

# Zalfa's Questions

on the Law to Protect  
Women and Other Family Members  
from Family Violence



United Nations Population Fund



NORWEGIAN EMBASSY

Beirut - Lebanon



UN Family In Lebanon



كفى عنف واستغلال

## Preamble

In this booklet, Zalfa raises some common and legitimate questions that strike the mind of any woman who is a victim of violence. KAFA (enough) Violence & Exploitation answers those questions in the simplest way possible quoting Law number 293 on the Protection of Women and other Family Members from Family Violence. This booklet is aimed at informing women in Lebanon about their rights and legal choices while warning them against the legal loopholes that could hamper their full protection.

The answers in this booklet are based on Law number 293 promulgated by the Parliament's General Assembly on April 1st, 2014, signed by President Michel Suleiman on May 8, 2014 and published on May 15, 2014 in the Official Gazette. It is the final draft that was submitted by the Parliament's subcommittee that studied the Bill on Protecting Women from Family Violence for over one and a half years.

While some of the answers we provide you with are based on the law that was enacted as a result of the efforts by the National Coalition for Legislating the Protection of Women from Family Violence, the Lebanese media, and all active supporters, we would like to underline that as the law's implementation kicked off, and despite the success we achieved in providing women victims of family violence with protection orders, the obstacles we face make us even more resolved and attached to our position to reject the distortions that forced their way into the law and even more resolved to pursue our campaign and introduce the necessary amendments after 71 Members of Parliament (MPs) failed to keep their promise to amend the law in a way that is true to its content and purpose.

Below are the amendments that will spearhead our campaign:

- Amending Article 3 of the Law so that it includes **all crimes** stipulated in the Penal Code
- **Abolishing** Paragraph 7, Article 3 of the Law that provides for the sacred **right to claim marital rights**, which constitutes a flagrant violation of the civil framework of criminal laws;
- Abolishing Paragraph 2, Article 12 of the Law so as to include the **decision to protect the victim's children regardless the age of custody**;
- Amending Article 13 of the Law in order for the **Public Prosecution to have the right to issue protection orders** along with the Judge in Chambers to facilitate women's access to justice;
- Devoting the Law's section on protection to women.

The Law that was enacted refuses to give women an exclusive right to seek the protection of the State's civil entities, the MPs refusing to give women any special prerogatives, obliterating, with premeditation, the fact that women are subject to violence and killing in a patriarchal society that focuses on the power of men in the laws and customs that regulate family relations.

**We are determined to fight for the necessary amendments so the Law is up to the ambitions of women in Lebanon and more specifically women who are victimized and threatened within their own families.**

**At the same time, we shall spare no effort to follow up on the implementation of the law, as enacted, and to benefit insofar as possible from the articles that were not distorted, namely:**

- Devising a department within the Internal Security Forces (ISF) for family violence;
- Appointing one or more attorneys at law for family affairs in every governorate to follow up on the complaints of family violence;
- Issuing protection orders, inter alia, to keep the offender at distance from the victim or keeping him in detention if necessary;
- Establishing a special fund for the support of the victims of family violence

Hello!

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

I learned recently that the Lebanese Parliament enacted the "Law to Protect Women and other Family Members from Family Violence". To tell you the truth I was happy at first, but my enthusiasm soon faded away when I heard the numerous comments on the law.

I won't be long. I am here my dear friends to share with you the questions that I have raised to KAFA (enough) Violence & Exploitation regarding the law and how it can be of use to women victims of family violence in its current version.

I hope my questions reflect your thoughts and I hope the answers I received from KAFA are up to your expectations...!





## What is the Law on Protecting Women and Other Family Members from Family Violence or Law number 293?

This Law is divided into two parts:

• **A punitive section:** the sanctions punishing some of the crimes mentioned in the Lebanese Penal Code are increased where committed between family members; the beating and harming are incriminated as well.



