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Lebanon: Move to take domestic violence cases out of religious courts

BEIRUT, 23 September 2009 (IRIN) - As lawmakers struggle to form a government three months after Lebanon's [parliamentary elections](#), women's rights activists await the opening of parliament to debate a new bill on domestic violence.

Ghida Anani, programme coordinator of KAFA, a Lebanese organization campaigning against violence and the exploitation of women, estimates that as many as three-quarters of all Lebanese women have suffered physical abuse at the hands of husbands or male relatives at some point in their lives.

In Lebanon's multi-confessional democratic system, cases of domestic violence are ruled on in one the country's 15 religious courts, or family courts, whose laws date back to the Ottoman era and which campaigners say almost always favour men over women.

The new bill proposes to take domestic violence out of the religious courts and into the civil system and will cut across confessional lines, giving both Muslim and Christian women equal rights under the law, and, say campaigners, will be a key step towards equality between men and women.

"The family courts don't treat men and women equally," said Nadya Khalife, a researcher on women's rights in the Middle East and North Africa at NGO Human Rights Watch (HRW). "The law is a step in the right direction, but we still have far to go before we have equality in Lebanon."

Domestic violence

Warda, a mother of six, said she suffered 20 years of domestic violence.

She said her husband was a drug addict who beat and sexually abused her throughout their marriage. Having had no success seeking help at a hospital and with the police, she went to see the representative of her Shia Muslim religious court.

Warda, not her real name, said the representative did little to help except to explain the difficulties of getting a divorce due to her husband's refusal to grant her one. In the end she sought help at KAFA and today, though still married, she lives with her parents with no rights to visit her children.

Every year more than 500 women seek help at women's centres in Lebanon. However, there are only four safe houses - able to accommodate just 40 women in total.

Yet the actual number of domestic violence cases, according to KAFA's Ghida Anani, is far higher: "To say violence and rape is underreported is not correct," she said: "It's not reported at all."

Anani said both hospitals and the police were failing to report domestic violence cases. "Often doctors don't ask about bruises and if a woman makes a complaint about domestic violence, the hospital reports it as a 'home accident' and there is no further investigation," she said.

The police record incidents of violence against women as "beatings" but do not specify in the report who was the perpetrator: "It's almost as if as long as there are no incidences, there's no problem," Anani said.

Religious courts

With 18 different religious confessions officially recognized by the state, Lebanon has 15

religious courts to rule on matters of marriage, divorce, custody and other personal matters, including domestic violence. A separate judicial system rules on common-law criminal cases.

"Family affairs are seen as a very private issue," said Anani. "The woman is seen as the man's property."

Efforts to reform the religious courts over the past decade have met resistance from an establishment reluctant to upset the confessional balance in a country still recovering from a devastating 15-year civil war which ended in 1990. Religious courts, say supporters, respect each sect's traditions as well as protecting them from others. Many fear that one civil law for all would disrupt the communal balance.

The differences between religious and civil law and between the laws for Christian and Muslim women are clear. The minimum age at which a girl can marry is far lower in all religious courts for girls than boys, and lower for Muslims than Christians; in some cases Islamic law permits girls as young as nine to marry.

Islamic religious laws do not prosecute marital rape nor so-called [honour killings](#) while the custody of children in divorce cases is usually awarded to the father. According to Anani, this means many women choose to stay in [abusive relationships](#) for the sake of their children.

"We don't want a legal system treating women differently from men and one that treats Druze, Shia and Christian women differently from each other," said HRW's Khalife.

Details of the new bill

In 2007, KAFA set up a steering committee comprised of lawyers, judges and specialists who drafted a new bill on domestic violence, known as the Family Violence Bill.

The proposed law, now awaiting discussion in parliament, stipulates specialized family courts operating under a common-to-all civil law, with cases of domestic violence ruled on in private hearings that include judges, social workers, forensic doctors and psychotherapists.

The new law obliges anyone witnessing domestic violence to report it, opens the way to legally binding restraining orders, and ensures the perpetrator provides the plaintiff with alternative accommodation, as well as paying subsistence allowance and medical expenses.

It also calls for specialized police units within the Internal Security Forces (ISF) in each of Lebanon's six governorates, which would include female police officers trained in dealing with domestic violence.

"I wish that law had seen the light of day before I got married 20 years ago," said Warda. "It would have changed many things for me. I wouldn't have been imprisoned to a man who disrespects me. I wouldn't have been imprisoned to a confessional system. I would have lived with dignity."

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