

Lebanese Republic

Chamber of Deputies

Law No. 293 of 07/05/2014

(Official Gazette No. 21 of 15/05/2014)

Law

**On the Protection of Women and Other Family Members from Domestic
Violence**

Single Article:

- *The Draft Law contained in Decree No. 4116 of May 28, 2010 on the Protection of Women and Other Family Members from Domestic Violence, as amended by the Joint Parliamentary Committees, is hereby ratified.*

- This Law shall come into effect upon its publication in the Official Gazette.

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Law

**On the Protection of Women and Other Family Members from Domestic
Violence**

Article 1:

This Law shall apply to domestic violence cases in accordance with the rules set out in the following articles.

Article 2:

The following terms, wherever found in the Law, shall mean the following:

***Family:** Includes either of the spouses, the father and mother of each, brothers, sisters, ascendants, and descendants, whether legitimate or illegitimate, and those related by adoption, marriage up to the second degree, guardianship, or orphan sponsorship, and the mother's spouse or the father's spouse.

***Domestic Violence:** Any act, abstention therefrom, or threat thereof committed by a family member against one or more family members as construed in the definition of family, involving one of the offenses set out under this Law and resulting in death or bodily, mental, sexual, or economic harm.

Article 3:

a. Domestic violence crimes shall be punishable as follows:

1. Article 618 of the Penal Code shall be amended to read as follows:

"New Article 618:

Anyone who forces a minor under the age of twelve to engage in begging shall be punishable with imprisonment from six months to two years and a fine ranging from one to two times the minimum wage."

2. Article 523 of the Penal Code shall be amended to read as follows:

"New Article 523:

Anyone who encourages one or more persons, whether male or female, who have not reached twenty-one years of age to engage in debauchery or corruption, facilitates such for them, or assists in the performance of such acts shall be punishable with imprisonment from a month to a year and a fine ranging from one to three times the minimum wage.

Anyone who deals in or facilitates secret prostitution shall be subject to the same penalty.

Retaining the provisions of Article 529 attached to Article 506, the penalty shall be increased in accordance with Article 257 of this Law if the crime occurs within the family, regardless of the age of the victim of the crime."

3. Article 527 of the Penal Code shall be amended and a new paragraph shall be added to make it read as follows:

"New Article 527:

Any person relying on prostitution of other persons to gain their living, or a portion thereof, shall be subject to imprisonment from six months to two years and a fine ranging from one to two times the minimum wage.

Retaining the provisions of Article 529 attached to Article 506 of this Law, the penalty shall be increased in accordance with Article 257 of this Law if the crime occurs within the family, and shall be doubled if the crime was accompanied by any form of violence or threat."

4. A new paragraph shall be added to Article 547 of the Penal Code to make it read as follows:

"New Article 547:

Anyone who intentionally kills another person shall be punishable with hard labor from fifteen to twenty years.

The penalty shall be from twenty years to twenty-five years if the act of murder is committed by one of the spouses against the other."

5. Article 559 of the Penal Code shall be amended to read as follows:

"New Article 559:

The penalties stated in this part shall be increased in accordance with Article 257 if the act is perpetrated in one of the cases set out in the second paragraph of Article 547 and in Articles 548 and 549 of this Law."

6. Article 487, 488, and 489 of the Penal Code shall be amended to read as follows:

"New Article 487:

Adultery committed by either of the spouses shall be punishable with imprisonment from three months to two years. The same penalty shall be imposed on the partner in adultery, if married; otherwise they shall be imprisoned from a month to a year."

New Article 488:

Either spouse shall be punishable with imprisonment from a month to a year if they take a lover openly, in any place whatsoever.

The same penalty shall be imposed on the partner."

"New Article 489:

– An act of adultery may not be prosecuted unless one of the spouses files a complaint. The complainant shall take the capacity of a personal plaintiff.

– The accomplice or intervening party shall only be prosecuted along with the adulterer.

– Complaints shall not be accepted from a spouse who consented to the adultery.

- Complaints shall not be accepted after the passage of three months from the day on which the complainant received knowledge of the crime.
- The lapse of the right of the husband or wife shall cause the public right case and all personal cases against all offenders to lapse.
- If the plaintiff consents to resume shared life the complaint shall lapse.

7(a). Anyone who, with or due to the intent of obtaining their conjugal rights to intercourse, hits or harms their spouse shall be punishable by one of the penalties set out in Articles 554 to 559 of the Penal Code.

In the event of recurrent beatings and harm, the penalty shall be increased in accordance with Article 257 of the Penal Code.

If the complainant withdraws, the public right case shall be dropped in those cases to which Articles 554 and 555 of the Penal Code apply.

The provisions observed in cases of repeat and habitual commission of crimes shall remain in force if the conditions thereof are met.

