



Australian Government
Refugee Review Tribunal

Country Advice

Lebanon

Lebanon – LBN39452 – Divorced Women
– Muslim Women – Domestic Violence –
State Protection

4 November 2011

1. In what circumstances, if any, are Lebanese women who have been divorced by their husbands ostracised by their communities?

Family and personal status issues, including child custody and divorce, are governed by religious courts, which often discriminate against women.¹ In divorce cases, women's rights are not always upheld, often leading to difficult custody battles. It is argued that the religious courts often fail to consider women's needs. In Muslim courts, men are able to divorce their wives with ease, while it is much more difficult for a woman to divorce her husband. Divorce can therefore be a traumatic experience for women.²

A number of sources refer to the stigmatisation of divorced women in Lebanese society. *Al Arabiya News* reported in August 2011 that now divorced woman, Suha, had for years suffered in silence as she had felt 'stuck' in her marriage. Suha stated that "I could not go back to my parents' home because to them, divorce would bring shame to the family". Suha, a Sunni Muslim, was subsequently granted a divorce by a Sunni court after providing a medical report showing that she had been severely beaten by her husband.³

In a 2010 documentary following three women leaders from the Middle East, a divorced mother from Lebanon, Ghina Hammoud, explains that there is a stigma surrounding divorce and divorced women in Lebanon and the Middle East.⁴ A 2009 article describes the story of a woman from Bekaa in southern Lebanon, who "had to deal with the prevalent social stigma against divorced women" after her husband left her alone with their four children. The article claims that "[a] divorced woman in this society is vulnerable. Some turn to prostitution to make ends meet, or else they would have to remarry and abandon their children".⁵

¹ Safa, O. 2010, *Countries at the Crossroads 2010: Country Report – Lebanon*, Freedom House website <http://www.freedomhouse.org/modules/publications/ccr/modPrintVersion.cfm?edition=9&ccrpage=43&ccrcountry=191> – Accessed 19 April 2010

² Chemali Khalaf, M. 2010, *Women's Rights in the Middle East and North Africa 2010: Lebanon*, Freedom House website, 3 March <http://freedomhouse.org/template.cfm?page=384&key=258&parent=24&report=86> – Accessed 9 March 2010

³ 'Abused Lebanese women fall victim to legal system' 2011, *Al Arabiya News*, 13 August <http://english.alarabiya.net/articles/2011/08/13/162079.html> – Accessed 24 October 2011

⁴ 'Veiled Voices Documentary Review' 2010, *Muslimas Oasis*, 16 July <http://www.muslimasoasis.com/2010/07/veiled-voices-documentary-review/> – Accessed 27 October 2011

⁵ 'Field report from Ksarnaba, Lebanon' 2009, SOS Children website, 24 June <http://www.soschildrensvillages.org.uk/charity-news/archive/2009/06/field-report-ksarnaba-lebanon> – Accessed 27 October 2011

A legal services officer at Lebanese women's rights group KAFA (Enough) Violence and Exploitation, Leila Awada-Dawi, advised in 2007 that "the image of divorced women [in Lebanon] is still generally negative".⁶

2. Are conservative Muslim women expected to remain in violent relationships in Lebanon?

Violence in Lebanon is reportedly "deeply embedded in social (particularly familial) culture".⁷ Religious courts that preside over domestic violence cases, and often discriminate against women, can legally require victims to return home despite abuse.⁸ As Islamic religious laws do not recognise marital rape as a crime, and custody of children in divorce cases is often awarded to the father, many Muslim women choose to remain in violent relationships for the sake of their children.⁹ Furthermore, women's rights advocates have stated that social attitudes in Lebanon which allow men to exercise almost complete domination over their wives¹⁰ prevent many women from accessing the courts.¹¹

Domestic violence is widely perceived as a private, family matter. Discussion of the issue is considered to be taboo. As a result, many victims stay silent "for fear of causing a scandal and bringing shame on the family". Ghida Anani, the program coordinator for KAFA, explains that women are required to "be obedient and keep family secrets".¹² A legal services officer at KAFA, Leila Awada-Dawi, advises that many female victims of domestic violence who contact the organisation choose not to pursue their claims due to the fear of family members that "legal proceedings will cause a scandal".¹³ In addition, the US Department of State reports that women are at times "compelled to remain in abusive marriages because of economic, social, and family pressures".¹⁴

State intervention in private matters such as domestic violence is seen to violate 'the sanctity of the home',¹⁵ and threaten the patriarchal authority in the family.¹⁶ A number of prominent Muslim leaders have recently espoused such views in their objection to draft legislation currently before the Lebanese Parliament,¹⁷ which seeks to transfer cases of domestic violence from religious courts to specialised civil courts.^{18 19} Such views indicate that

