

Zalfa's Questions

On the personal status laws



Preamble

Article 9 of the Constitution clearly stipulates that the State shall “guarantee to its inhabitants, regardless of their community, the respect of their civil status and religious interests”, it provides therefore each religious community with the right to determine their own familial matters.

Consequently, based on this Article, the relevant rules and regulations known as the personal status laws vary between the 18 Christian and Muslim communities, and the 15 religious courts. This reality resulted in a clear disparity in family affairs (marriage, divorce, alimony, custody and guardianship) among communities which consecrates the discrimination between all citizens who, in this case, are no longer equal citizens subject to one law, but “confessional” beings whose private family affairs are controlled by religious bodies instead of civil authorities.

However, no matter how different the legal texts governing the personal status are, religious legislations and courts agree on two things:

First: They are slow in accompanying change and coping with human rights principles.

Second: They insist on discriminating against women, in text and in practice, and on subjecting women to the authority of men be they husbands, fathers or even uncles and grandfathers.

Hence, the 2015 campaign slogan within the 16 Days of Activism Against Gender Based Violence **“An Archaic Law cannot Govern us Today”** which reminds us that it is unacceptable to keep unchanged these outdated laws which are, for most of them, over half a century old and which are “archaic” and patriarchal. It is unthinkable not to have a **unified personal status law, one that is single, fair and that equates between partners.**

The adjective “dissonant” that is used in many civil status laws and which is used exclusively to describe women in specific cases, is a proof of the “dissonance” in these laws. Such laws prove over and over again that they are “dissonant” since they do not “obey” the principles of equality, justice and the rules of a civil state.

Hence the slogan **“The Personal Status Laws are Dissonant”** which points a finger of accusation to the real disturbances in these legal texts, to their patriarchal character and calls for their reshuffling to put an end to the “dissonance” of many texts that are unfair to women and children and recreate discrimination against women, and discrimination among women, not to mention the violence they contribute in producing.

Many women are reluctant to seek protection and to step out of an abusive relationship for fear of losing their rights or the custody of their children, in addition to many expensive compromises imposed on them.

We cannot but repeat that a woman’s involvement in public life shall not be fulfilled as long as women are in a state of subordination in their private life, or as long as women are legally and socially grounded when they decide to break such subordination and refuse to be strictly confined to what the “guardians” allow. To change this reality one must start with the amendment of Constitution Article 9 which stipulates clearly that the State shall “guarantee to its inhabitants, regardless of their community, the respect of their civil status and religious interests” and the **State must redeem its role in enacting a unified civil law for personal status, one that is built on justice and equality and that applies to all without any discrimination.**

Hello!

My name is Zalfa. I am a woman who lives in Lebanon and suffers like many others from discrimination, violence and injustice.

In 2014, the Lebanese Parliament enacted Law Number 293 to Protect Women and Family Members from Family Violence. Consequently, KAFA (enough) Violence & Exploitation raised several questions on these matters and obtained answers that she shared with you in a booklet titled "Zalfa's questions about the law to Protect Women and Family Members from Family Violence". I advise you to take a look at the booklet and if that one raises matters pertaining to the law on family violence, then the booklet you have in your hands digs deeper into the laws that regulate family relations in Lebanon.

Therefore the questions I am raising to KAFA in this booklet might seem more complicated and complex since they are not only related to one law but to a series of laws titled "**the Personal Status Laws**" which, in Lebanon, are confessional laws that organize the personal status such as the matters of marriage, divorce, custody, guardianship, alimony and inheritance.

This booklet is divided into two parts:

Christian personal status laws and Muslim personal status laws.

The content of this booklet is aimed at shedding the light on the most important axes of these laws and on the matters that are relevant to women and that KAFA had simplified as much as possible to make them available to all. This information is a reference material to married and unmarried women. It shall help them understand these laws and how unfair they are to women's rights on more than one level. Women seldom ask about their rights under the current laws before marrying and they are later on surprised when marital problems occur and they bring the matter before court. This booklet can help create a better knowledge of the current personal status laws and raise awareness without necessarily waiting for problems to occur.

I hope these questions reflect what you have on your mind and that the answers I received from KAFA are up to your expectations...!



Part I

**Christian Personal
Status Laws**



Chapter one

General Provisions on Marriage

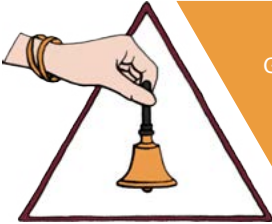
1- Is there any specific age for marriage?