7(b). Anyone who, with or due to the intent of obtaining their conjugal rights to intercourse, threatens their spouse shall be punishable by one of the penalties set out in Articles 573 to 578 of the Penal Code. In the event of recurrent threats, the penalty shall be increased in accordance with Article 257 of the Penal Code.

If the complainant withdraws, the public right case shall be dropped in those cases to which Articles 577 and 578 of the Penal Code apply.

The provisions observed in cases of repeat and habitual commission of crimes shall remain in force if the conditions thereof are met.

Article 4:

The Public Prosecutor at the Court of Appeals shall assign one or more advocates-general to a governorate to receive and follow up on complaints related to incidents of domestic violence.

Article 5:

A division specializing in crimes of domestic violence shall be established at the Directorate General of the Internal Security Forces to handle the tasks of the judicial police on complaints submitted and transferred thereto in accordance with the provisions of this Law.

The division shall be regulated in accordance with the laws and regulations observed by the Internal Security Forces to cover all Lebanese territory.

The division shall include female members and division members shall receive full training in conflict resolution and social guidance.

Division members shall conduct their investigations in the presence of social assistants knowledgeable about family affairs and conflict resolution. Such assistants shall be chosen from a list established by the Ministry of Social Affairs

In the event of criminal complicity, the division's jurisdiction shall stand.

Division members may go to the crime scene as required, within the limits of the laws in force.

Article 6:

Aside from territorial jurisdiction in accordance with the general rules, the victim shall have the right to file a case at their permanent or temporary residence.

Article 7:

In accordance with Article 41 of the Code of Criminal Procedure, members of the Judicial Police must go to a location where domestic violence has occurred

without delay, after informing the advocate-general tasked with hearing domestic violence cases, if:

- It is a domestic violence offense discovered *in flagrante*;
- They are informed that a domestic violence protective order is being violated.

Article 8:

Judicial officers who attempt to force or exert pressure on a battered person with the aim of making the latter retract their complaint shall be subject to the penalty provided under Article 376 of the Penal Code.

A judicial officer's negligence of complaints and reports of domestic violence offences shall be deemed to be a significant error under Article 130, paragraph 2, of Law No. 17 of 06/09/1990 on the Regulation of the Internal Security Forces. Offenders shall be transferred before the Disciplinary Council.

Article 9:

Upon receipt of complaints or reports, and after consultation with the advocate-general assigned to hear domestic violence cases, the Judicial Police shall, under the supervision of the advocate-general, undertake the following:

- Hear the victim and the suspects, in the presence of the social worker mentioned in Article 5 hereof, after informing them of their rights provided under Article 47 of the Code of Criminal Procedure.
- Hear the domestic violence witnesses, including minor children, in the presence of the social worker provided under Article 34 of Law No. 422 of 06/06/2002.

Article 10:

Members of the Judicial Police must inform the victim of their right to obtain a protective order under Article 12 *ff.* hereof, and to seek the assistance of an attorney if desired, in addition to informing them of all rights provided under Article 47 of the Code of Criminal Procedure.

Article 11:

The advocate-general assigned to receive domestic violence complaints may, before issuance of a protective order by the relevant authority, task the judicial police, under their supervision, to undertake one or more of the following measures:

- a. Obtain a promise from the accused to refrain from confrontation with or instigation of a confrontation with the victim and all of the persons listed in Article 12 of this Law under penalty of application of item (1) of paragraph (b) of this Article.

- b. If there is a danger to these same persons:
 1. Bar the accused from entering the family home for one 48-hour period, which may be extended once, if there is no other way to secure the protection of the victim and their children and all of the persons listed in Article 12 of this Law.
 2. Arrest the accused in accordance with Article 47 of the Code of Criminal Procedure.
 3. Move the victim and all persons listed in Article 12, if they wish, to a secure location at the expense of the accused, according to his capabilities.

c. If the violence results in a condition requiring medical treatment or hospitalization, the victims of violence shall be transferred to the hospital and the accused must advance the treatment expenses.

If the accused refrains from advancing the expenses stated in paragraph (b) item 3 and paragraph (c) of this Article, the procedures followed to enforce the expense provisions in the Code of Civil Procedure shall be applied against the accused.

Notwithstanding Article 999 of the Code of Civil Procedure, the Public Prosecution shall issue an arrest warrant for an accused who refrains from advancing the aforementioned expenses.

Article 12:

Protective orders are a provisional measure issued by the relevant judicial authority in accordance with the provisions of this Law connected to hearing domestic violence cases.

The purpose of protective orders is to protect the victim and their children. Other descendants and all those living with the victim shall benefit from a protective order if they are exposed to danger, as well as social assistants, witnesses, and any other person providing assistance to the victim, in order to prevent continued or repeated violence.

Children legally included in the protective order shall mean those who are at the age of legal custody in accordance with personal status legal provisions and all laws in force.