⁶ 'Domestic violence remains hidden in shadow of tradition' 2007, *The Daily Star*, 18 October http://www.dailystar.com.lb/article.asp?edition_id=1&categ_id=2&article_id=86044 – Accessed 18 October 2007

⁷ Clark, S. 2008, 'Lebanese women still vulnerable to violence', *The Daily Star*, 9 June http://www.dailystar.com.lb/article.asp?edition_id=1&categ_id=1&article_id=92895 – Accessed 10 June 2008

⁸ US Department of State 2011, *Country Reports on Human Rights Practices for 2010 – Lebanon*, 8 April, Section 6

⁹ 'Move to take domestic violence cases out of religious courts' 2009, *Integrated Regional Information Network (IRIN)*, 23 September <http://www.irinnews.org/Report.aspx?ReportId=86247> – Accessed 28 September 2009

¹⁰ Miller, D. E. 2011, 'Lebanon's clerics attack domestic violence law', *The Media Line*, 26 June <http://arabnews.com/middleeast/article462177.ece> – Accessed 30 June 2011

¹¹ 'Abused Lebanese women fall victim to legal system' 2011, *Al Arabiya News*, 13 August <http://english.alarabiya.net/articles/2011/08/13/162079.html> – Accessed 24 October 2011

¹² 'Domestic violence remains hidden in shadow of tradition' 2007, *The Daily Star*, 18 October http://www.dailystar.com.lb/article.asp?edition_id=1&categ_id=2&article_id=86044 – Accessed 18 October 2007

¹³ 'Domestic violence remains hidden in shadow of tradition' 2007, *The Daily Star*, 18 October http://www.dailystar.com.lb/article.asp?edition_id=1&categ_id=2&article_id=86044 – Accessed 18 October 2007

¹⁴ US Department of State 2011, *Country Reports on Human Rights Practices for 2010 – Lebanon*, 8 April, Section 6

¹⁵ Clark, S. 2008, 'Lebanese women still vulnerable to violence', *The Daily Star*, 9 June

http://www.dailystar.com.lb/article.asp?edition_id=1&categ_id=1&article_id=92895 – Accessed 10 June 2008

¹⁶ Human Rights Watch 2011, 'Lebanon: Enact Family Violence Bill to Protect Women', UNHCR Refworld website, 6 July <http://www.unhcr.org/refworld/docid/4e327fd42.html> – Accessed 24 October 2011

¹⁷ Miller, D. E. 2011, 'Lebanon's clerics attack domestic violence law', *The Media Line*, 26 June <http://arabnews.com/middleeast/article462177.ece> – Accessed 30 June 2011

¹⁸ 'Move to take domestic violence cases out of religious courts' 2009, *Integrated Regional Information Network (IRIN)*, 23 September <http://www.irinnews.org/Report.aspx?ReportId=86247> – Accessed 28 September 2009

conservative Muslim women would be expected to remain in a violent relationship, rather than seek protection from the state.

For example, Lebanon's highest Sunni religious authority, Dar Al-Fatwa, has publicly claimed that the proposed Family Violence Bill contradicts Islamic (Sharia) law, and intends "to break up the family similar to Western ways, which are foreign to our society and values".²⁰ It also stated that "[c]loning Western laws that encourage the breakdown of the family...will have a negative impact on Muslim children...who will see their mother threatening their father with prison, in defiance of patriarchal authority".²¹ Dar al-Fatwa argued that the bill would therefore "diminish the father's authority in the family".²² The Higher Shi'a Council reportedly supported Dar al-Fatwa's position.²³

The deputy head of Shiite militant group Hezbollah, Sheikh Naim Qassem, has similarly objected to the Family Violence Bill on the grounds that it "interfere[s] in the affairs of husband and wife".²⁴ Qassem recently stated that "[t]he suggested law is far from ending domestic violence, and closer to sabotaging the family from the inside... We are against domestic violence... But we don't approve of fragmenting the family with complaints that open the door for courts to interfere in any small or trivial dispute". He further stated that families should not be obliged to answer to civil courts regarding "private internal affairs... between husband and wife or between parents and children".²⁵

3. Do Muslim women who experience domestic violence in Lebanon receive state protection?

Domestic violence and marital rape are not criminalised under Lebanese law. The prosecution of perpetrators in domestic violence cases is limited to the application of general forms of violence under laws such as the Penal Code. However, these laws do not consider the private relationship between the perpetrator and the victim in domestic violence cases. The Penal Code also fails to recognise rape within marriage and does not punish perpetrators of rape if the victim is his wife.^{26 27}