- **For Catholics:** 16 years for males, 14 years for females.
- **For Armenian Orthodox:** 18 years for males, 15 years for females; however the spiritual leader may authorize the marriage between a 16 year old male and a 14 year old female, in unusual circumstances or for a very important reason.
- **For Greek Orthodox:** 18 years for males and females, however, when necessary, marriage can be held between a male who is no less than 17 years old and a female who is aged less than 15 years, taking into account the physical and health condition, the approval of the custodian, and the diocese permission.
- **For Syriac Orthodox:** 18 years for males, 14 years for females.
- **For Assyrians:** 18 years for males, 14 years for females.

2- Who is the relevant authority to examine the conflict arising from the marriage contract?

The court before which the marriage contract is made is the only entity authorized to examine any conflict arising therefrom.

3- Who is the guardian in the cases of marriage?



Guardianship in marriages **belongs to the father since he holds, alone, the parental authority**, except for the Armenian Orthodox where fathers and mothers hold the parental authority equally.

We shall clarify the principle of guardianship in question number 2 of Chapter 2.

4- May an adult girl marry without the authorization of her guardian?

For Christians, when a girl turns 18, she does not need the authorization of her guardian. However this authorization is needed for as long as the girl is under the age of 18 even if she reaches the legal age of marriage as specified by Christian communities.

5- What are the rights and obligations of a husband and a wife?

For Christians, couples must commit to common life and cooperation, union, cohabitation, maintaining mutual respect and integrity in addition to teaching their children religious and moral values. A husband is supposed to support his wife and children since he is considered the family's breadwinner.

As for wives, their obligations vary between communities. They have for example to:

- Be named after their husbands (Greek Orthodox and Assyrian Orthodox churches).
- Support their husband where he is in need and lacks revenue (Greek Orthodox, Syriac Orthodox, Assyrian Orthodox and Evangelical churches).
- Refrain from exercising any job without her husband's approval (Armenian Orthodox church).

Chapter two | Custody

1- What is the difference between custody and guardianship?

Guardianship or what is called parental authority provides the guardian with a powerful authority over a minor (both males and females) until reaching adulthood and includes the management of assets, education and life in general.

As for custody, it is the daily care of a minor (both male and female) who shall be taught religious, ethical and civil values.

2- When is a mother given guardianship over her children?

- **For the Catholic and Greek Orthodox churches:** a mother has the right to custody when the father loses his right to custody provided the mother fulfils the capacity requirements.
- **For the Armenian Orthodox church:** fathers and mothers exercise parental authority equally.
- **For the Syriac Orthodox church:** the mother is the guardian when the father grants her such right.
- **For the Evangelical church:** the mother shall be the guardian upon the father's death provided she has good conduct, is ethically correct and is capable of raising her children.

Christian communities have unanimously agreed on the right of a mother to be granted guardianship where marriage is dissolved because of the father.



3- When is custody given to a mother?

- For the Catholic church:

The legal age of custody is the breastfeeding age namely two years; the religious court shall have a discretionary power in granting custody taking into account the best interests of minors (both males and females).

- For the Greek Orthodox church:

The age of custody is 14 for males and 15 for females.

- For the Armenian Orthodox church:

The age of custody is 7 for males and 9 for females (same for the Syriac Orthodox and Assyrian churches).

- For the Evangelical church:

The age of custody is 12 for males and females.

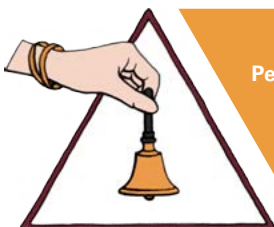
4- What are the legal proceedings for custody and when are they filed?

It is a legal action initiated in concomitance with the action brought for marriage dissolution, annulment or separation and requesting the designation of the legal custodian for the minor as per the provisions of the law and the best interests of the minor.

5- What makes me as a woman lose the custody of my children?

The most important reasons are the following:

- If a woman remarries after dissolution of the marriage or the death of the husband
- If a woman is "dissonant" or misbehaves for as long as she maintains the same behavior
- If she is the cause for breaking the couple's common life.



Personal status laws use the adjective "dissonant" exclusively for women when they leave the marital home without any valid excuse. We shall examine this matter under Chapter 8 on cohabitation.

6- Can children be forced to stay with the custodian father if they don't wish to?

The Court may seek the children's opinion as a matter of courtesy; however their opinion is not binding. The Court is the only authority capable of making a decision, while always taking into account the child's best interest.

7- Can a mother claim her children back even before the legal case for custody is settled?

If a child is still with the father when the legal action is brought before Court, he/she shall remain with him until the Court issues a verdict. The same applies in the cases where children are with the mother.

8- Can the Court grant custody to the father even though he mistreats the children?

Child abuse is one of the main reasons for which the right to custody extinguishes because, in this case, the custodian does not preserve the child's safety.