Article 13:

Protection requests shall be submitted before the investigating magistrate handling the case or the criminal court hearing the case, and shall be reviewed in the deliberation room.

In all cases, the request may be submitted before an urgent matters judge as an urgent request.

Decisions issued by the investigating magistrate or individual judge shall be subject to appeal in accordance with the procedures provided in the Code of Criminal Procedure.

Decisions issued by the urgent matters judge shall be subject to challenge in accordance with the procedures provided for non-contentious decisions under the Code of Civil Procedure.

The appeal or challenge of a decision involving a protective order shall not suspend enforcement unless the competent court decides otherwise.

Decisions issued by any of the judicial authorities mentioned in this Article shall not be subject to cassation.

Decisions on the cases set out in the first and second paragraphs of this Article shall be issued within a period of not more than forty-eight hours.

Article 14:

Protective orders shall include the imposition of one or more of the following measures upon the accused:

1. Bar confrontation or the instigation of a confrontation with the victim and all of the persons listed in Article 12 of this Law.
2. Not obstructing the continued occupation of the familial home by the victim and the persons residing with her under protection.
3. Removal of the perpetrator of violence from the home, temporarily and for a period determined by the relevant authority, when the victim is seen to be in danger.

4. Removal of the victim and those residing with her included under the protection, when it is seen that they face actual danger for their continued occupation of the family home, to a secure and suitable temporary residence.

If the victim is removed from the home, those of her children who are of the age of legal custody shall be legally removed with her, as well as all children and residents if they are exposed to danger.

The accused must, in accordance with his capabilities, advance residence expenses.

5. Advance of an amount, in accordance with the capabilities of the accused, for food, clothing, and education, for those who require it.
6. Advance of an amount, in accordance with the capabilities of the accused, for the expenses required for medical treatment or hospitalization of the victim and all persons listed in Article 12 of this Law, if the violence perpetrated results in a condition requiring such treatment.
7. Refrain from damaging any of the property of the victim and the persons included in the protective order.
8. Refrain from damaging and bar disposal of furniture in the home and shared movable property.
9. Enable the victim, or anyone representing them, if they have left the home, from entering the home to take their personal belongings pursuant to a surrender order.

For all temporary advances, the victim and the accused retain the right to seek recourse before the competent courts to obtain the appropriate ruling in accordance with the relevant rules in force.

Enforcement of an expense ruling issued by a competent court shall suspend the advance stipulated in the protective order.

Article 15:

Submission of a protection request shall not bar the right of the victim or the accused to file or pursue a case before the courts of all different types and jurisdictions.

Article 16:

Submission of a protection request may be done without the assistance of an attorney and shall be exempted from judicial expenses and fees.

Article 17:

Protective orders issued by the courts of urgent matters shall be duly enforced.

Protective orders issued by the criminal courts shall be enforced through the Public Prosecutor's Office at the Court of Appeals.

The victim and/or all beneficiaries of the protective order, and the accused or defendant may request that the authority that issued the order or the court hearing the case cancel or amend the order if new circumstances arise.

Decisions ruling to repeal or amend a protective order shall be subject to the review mechanism noted in Article 13 of this Law.

Article 18:

Anyone who violates a protective order shall be subject to imprisonment for up to three months and a maximum fine of twice the minimum wage, or one of the two punishments.

If the violation is accompanied by the use of violence, the violator shall be subject to imprisonment for up to a year and a maximum fine of four times the minimum wage.

The penalty shall be doubled if the violation is repeated.

Article 19:

The trial shall take place confidentially before the authorities hearing domestic violence crimes.

Closing Provisions

Article 20:

In addition to the penalties provided under the provisions of this Law, the court may oblige the perpetrator of a domestic violence crime to undergo anti-violence rehabilitation courses at specialized centers.

Article 21:

A special fund shall be established as a legal entity that is financially and administratively independent to assist and care for domestic violence victims, provide ways to reduce and prevent domestic violence crimes, and rehabilitate perpetrators.

Such fund shall be funded by:

- State contributions, with a nominal allocation made for this purpose in the budget of the Ministry of Social Affairs.
- Donations

The regulation of the fund shall be specified under a decree adopted by the Parliament, based on a proposal from the Minister of Justice and the Minister of Social Affairs.

The Public Law for Public Institutions, issued under Decree No. 4517/1972, shall apply to the fund.

The fund shall be subject to the oversight of the Minister of Social Affairs.

Article 22:

With the exception of the rules of jurisdiction for the courts of personal status and the personal status provisions that remain in force exclusively in their areas

of jurisdiction, as well as the provisions of Law No. 422 of 06/06/2002 on the Protection of at-Risk Juveniles or Juvenile Offenders, all provisions that conflict with this Law or that do not accord with the content thereof, shall hereby be repealed.

Article 23:

This Law shall come into effect upon its publication in the Official Gazette.