According to Lebanese women's rights group KAFA, prosecution for domestic violence and spousal rape is rare.²⁸ In addition, the punishments handed out to perpetrators of honour

¹⁹ 'Enough: ending private justice and violence against women' 2008, Open Democracy website, 26 November <http://www.opendemocracy.net/audio/enough-ending-private-justice-and-violence-against-women> – Accessed 30 June 2010

²⁰ Miller, D. E. 2011, 'Lebanon's clerics attack domestic violence law', *The Media Line*, 26 June <http://arabnews.com/middleeast/article462177.ece> – Accessed 30 June 2011

²¹ 'Abused Lebanese women fall victim to legal system' 2011, *Al Arabiya News*, 13 August <http://english.alarabiya.net/articles/2011/08/13/162079.html> – Accessed 24 October 2011

²² Human Rights Watch 2011, 'Lebanon: Enact Family Violence Bill to Protect Women', UNHCR Refworld website, 6 July <http://www.unhcr.org/refworld/docid/4e327fd42.html> – Accessed 24 October 2011

²³ Human Rights Watch 2011, 'Lebanon: Enact Family Violence Bill to Protect Women', UNHCR Refworld website, 6 July <http://www.unhcr.org/refworld/docid/4e327fd42.html> – Accessed 24 October 2011

²⁴ 'Abused Lebanese women fall victim to legal system' 2011, *Al Arabiya News*, 13 August <http://english.alarabiya.net/articles/2011/08/13/162079.html> – Accessed 24 October 2011

²⁵ 'Qassem: Law on domestic violence will sabotage family values' 2011, *The Daily Star*, 9 August <http://www.dailystar.com.lb/News/Local-News/2011/Aug-09/Qassem-Law-on-domestic-violence-will-sabotage-family-values.ashx#axzz1bfDmnMw2> – Accessed 24 October 2011

²⁶ US Department of State 2011, *Country Reports on Human Rights Practices for 2010 – Lebanon*, 8 April, Section 6

²⁷ Chemali Khalaf, M. 2010, *Women's Rights in the Middle East and North Africa 2010: Lebanon*, Freedom House website, 3 March <http://freedomhouse.org/template.cfm?page=384&key=258&parent=24&report=86> – Accessed 9 March 2010

²⁸ US Department of State 2011, *Country Reports on Human Rights Practices for 2010 – Lebanon*, 8 April, Section 6

crimes are lenient.²⁹ The lack of protection offered to domestic violence victims under Lebanese law is exacerbated by the fact that the police often fail to report domestic violence cases. Although police may record violent incidents against women, their reports often do not identify the perpetrator.³⁰ In most cases, allegations of domestic violence are ignored by the police,³¹ and the victims are instructed to sort out their problems at home.³² The lack of a specific law relating to family violence, and the perception that such incidents are a family matter, informs the reluctance of the police to intervene.³³ In addition, hospitals often report cases of abuse as ‘home accidents’ without making any further investigations.³⁴

Furthermore, cases relating to personal status laws such as family violence are dealt with by each sect’s religious courts,³⁵ which are not required by the state to protect women from violence by prosecuting or punishing perpetrators of domestic abuse.³⁶ Although battery is punishable by up to three years imprisonment, many religious courts require female victims to return home despite the risk of further abuse.^{37 38} A cleric of Dar Al-Fatwa, Lebanon’s highest Sunni religious authority, recently stated that Islamic law “did not and could not criminalize ‘non-brutal beatings’ by the patriarch of a family”.³⁹ Rights lawyer Ghada Ibrahim advised in August 2011 that “[t]he vast majority of abused women do not resort to the courts...because they have no faith that the court will protect them”.⁴⁰

In April 2010, draft legislation that seeks to criminalise domestic violence and marital rape, known as the Family Violence Bill, was approved by the Lebanese Cabinet and submitted to parliament.^{41 42} The Family Violence Bill aims to transfer cases of domestic violence to specialised, civil law family courts, thereby addressing the discriminatory provisions against women in both the personal status laws of religious courts and the penal laws regarding family violence. The bill would therefore give women of all religious denominations equal

²⁹ Safa, O. 2010, *Countries at the Crossroads 2010: Country Report – Lebanon*, Freedom House website <http://www.freedomhouse.org/modules/publications/ccr/modPrintVersion.cfm?edition=9&ccrpage=43&ccrcountry=191> – Accessed 19 April 2010

³⁰ ‘Move to take domestic violence cases out of religious courts’ 2009, *Integrated Regional Information Network (IRIN)*, 23 September <http://www.irinnews.org/Report.aspx?ReportId=86247> – Accessed 28 September 2009