9- Do I lose my children's custody if I do not own my house or any revenue for that matter?

For Christians, a custodian does not need to have her own revenue to win her children's custody as it is incumbent on the father to pay alimony since he is the family's breadwinner; alimony includes eating, drinking, housing, learning and medical care.

Chapter three | Alimony

1- What does alimony mean? When can a request for alimony be filed?

Alimony is a husband's obligation to spend on his wife. It includes food, cloths, medical care, housing, and whatever is deemed necessary for a wife to have a decent living.

The request for alimony has to be concomitant with the case proceedings namely the separation, annulment or dissolution of marriage. It is decided by the religious court when the case is filed or no more than six months before.

2- May I claim advance alimony during divorce proceedings?

A wife may ask for a summary alimony during divorce proceedings. It is decided by the religious court before the initial proceedings are settled (namely separation, annulment or dissolution).



3- Am I entitled to ask for alimony once the separation, annulment or dissolution decision is made?

- In the cases of separation: the separation decision includes alimony when claimed by the wife.
- In the cases of annulment, dissolution or divorce: when the marriage contract is dissolved further to a decision to terminate or annul the contract or in the case of divorce, the husband is no longer bound to pay alimony however the wife may ask for compensation when marriage is terminated because of the husband.

4- May a husband ask his wife to pay alimony?

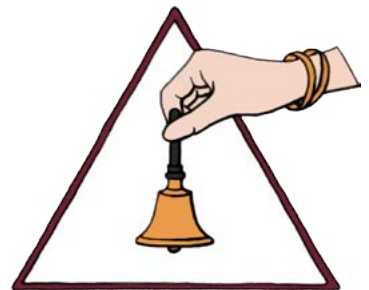
By principle, alimony is a wife's right over the husband. However, for exceptional cases, a husband may ask the wife to pay alimony where the wife is well off and the husband is in dire conditions. In this case, the wife is bound to pay alimony until the husband's situation changes.

5- Can a mother request alimony from her children?

Yes, she can.

6- What are the consequences if a husband refrains from paying alimony once a legally binding decision is made?

When the husband bound to pay alimony refrains therefrom, the Chamber of Execution may issue a decision to incarcerate him or impose seizure on his possessions, if any. His salary may be confiscated if he is an employee at a public or a private company.



For Christians, a wife's right to alimony extinguishes where she is found "dissonant" or is the main cause for marriage termination.



Chapter four | Visitation

1- What does visitation mean?

Visitation is the right of one of the parents to visit and accompany a child who is not in his/her custody.

2- What is the average time given for visitation?

The visitation time and place are determined by the Court and on a case by case basis. Hence, it could mean the possibility of visiting children in day time, for a full day or more with or without overnight visitation.

3- When is a visitation request filed?

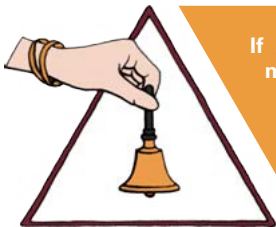
This request is filed when the couple is unable to reach an amicable decision about organizing visitation or when the other party is forbidden from visitation. A decision is made along with the main proceedings for separation, annulment or dissolution.

4- Is the presence of the custodian (be it a father, a mother or any other person) obligatory during visitation?

It should not be unless there is fear for the child to be kidnapped or harmed.

5- Can visitation be imposed on children?

The Court has to make sure that children are the ones rejecting visitation; in which case they cannot be forced to.



If a child's rejection results from pressure exercised by the father, the mother, the parents or any other person, the Court has the right to impose visitation by enabling the parent to exercise his/her right to visitation without any pressure.

6- Is visitation at school authorized?

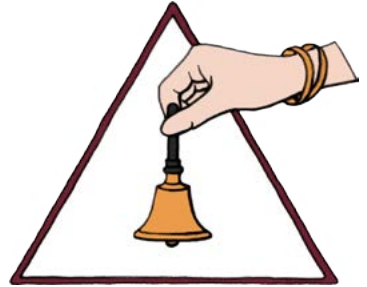
It is if the Court decides so.

7- What can be done if the custodian or any other person of his/her behalf intervenes during visitation?

In this case a penal action can be brought before the competent authority.

1- What is separation?

It is a measure by which couples live in separate dwellings, while maintaining the bond which forbids either from concluding a new marriage. Separation can be temporary or permanent.



