></p>

<sup>52</sup> Human Rights Watch, “Lebanon: Laws Discriminate Against Women”, 2015, <https://www.hrw.org/news/2015/01/19/lebanon-laws-discriminate-against-women>

<p><i>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) Paras. 30-33 GR21 Paras. 34-35, 43-48 GR29</p>	<p>their right to maintenance if they are deemed disobedient.<sup>50</sup></p> <p>There is no legal concept of matrimonial assets for both Sunnis and Shias.</p>		<p>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.<sup>51</sup></p>	
<p><b>Custody of Children</b></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</i></p>	<p>Both Sunni and Shia mothers have priority right over the custody of their children<sup>53</sup></p> <ul style="list-style-type: none"> <li>• <b>For Sunnis:</b> A mother has priority right over the custody</li> </ul>	<p>In 2007, judge Khamis gave precedence to civil laws protecting juveniles and granted custody of a</p>		<p>According to civil society and media reports:<sup>57 58</sup></p> <ul style="list-style-type: none"> <li>• Women are all too often</li> </ul>

<sup>50</sup> 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)

<sup>51</sup> 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>

<sup>53</sup> Kafa, "Zalfa's Questions on Personal Status Laws", p. 26, <http://www.kafa.org.lb/StudiesPublicationPDF/PRpdf-90-635882033908238022.pdf>

<sup>57</sup> 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](https://www.hrw.org/sites/default/files/reports/lebanon0115_ForUpload.pdf)

<sup>58</sup>

<p><i>decided based on the best interest of the child? Do mothers automatically lose custody upon re-marriage 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>her children until 12;</p> <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"> <li>• <b>For Shias:</b> A mother has priority right over the custody of her daughter until she turns seven and her son until he turns two.<sup>54</sup></li> </ul> <p>A mother loses custody of her children upon remarriage.</p>	<p>10 year old girl to her mother who claimed the father was mistreating their daughter<sup>55</sup>.</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 her second husband through <i>khul'</i> to keep her children, the Sunni Supreme Court revoked her custody of her children.<sup>56</sup></p>			<p>reluctant to leave their husbands in order to keep their children.</p> <ul style="list-style-type: none"> <li>• 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 the home.</li> </ul>
<p><b>Guardianship of Children</b></p> <p><i>Do parents have equal rights over the guardianship of their children?</i></p>	<p>Both Sunni and Shia fathers have priority right over the guardianship of their children.<sup>59</sup></p>	<p>Barbara Batlouni became the first Lebanese woman to</p>	<p>The Government of Lebanon in its 2014 report to the CEDAW Committee</p>	<p>Women were allowed to open bank accounts for their minor children</p>	<p>According to a Human Rights Watch report, a mother cannot travel</p>

<sup>54</sup> Kafa, "Zalfa's Questions on Personal Status Laws", p. 26, <http://www.kafa.org.lb/StudiesPublicationPDF/PRpdf-90-635882033908238022.pdf>

<sup>55</sup> 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](http://digitool.library.mcgill.ca/webclient/StreamGate?folder_id=0&dvs=1480775980911~851)

<sup>56</sup> 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](https://www.hrw.org/sites/default/files/reports/lebanon0115_ForUpload.pdf)

<sup>59</sup> Kafa, "Zalfa's Questions on Personal Status Laws", p. 25, <http://www.kafa.org.lb/StudiesPublicationPDF/PRpdf-90-635882033908238022.pdf>

<p><i>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>		<p>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).<sup>60</sup></p>	<p>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.<sup>61</sup></p>	<p>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.<sup>62</sup></p>	<p>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.<sup>63</sup></p>
<p><b>Family Planning</b></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 considered as a mean for abortion. However pharmaceutical laws classify it as a legal drug that does not need any prescription.<sup>64</sup></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.<sup>66</sup></p> <p>According to the UN Population Division's 2015</p>

<sup>60</sup> 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>

<sup>61</sup> 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>

<sup>62</sup> 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>

<sup>63</sup> 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-and-unprotected/womens-rights-under-lebanese-personal-status-laws>

<sup>64</sup> 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](https://now.mmedia.me/lb/en/reports/features/in_lebanon_access_to_contraceptives_is_not_the_problem)