³¹ US Department of State 2011, *Country Reports on Human Rights Practices for 2010 – Lebanon*, 8 April, Section 6

³² ‘Liberal Lebanese women suffer under outdated laws’ 2008, *Agence France Presse (AFP)*, 7 March <http://www.naharnet.com/domino/tn/Newsdesk.nsf/0/0B134D5B4DC1C6D0C2257405000EC229?OpenDocument> – Accessed 7 March 2008

³³ ‘Domestic violence remains hidden in shadow of tradition’ 2007, *The Daily Star*, 18 October http://www.dailystar.com.lb/article.asp?edition_id=1&categ_id=2&article_id=86044 – Accessed 18 October 2007

³⁴ ‘Move to take domestic violence cases out of religious courts’ 2009, *Integrated Regional Information Network (IRIN)*, 23 September <http://www.irinnews.org/Report.aspx?ReportId=86247> – Accessed 28 September 2009

³⁵ Freedom House 2011, *Freedom in the World 2011 – Lebanon*, 26 May

³⁶ Human Rights Watch 2011, ‘Lebanon: Enact Family Violence Bill to Protect Women’, UNHCR Refworld website, 6 July <http://www.unhcr.org/refworld/docid/4e327fd42.html> – Accessed 24 October 2011

³⁷ US Department of State 2011, *Country Reports on Human Rights Practices for 2010 – Lebanon*, 8 April, Section 6

³⁸ Chemali Khalaf, M. 2010, *Women’s Rights in the Middle East and North Africa 2010: Lebanon*, Freedom House website, 3 March <http://freedomhouse.org/template.cfm?page=384&key=258&parent=24&report=86> – Accessed 9 March 2010

³⁹ ‘Abused Lebanese women fall victim to legal system’ 2011, *Al Arabiya News*, 13 August <http://english.alarabiya.net/articles/2011/08/13/162079.html> – Accessed 24 October 2011

⁴⁰ ‘Abused Lebanese women fall victim to legal system’ 2011, *Al Arabiya News*, 13 August <http://english.alarabiya.net/articles/2011/08/13/162079.html> – Accessed 24 October 2011

⁴¹ ‘Gender Based Violence: The Law to Protect Women from Family Violence’ (undated), KAFA (enough) Violence & Exploitation website <http://www.kafa.org.lb/FOA.aspx?code=1&Dcode=13&title=The%20law%20to%20Protect%20Women%20from%20Family%20Violence> – Accessed 30 June 2010

⁴² Human Rights Watch 2011, *World Report 2011 – Lebanon*, 24 January

rights under the law, as well as require the state to take responsibility for the protection of women who are victims of domestic violence.^{43 44}

Specifically, the draft law would establish specialised family violence units within the police force, prescribe fines and prison terms for perpetrators of violence against women, and require public health centres to report suspected cases of abuse. Women would also be able to seek a restraining order against an alleged abuser, and receive a decision within 48 hours.⁴⁵

However, the Family Violence Bill has not yet been passed by parliament, after being stalled by widespread religious opposition in June 2011.⁴⁶ As mentioned in the response to question two, Muslim leaders claimed that the bill contradicted Islamic law, interfered with the private affairs between husband and wife,⁴⁷ and “would deprive Muslim women of the ability to turn to religious courts for protection”.⁴⁸

⁴³ ‘Move to take domestic violence cases out of religious courts’ 2009, *Integrated Regional Information Network (IRIN)*, 23 September <http://www.irinnews.org/Report.aspx?ReportId=86247> – Accessed 28 September 2009

⁴⁴ ‘Enough: ending private justice and violence against women’ 2008, Open Democracy website, 26 November <http://www.opendemocracy.net/audio/enough-ending-private-justice-and-violence-against-women> – Accessed 30 June 2010

⁴⁵ Human Rights Watch 2011, ‘Lebanon: Enact Family Violence Bill to Protect Women’, UNHCR Refworld website, 6 July <http://www.unhcr.org/refworld/docid/4e327fd42.html> – Accessed 24 October 2011

⁴⁶ Sara, A. 2011, ‘Men join the fight for women’s rights’, *NOW Lebanon*, 17 October <http://www.nowlebanon.com/NewsArticleDetails.aspx?ID=322887&MID=0&PID=0> – Accessed 28 October 2011

⁴⁷ ‘Qassem: Law on domestic violence will sabotage family values’ 2011, *The Daily Star*, 9 August <http://www.dailystar.com.lb/News/Local-News/2011/Aug-09/Qassem-Law-on-domestic-violence-will-sabotage-family-values.ashx#axzz1bfDmnMw2> – Accessed 24 October 2011