Separation is temporary for other Christian communities in one of the following reasons:

- **For the Catholic and the Armenian Orthodox churches:** when one of the spouses embraces another confession.
- **For the Catholic, Greek Orthodox, Armenian Orthodox and Syriac Orthodox churches:** when the other spouse is exposed to physical or psychological risks.
- **For the Catholic, Greek Orthodox and Evangelical churches:** when married life becomes difficult.
- **For the Catholic church:** upon teaching children non catholic values.
- **For the Armenian Orthodox and Syriac Orthodox churches:** in case of adultery.
- **For the Armenian Orthodox church:** when one of the spouses avoids marital obligations, is absent from home or suffers from dementia.
- **For the Syriac Orthodox church:** when one of the spouses is subjecting the other to corruption, or when the spouse refuses to follow her husband or when the husband is involved in the wife's coming "contrarily to nature," as provided for in the text.

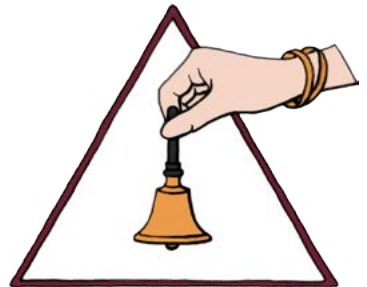
For the Catholic church, separation is final in case of adultery.



The texts of the Catholic and Syriac Orthodox churches provide for the possibility of separation for another reason left to the Court's discretion.

2- Is there any specific duration for temporary separation?

- **For the Catholic church:** the Court designates this duration.
- **For the Greek Orthodox, Armenian Orthodox and Syriac Orthodox churches:** for three years.
- **For the Evangelical church:** a time period varying between no less than two years and no more than five years.



3- What are the consequences of separation?

Where the husband causes separation, he shall:

- Pay alimony for the wife and kids
- Provide a legal accommodation or equivalent to the spouse and kids as adequate to his condition.

Where the wife committed the offense resulting in separation, the consequences shall be:

- Her right to alimony becomes extinct
- Her right to intercourse with her husband becomes extinct

According to the Catholic church, married life should resume when the reason behind the separation is terminated unless the religious authority decides otherwise.

For the Syriac Orthodox church, in addition to the above, where the wife is found "dissonant", the Court may require from her to pay her husband a monthly alimony which is the equivalent of a monthly salary paid to a domestic worker.

4- May I file a request for marriage dissolution if my husband separates from me?

Yes, you may however in specific cases, namely:

- The husband neglects his wife for three consecutive years, whether he is absent from home or living therein.
- The husband is absent and his whereabouts are unknown for five years, which is proven before Court, unless in exceptional cases of force majeure.

For the Catholic church, the aforementioned reasons are not taken into account. Other reasons should be found as detailed under Chapter 6.

5- May the causes for separation (alimony, visitation, etc.) be established under an agreement signed between myself and my husband?

Yes they may. However, this agreement shall only enter into force or take effect after its validation by the competent religious court.

Annulment:

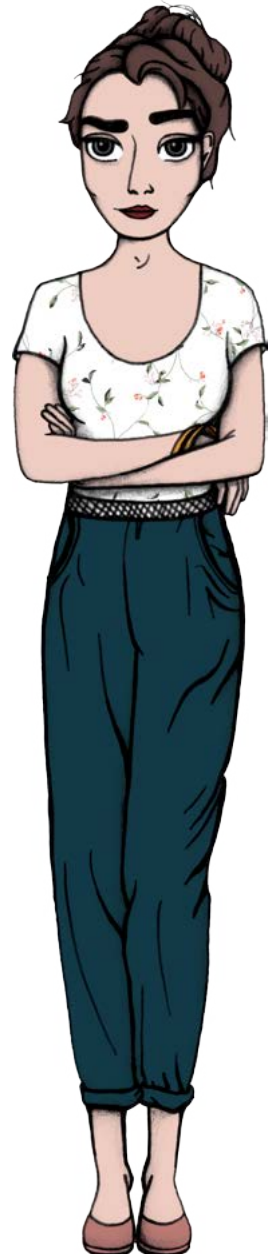
Marriage is annulled when it is contracted on undeclared grounds that validate its annulment or when it is concluded in concomitance with prenuptial circumstances and causes that make him null.

Dissolution:

Marriage is valid at start, however it is dissolved where, after its conclusion, reasons are found and established by the law to justify its dissolution.

1- What is the “waiting period” (Idda)?

The waiting period forbids spouses whose marriage is terminated from entering into a second marriage until the elapse of a specific period of time unless it is proven that the wife is not pregnant.



2- What is the waiting period after a divorce/dissolution/annulment?

The waiting is as follows:

- For the Greek Orthodox and Assyrian Orthodox churches: 4 months.
- For the Armenian Orthodox church: 300 days.
- For the Syriac Orthodox church: 40 days for men and 10 months for women.
- For the Evangelical church: 3 months.

The waiting period does not apply to Catholics.