<sup>66</sup> World Bank, "Fertility rates, total (births per woman)", <http://data.worldbank.org/indicator/SP.DYN.TFRT.IN>

	Abortion is strictly prohibited unless it is necessary to save a pregnant woman's life. <sup>65</sup>				<p>Trends in Contraceptive Use Worldwide:<sup>67</sup></p> <ul style="list-style-type: none"> <li>• 63% of married women aged 15-49 are using a method of contraception, with 40% of women using a modern method;</li> <li>• 13% of married women aged 15-49 have an unmet need for family planning services; and</li> <li>• 54% of marriage women aged 15-49 had their demands for family planning satisfied by modern methods of contraception.</li> </ul>
<b>Personal rights of spouses</b>	The Preamble to the Constitution				According to World

<sup>65</sup> 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.civicactions.net/files/documents/AbortionMap2014.PDF>

<sup>67</sup> 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><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>guarantees the freedom of movement and choice of residence of all Lebanese.<sup>68</sup></p> <p>Article 8 of the Constitution guarantees everyone the right to personal freedom.<sup>69</sup></p> <p>Article 12 of the Constitution provides that every Lebanese has the right to public employment.<sup>70</sup></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 e.g, a married woman may require the consent of her husband to work.<sup>71</sup></p>				<p>Bank data, female labour force participation increased from 18% in 1990 to 24% in 2016.<sup>72</sup> During the same period, male labour force participation increased from 69% to 70%.<sup>73</sup></p> <p>According to the 2016 UNDP Human Development Report:<sup>74</sup></p> <ul style="list-style-type: none"> <li>• 53% of women over 25 have at least some secondary education as compared to 55% of men of the same age group;</li> <li>• 99% of females and males aged 15-24 are able to read and write a</li> </ul>
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<sup>68</sup> Preamble to Lebanon’s Constitution, [https://www.constituteproject.org/constitution/Lebanon\\_2004.pdf?lang=en](https://www.constituteproject.org/constitution/Lebanon_2004.pdf?lang=en)

<sup>69</sup> Article 8 of Lebanon’s Constitution, [https://www.constituteproject.org/constitution/Lebanon\\_2004.pdf?lang=en](https://www.constituteproject.org/constitution/Lebanon_2004.pdf?lang=en)

<sup>70</sup> Article 12 of Lebanon’s Constitution, [https://www.constituteproject.org/constitution/Lebanon\\_2004.pdf?lang=en](https://www.constituteproject.org/constitution/Lebanon_2004.pdf?lang=en)

<sup>71</sup> 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>

<sup>72</sup> 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>

<sup>73</sup> 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>

<sup>74</sup> 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](http://hdr.undp.org/sites/default/files/2016_human_development_report.pdf)

					<p>short simple sentence; and</p> <ul style="list-style-type: none"> <li>• 57% and 60% of women and men, respectively, are satisfied with their freedom of choice.</li> </ul>
<p><b>Inheritance rights</b></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>Applicable CEDAW Provision</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.<sup>75</sup></p> <p>According to Jafari <i>fiqh</i>, daughters of a deceased who has no sons inherit the whole estate.<sup>76</sup></p>				<p>According to a report by the Centre on Housing Rights and Evictions:<sup>77</sup></p> <ul style="list-style-type: none"> <li>• The prevalent perceptions of traditional gender roles impedes any attempt at legal reform with regard to inheritance;</li> <li>• Sunni Muslims who only have daughters are often converting to Shiism in order for</li> </ul>

<sup>75</sup> 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\\_equality-a\\_survey\\_of\\_law\\_and\\_practice\\_related\\_to\\_women\\_inheritance\\_rigths.pdf](http://www.gewamed.net/share/img_documents/41_in_search_of_equality-a_survey_of_law_and_practice_related_to_women_inheritance_rigths.pdf)

<sup>76</sup> 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\\_equality-a\\_survey\\_of\\_law\\_and\\_practice\\_related\\_to\\_women\\_inheritance\\_rigths.pdf](http://www.gewamed.net/share/img_documents/41_in_search_of_equality-a_survey_of_law_and_practice_related_to_women_inheritance_rigths.pdf)