⁴⁸ Miller, D. E. 2011, ‘Lebanon’s clerics attack domestic violence law’, *The Media Line*, 26 June <http://arabnews.com/middleeast/article462177.ece> – Accessed 30 June 2011

References

- 'Abused Lebanese women fall victim to legal system' 2011, *Al Arabiya News*, 13 August <http://english.alarabiya.net/articles/2011/08/13/162079.html> – Accessed 24 October 2011.
- 'Domestic violence remains hidden in shadow of tradition' 2007, *The Daily Star*, 18 October http://www.dailystar.com.lb/article.asp?edition_id=1&categ_id=2&article_id=86044 – Accessed 18 October 2007. (CISNET Lebanon CX186710)
- 'Enough: ending private justice and violence against women' 2008, Open Democracy website, 26 November <http://www.opendemocracy.net/audio/enough-ending-private-justice-and-violence-against-women> – Accessed 30 June 2010.
- 'Field report from Ksarnaba, Lebanon' 2009, SOS Children website, 24 June <http://www.soschildrensvillages.org.uk/charity-news/archive/2009/06/field-report-ksarnaba-lebanon> – Accessed 27 October 2011.
- 'Gender Based Violence: The Law to Protect Women from Family Violence' (undated), KAFA (enough) Violence & Exploitation website <http://www.kafa.org.lb/FOA.aspx?code=1&Dcode=13&title=The%20law%20to%20Protect%20Women%20from%20Family%20Violence> – Accessed 30 June 2010.
- 'Liberal Lebanese women suffer under outdated laws' 2008, *Agence France Presse (AFP)*, 7 March <http://www.naharnet.com/domino/tn/Newsdesk.nsf/0/0B134D5B4DC1C6D0C2257405000EC229?OpenDocument> – Accessed 7 March 2008. (CISNET Lebanon CX194869)
- 'Move to take domestic violence cases out of religious courts' 2009, *Integrated Regional Information Network (IRIN)*, 23 September <http://www.irinnews.org/Report.aspx?ReportId=86247> – Accessed 28 September 2009. (CISNET Lebanon CX234080)
- 'Qassem: Law on domestic violence will sabotage family values' 2011, *The Daily Star*, 9 August <http://www.dailystar.com.lb/News/Local-News/2011/Aug-09/Qassem-Law-on-domestic-violence-will-sabotage-family-values.ashx#axzz1bfDmnMw2> – Accessed 24 October 2011.
- 'Veiled Voices Documentary Review' 2010, *Muslimas Oasis*, 16 July <http://www.muslimasoasis.com/2010/07/veiled-voices-documentary-review/> – Accessed 27 October 2011.
- Chemali Khalaf, M. 2010, *Women's Rights in the Middle East and North Africa 2010: Lebanon*, Freedom House website, 3 March <http://freedomhouse.org/template.cfm?page=384&key=258&parent=24&report=86> – Accessed 9 March 2010. (CISNET Lebanon CX240635)
- Clark, S. 2008, 'Lebanese women still vulnerable to violence', *The Daily Star*, 9 June http://www.dailystar.com.lb/article.asp?edition_id=1&categ_id=1&article_id=92895 – Accessed 10 June 2008. (CISNET Lebanon CX201924)
- Freedom House 2011, *Freedom in the World 2011 – Lebanon*, 26 May.
- Human Rights Watch 2011, 'Lebanon: Enact Family Violence Bill to Protect Women', UNHCR Refworld website, 6 July <http://www.unhcr.org/refworld/docid/4e327fd42.html> – Accessed 24 October 2011.

Human Rights Watch 2011, *World Report 2011 – Lebanon*, 24 January.

Miller, D. E. 2011, 'Lebanon's clerics attack domestic violence law', *The Media Line*, 26 June <http://ara.bnews.com/middleeast/article462177.ece> – Accessed 30 June 2011. (CISNET Lebanon CX267785)

Safa, O. 2010, 'Countries at the Crossroads 2010: Country Report – Lebanon', Freedom House website <http://www.freedomhouse.org/modules/publications/ccr/modPrintVersion.cfm?edition=9&ccrpage=43&ccrcountry=191> – Accessed 19 April 2010.

Sara, A. 2011, 'Men join the fight for women's rights', *NOW Lebanon*, 17 October <http://www.nowlebanon.com/NewsArticleDetails.aspx?ID=322887&MID=0&PID=0> – Accessed 28 October 2011.

US Department of State 2011, *Country Reports on Human Rights Practices for 2010 – Lebanon*, 8 April.