3- Can I file for divorce, dissolution or annulment without the assistance of a lawyer?

This is applicable before First Instance Courts, as for the Courts of Appeal, it is compulsory to hire a lawyer except for Catholics.

Chapter seven | Marital Home

1- When am I allowed to leave the marital home with my kids without being considered “dissonant”?

A wife may leave the marital home when the life’s couple becomes unbearable or when her stay at home puts her life and the life of the kids at risk.



2- What are the legal procedures that I need to take upon leaving the marital home?

A woman must, upon leaving her marital home, file penal proceedings if her husband inflicted upon her physical harm prior to her departure or may initiate separation proceedings or dissolution proceedings before the relevant religious court.

1- What are the cohabitation proceedings?

They are proceedings initiated by one of the spouses when a marital disagreement arises and forces one of the two to leave the marital home and aimed at compelling the departing spouse to cohabit.

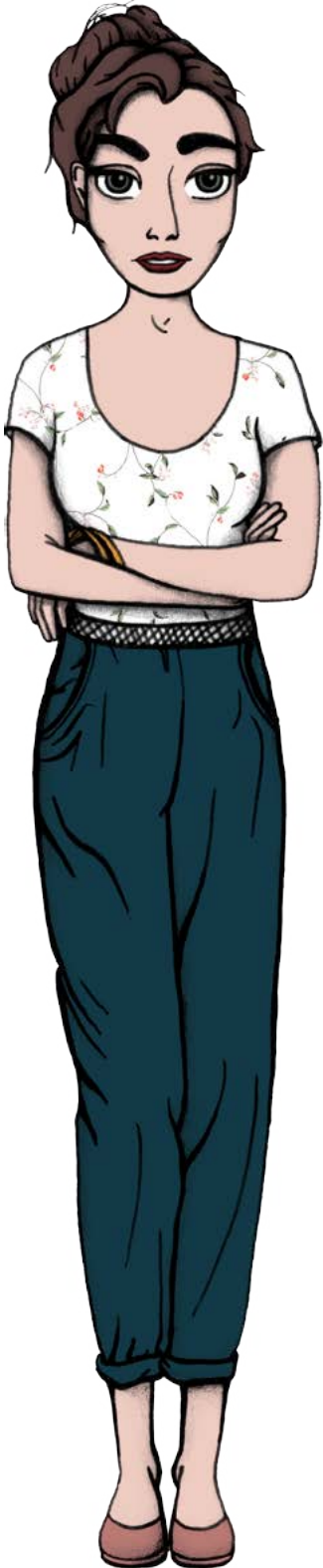
2- What are the consequences if a wife refrains from complying with a verdict to cohabit with her husband?

Where a spouse refuses to comply with a verdict to cohabit with her husband, she is considered "dissonant" and therefore loses her right to alimony and her right to claim for alimony for as long as she is dissonant. For some Christian communities, she even loses her right to custody.



Part II

**Muslim Personal
Status Laws**



Chapter one

General Provisions on Marriage

1- Is there any specific age for marriage?

- **For Sunnis:** 18 years for males, 17 years for females. The judge may authorize the marriage of a minor male aged 12 and a minor female aged 9 if she has reached puberty and further to the authorization of her guardian.
- **For Shiites:** it is standard practice to prove attainment of the legal age of puberty. A male is expected to reach puberty at the age of 15, a female at the age of 9.
- **For Druze:** 18 years for males, 17 years for females. The Druze sheikh or judge may however authorize the marriage of a minor male having reached the age of 16 and a minor female aged 15 further to the authorization of their guardians.

2- Who is the relevant authority to examine the conflict arising from the marriage contract?

The court before which the marriage contract is made is the only entity authorized to examine any conflict arising therefrom.

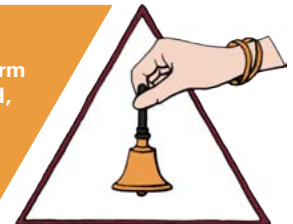
3- Who is the guardian in the cases of marriage?

- **For Sunnis:** The Guardian in cases of marriage is the male figure, from the father's side, according to the following hierarchy: the father, the brother, the grandfather and the uncle. Otherwise, such authority is entrusted with the judge.
- **For Shiites:** The guardian in the cases of marriage is the father, the grandfather from the father's side or else the legal governor. For the marriage of minors, males and females, the father and the grandfather from the father's side are the only ones having authority over the marriage.
- **For the Druze:** The guardian in the marriage is the male figure from the father's side according to the following hierarchy: the father, the brother, the grandfather and the uncle, or else, the Sheikh Akl and the community's judge.

4- May an adult girl marry without the authorization of her guardian?