<sup>77</sup> 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\\_equality-a\\_survey\\_of\\_law\\_and\\_practice\\_related\\_to\\_women\\_inheritance\\_rigths.pdf](http://www.gewamed.net/share/img_documents/41_in_search_of_equality-a_survey_of_law_and_practice_related_to_women_inheritance_rigths.pdf)

Paras. 34-35 GR21 Paras. 49-53 GR29					their daughters to inherit.
<p><b>Violence against women in the family</b></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 &amp; 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.<sup>78</sup> 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."<sup>79</sup></p> <p>The Penal Code also contains some general prohibitions that are applicable to domestic violence such as beating and harming.<sup>80</sup></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:<sup>83</sup></p> <ul style="list-style-type: none"> <li>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 received reports of 25 killings of</li> </ul>

<sup>78</sup> Kafa, "Annual Report 2014", p. 5, <http://www.kafa.org.lb/StudiesPublicationPDF/PRpdf-82-635689245975040950.pdf>

<sup>79</sup> Kafa, "Supplement Report to the Replies of Lebanon on the list of Issues and questions", *Submission to the CEDAW Committee for the 62<sup>nd</sup> Session*, 2015, p. 3, [http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/LBN/INT\\_CEDAW\\_NGO\\_LBN\\_21857\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/LBN/INT_CEDAW_NGO_LBN_21857_E.pdf)

<sup>80</sup> 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 62<sup>nd</sup> Session*, 2015, p. 3, [http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/LBN/INT\\_CEDAW\\_NGO\\_LBN\\_21857\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/LBN/INT_CEDAW_NGO_LBN_21857_E.pdf)

<sup>83</sup> Nadine Mazloum, "Rayan laali, 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->

Para. 40 GR21	<p>Law 293/2014 and the Penal Code do not specifically criminalise marital rape:<sup>81</sup></p> <ul style="list-style-type: none"> <li>• Article 3(7)(a) of Law 293 criminalises the beating, harming or threatening a spouse to claim a marital right;</li> <li>• Article 503 of the Penal Code on rape excludes marital rape;</li> <li>• Article 522 of the Penal Code exempts a rapist from punishment if he marries his victim.</li> </ul>	identification documents and mobile phone, or preventing them from leaving the house. <sup>82</sup>			<p>women by a family member;</p> <ul style="list-style-type: none"> <li>• There is a lack of awareness of the existing of Law 293/2014 among women;</li> <li>• 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.</li> </ul>
<b>Nationality rights</b>	A Lebanese man may pass his nationality to his non-Lebanese		The Government of Lebanon in its 2014		According to academic research and

[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>

<sup>81</sup> 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 62<sup>nd</sup> Session*, 2015, pp. 3-4, [http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/LBN/INT\\_CEDAW\\_NGO\\_LBN\\_21857\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/LBN/INT_CEDAW_NGO_LBN_21857_E.pdf)

<sup>82</sup> 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><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>wife. However, a Lebanese woman may not confer her nationality to her foreign husband.<sup>84</sup></p> <p>A Lebanese woman married to a non-Lebanese husband may not confer her citizenship to their children.<sup>85</sup></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.<sup>86</sup></p>		<p>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.<sup>87</sup></p>		<p>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.<sup>88</sup></p>
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<sup>84</sup> 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 62<sup>nd</sup> Session*, 2015, p. 5, [http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/LBN/INT\\_CEDAW\\_NGO\\_LBN\\_21858\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/LBN/INT_CEDAW_NGO_LBN_21858_E.pdf)

<sup>85</sup> 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 62<sup>nd</sup> Session*, 2015, p. 5, [http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/LBN/INT\\_CEDAW\\_NGO\\_LBN\\_21858\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/LBN/INT_CEDAW_NGO_LBN_21858_E.pdf)

<sup>86</sup> 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>

<sup>87</sup> 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>

<sup>88</sup> Gihane Talbet, “Women in Personal Status Law: Iraq, Jordan, Lebanon, Palestine, Syria”, 2005, p. 21, <http://unesdoc.unesco.org/images/0022/002237/223760e.pdf>