- **For Sunnis:** even at adulthood, the marriage of a girl requires the authorization of her guardian.

Even if an adult girl seeks the judge's authorization, the judge will inform her guardian. If the latter does not object or his objection is misplaced, the judge will grant her authorization to marry.



- **For Shiites:** An adult girl needs the authorization of the guardian (namely the father or the grandfather) to marry except for the cases below:
 - . If she was no longer a virgin as a result of a former marriage (in which case she is called deflowered) and no one shall have authority over her.
 - . Where it is impossible to reach the guardian as a result of his absence.
 - . Where the guardian objects and his objection is misplaced or unfair.
- **For the Druze:** the guardian's approval is required until the age of 21. If a woman wishes to marry before the age of 21, the Sheikh Akl or the Druze Sheikh shall inform the guardian. If the latter shows no objection or his objection is misplaced, she is granted authorization to marry.

5- What are the rights and obligations of a husband and a wife?

For Muslims, a husband has over his wife the rights below:

- To right to obedience in authorized matters
- The right to cohabitation
- The right to accompany him where he wishes to live, provided the marriage contract does not stipulate otherwise.

As for the wife, she may claim from the husband the following:

- A dowry
- Sufficient alimony
- Fulfilling intercourse
- A decent legal housing that only accommodates his parents or relatives with her consent.

As for the common rights and obligations, they include the right to enjoy each other and the right to inheritance.



Marriage between persons of different religions forbids inheritance.

6- What are the conditions that a woman may include in the marriage contract?

- **For Sunnis:** A wife may request from her husband the following:
 - . To refrain from taking a second wife, in which case she or the other wife are considered divorcees
 - . To refrain from taking her out of her country
 - . To maintain an equal right to divorce (which means to be granted Al Isma, or the right to control the bond of marriage).
- **For Shiites:** A wife may request from her husband the following:
 - . To refrain from taking her out of her country
 - . To be his representative in divorcing herself.
- **For the Druze:** the Druze personal status law provides for the conditions that the contract must include. However it is agreed that any matter that is not established under a private text may be decided by the Druze Judge according to the Hanafi School.

A woman's testimony

- **Sunnis:** marriage is concluded in the presence of two adult witnesses, either two men or one man and two women.
- **Shiites:** marriage does not need witnesses; whereas proving marriage requires the testimony of two men.
- **Druze:** marriage can be concluded in presence of four male witnesses.

Unregistered marriage (Zawaj Orfi)

It is an unofficial marriage contract which fulfills all the legal requirements except for the Court's former authorization (this contract is not officially registered in Court). For a wife to obtain her legal rights, she has to file proceedings to prove the marriage before the Sunni Sharia Court or the Druze Religious Court.

Temporary marriage (Zawaj Moutaa)

It is applicable only to the Shiite community. It is a marriage concluded under a limited term contract which does not provide women with any of the wife's rights. She is only entitled to alimony when such is clearly stipulated in the contract.

Polygamy

It is only applicable to the Sunnis and the Shiites. However, contrarily to the Shiites, a Sunni woman may specifically include in the contract a clause forbidding the husband from taking a second wife; in which case the first or the second woman are considered divorcees, while the contract and the requirement remain valid. The wife could also ask for separation if the husband breaches the clauses of alimony and equality at home.

1- What is the difference between custody and guardianship?

For Muslims, custody means that the child is raised and cared for by the relevant custodian.

As for guardianship, it means guardianship over life (the right to education, upbringing, learning, marriage or protection). It means as well guardianship over assets (taking care of a minor's assets/preserving and keeping the same, it includes care and guardianship "Wisaya and Qaymouma").

2- When is the mother granted guardianship over her children?

Mothers are never granted guardianship over their children in all three communities.



3- When is custody granted to a mother?

- **Sunnis:** 12 years for males and females. Custody of children at this age is only granted to the mother. If custody is transferred to the mother's mother as a result of the mother's death, the age of custody shall be 7 for males and 9 for females.
- **Shiites:** two years for males and 7 years for females.



Custody is never granted to a mother of a different religion.

- **Druze:** 7 years for males and 9 years for females.

4- What are the legal proceedings for custody and when are they filed?

They are proceedings filed by either the father or the mother to claim the right of a child's custody when the disagreement among the two reaches the point of separation.

5- What makes me as a woman lose the custody of my children?

The most important reasons are the following:

- **For Shiites:** if the mother's religion is different.
- **For Sunnis:** the mother's custody is extinct when the child reaches the age of 5 if the mother's religion is different.
- **For Sunnis and Druze** if she remarries someone who is not the child's "mahram". As for the Shiites, she loses the right to custody whether she remarries the child's mahram or marries a non mahram.

For all three communities, a mother can redeem her right to custody if the reason underlying its extinguishment elapses.

6- Can children be forced to stay with the custodian father if they don't wish to?

The Court may seek the children's opinion as a matter of courtesy; however their opinion is not binding. The Court is the only authority capable of making a decision, while always taking into account the available conditions.

7- Can a mother claim her children back even before the legal case for custody is settled?

If a child is still with the father when the legal action is brought before Court, he/she shall remain with him until the Court issues a verdict. The same applies in the cases where children are with the mother. However the matter is left to Court which makes its decision based on the information that requires the minor's protection.

8- Can the Court grant custody to the father even though he mistreats the children?

Where the father abuses the children and inflicts upon them physical, psychological or educational harm, he shall be deemed unworthy of their custody and therefore can lose custody.

9- Do I lose my children's custody if I do not own my house or any revenue for that matter?

A mother does not need to have her own revenue to win her children's custody as it is incumbent upon the father to pay alimony which includes cloths, food and housing.

1- What does alimony mean? When can a request for alimony be filed?

Alimony is a husband's obligation to spend on his wife. It includes food, cloths, medical care, housing, and whatever is deemed necessary for a wife to have a decent living.

When the husband stops fulfilling his duty to provide the wife with alimony, the latter may bring the matter before Court and file a request for alimony, with or without a case for divorce.



2- May I claim advance alimony during divorce proceedings?

In principle, a wife may not ask for advance alimony during divorce proceedings. However, the judge may, on a case by case basis, decide that she is granted an advance for the designated period or authorize her to take debts in the name of her husband.

3- Am I entitled to ask for alimony after divorce?

For both the **Sunnis and the Shiites**, alimony is due during the legal waiting period (Idda) if divorce is revocable, unless divorce takes place because the woman is considered dissonant.

Revocable divorce is not applicable for **Druze**.

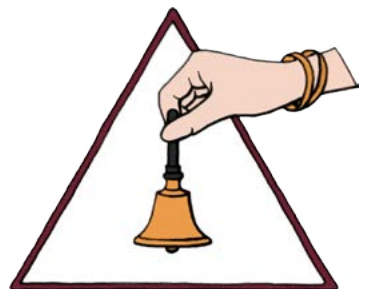
For more details about divorce, consult Chapter 5.

4- Can a mother request alimony from her children?

Yes, she can.

5- What are the consequences if a husband refrains from paying alimony once a legally binding decision is made?

When the husband bound to pay alimony refrains therefrom, the Chamber of Execution may issue a decision to incarcerate him or impose seizure on his possessions, if any. His salary may be confiscated if he is an employee at a public or a private company.



For all Muslim communities, a wife's right to alimony extinguishes where she is found "dissonant".



Chapter four | Visitation

1- What does visitation mean?

Visitation is the right of one of the parents to visit and accompany a child who is not in his/her custody.

2- What is the average time given for visitation?

The visitation time and place are determined by the Court and on a case by case basis. Hence, it could mean the possibility of visiting children in day time, for a full day or more with or without overnight visitation.

3- When is a visitation request filed?

This request is filed when the couple is unable to reach an amicable decision about organizing visitation or when the other party is forbidden from visitation. A decision is made along with the main proceedings.

4- Is the presence of the custodian (be it a father, a mother or any other person) obligatory during visitation?

It should not be unless there is fear for the child to be kidnapped or harmed.

5- Can visitation be imposed on children?

The Court has to make sure that children are the ones rejecting visitation; in which case they cannot be forced to.



If a child's rejection results from pressure exercised by the father, the mother, the parents or any other person, the Court has the right to impose visitation by enabling the parent to exercise his/her right to visitation without any pressure.

6- Is visitation at school authorized?

It is if the Court decides so.

7- What can be done if the custodian or any other person of his/her behalf intervenes during visitation?

In this case a penal action can be brought before the competent authority.



Chapter five

Divorce

- For the Sunnis and the Shiites:

There are no restrictions on a man's right to exercise his free will in divorcing his wife. A man has as well the right to refuse divorce before or after mating. Exceptions: when the wife possesses the right to divorce her husband or when she has the bond of marriage.

- For the Druze:

A marriage contract is only dissolved upon the judge's decision.

How does divorce take place?

- **Sunnis:** Divorce does not need witnesses and takes place using explicit or commonly used terms while taking into account the husband's intent.

- Shiites:

Two male witnesses are needed. Divorce shall be made in fluent Arabic except for the cases where the husband does not speak Arabic.

- Druze:

Divorce is only granted upon the judge's decision.

1- What is the “waiting period” (Idda)?

The waiting period is the period during which a wife may not remarry, after a divorce or the husband's death, to avoid descent confusion and to allow the couple to get back together in case of a revocable divorce (Sunnis and Shiites).

2- What is the waiting period after a divorce?

- For Sunnis:

Three menstrual cycles if the woman is not pregnant and three months if she reached menopause and until child delivery if she's pregnant.

- For Shiites:

Three menstrual cycles if the woman did not reach menopause or was not pregnant and three months if her period was not regular, and for pregnant women it's until child birth.

- For Druze:

Four lunar months after the divorce or the death of the husband, a pregnant woman's Idda ends up with child delivery or miscarriage.

- For Sunnis and Shiites:

A husband is entitled to bring his wife back to marriage bond without her consent or knowledge during the Idda period in case of a revocable divorce. Such revocation must not necessarily be registered before Court. For Sunnis only, women may resort to Court and file for divorce.

- For Druze:

A man may not remarry his divorcee.

3- Can I file for divorce without the assistance of a lawyer?

This is applicable before First Instance Courts, as for the Courts of Appeal, it is compulsory to hire a lawyer.

What is Khul' (Separation by way of consent between the parties – Khul')?

It is divorce that occurs with the consent of both parties when a wife relinquishes her right to a dowry against the man's consent to divorce and where a man's consent is required (only for Sunnis).

What is Tafrik (Dissolution of marriage) ?

Proceedings that are brought by one of the spouses asking because of the harm resulting from disagreement, conflict or bad companionship such as beating, insulting, forcing into forbidden practices, in which case the Court grants divorce (for Sunnis and Druze).

1- When am I allowed to leave the marital home with my kids without being considered “dissonant”?

A wife may leave the marital home when the life's couple becomes impossible or when her stay at home puts her life and the life of the kids at risk.

2- What are the legal procedures that I need to take upon leaving the marital home?

A woman must, upon leaving her marital home, file penal proceedings if her husband inflicted upon her physical harm prior to her departure or may initiate divorce or dissolution tafrik proceedings before the relevant Sharia or Community courts.





1- What are the cohabitation proceedings?

They are proceedings initiated by the husband when the wife leaves the marital home without his approval or a valid excuse.

2- What are the consequences if a wife refrains from complying with a verdict to cohabit with her husband?

Where the wife refuses to comply with a verdict to cohabit with her husband, she is considered "dissonant" and therefore loses her right to alimony.

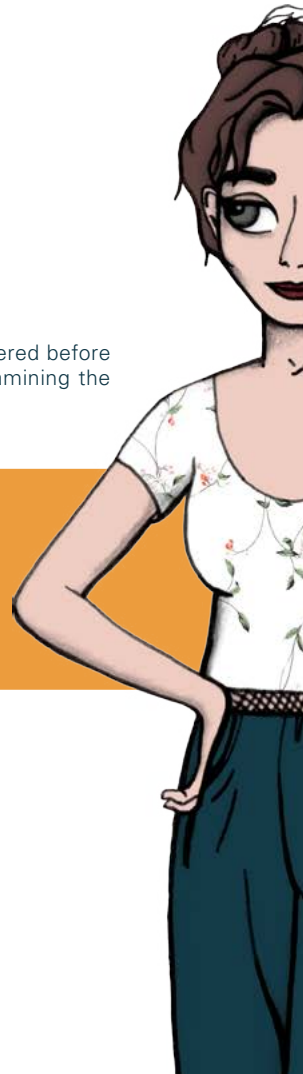
Part III

Civil Marriage

The Lebanese State recognizes civil marriage when it is concluded abroad and registered before the competent public authorities. Civil courts are the legal entity entrusted with examining the conflicts arising from such contracts.



Where the spouses are both Sunnis, Shiites, or Druze and where at least one of them is Lebanese, the Muslim Religious Courts are in this case the competent authorities.



Do not forget to visit my website:
www.kafa.org.lb/zalfa

If you are subjected to violence, you can call KAFA
Helpline: **03-018019**
01-392220/1



KAFA (enough) Violence & Exploitation is a feminist, secular, Lebanese, non-profit, non-governmental civil society organization seeking to create a society that is free of social, economic and legal patriarchal structures that discriminate against women.

KAFA has been aiming to eliminate all forms of exploitation and violence against women since its establishment in 2005. It seeks to realize substantive gender equality through the adoption of a combination of different approaches, such as:

Advocacy for law reform and introduction of new laws and policies; influencing public opinion, practices and mentality; conducting research and training; and empowering women and children victims of violence, and providing them with social, legal, and psychological support.

Our focus areas are: family violence; exploitation and trafficking in women, especially in migrant domestic workers and women in prostitution, and; child protection, particularly from sexual and gender-based violence.

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