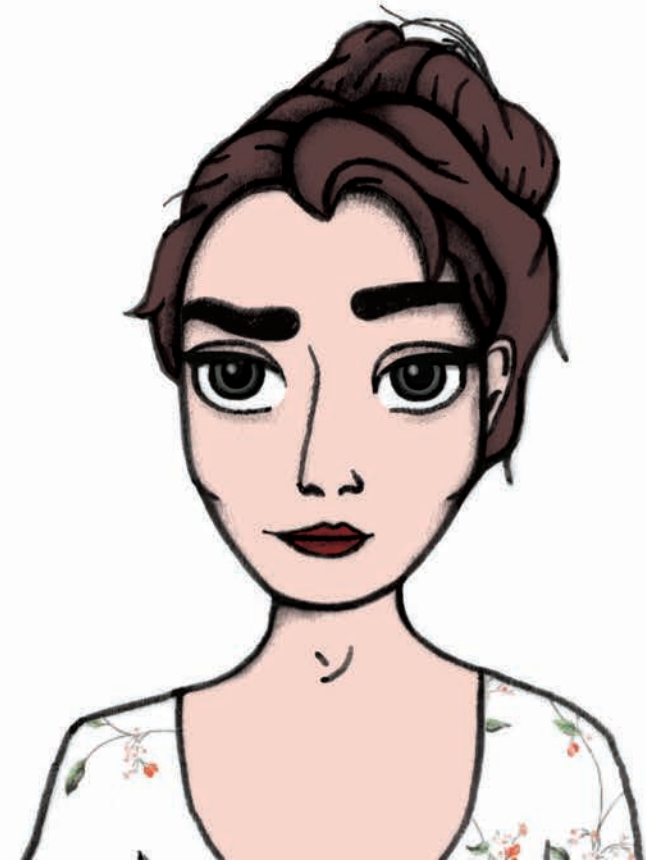
- The present Law does not incriminate forcing a wife into sexual intercourse or marital rape per se, it punishes the beating, harming and threatening used by the husband in order to claim his "marital rights".  
- To have the offender punished, you must press charges. Dropping the charges ends legal proceedings against the offender.

• **A protective section:** it includes the protection order which can be requested by the victim in order to keep the offender away from her, her children and her home, or transporting her and her children to a safe location. We shall explain later in details the protection order and how to seek it.

One of the common mistakes when we talk about family violence, more specifically Law number 293, is to limit it to violence exercised by a husband on his wife whereas the approved law stipulates that it is violence between all family members, for example, violence exercised by a father against his adult children – since minors are subject to Law number 422– and vice versa i.e., violence exercised by adult children against the father or the mother, or violence between siblings, adopted or dependent children and any person victimized by whoever has mandate or custody over him/her...

Relations excluded under Law 293:

The law does not include a former husband, knowing that women remain often threatened by their former husband, and does not include cohabitation, temporary marriage or any extra marital relation recognized by the law.







## 1- What can I do if I am the victim of violence?

In case you are **currently** the victim of violence you can:  
First: Dial **112** (Internal Security Forces operations room)  
Second: Go to the closest police station within the next 24 hours to press charges.



**When twenty-four hours elapse after the act of violence, you become obliged to go to Public Prosecution to press charges against the offender.**

### What is Public Prosecution?

The Public Prosecution is a legal reference available in every governorate and comprising a Public Prosecutor assisted by Public Attorneys specialized in receiving direct claims before the Courts of Justice where an on duty Public Attorney is always present or by means of police stations where ISF members receive the complaint, and initiate investigations under the supervision of the on duty Public Attorney.

The Public Prosecution is the only legal reference available 24/7 including on holidays and official occasions. Even if violence occurs at night or on a holiday, you can still dial 112 if you are unable to leave the house and head to the closest police station knowing that police stations are in constant contact with the Public Prosecution to start the investigation.

### **First: If I dial 112, what are the measures that the ISF respondent should take?**

If you dial 112, the respondent should, or otherwise risk the disciplinary measures under Service Memo number 164/204 issued on May 20, 2013 and Law 293, proceed as follows:

- Identify his/her name, grade and service department;
- Guide you, if you have already left the house, to the closest police station or to the Public Prosecution (depending on whether or not the violence occurred 24 hours ago);
- Inform the police station under the jurisdiction of which violence has occurred to head to the victim's house in case she is locked in and cannot leave;
- Instruct the Red Cross to head to where the violence occurred if you need to be moved to hospital as a result of the violence;
- Guide you to associations that can provide you with legal, psychological and social assistance including a shelter in case you did not wish to press charges.

When ISF members arrive to the place where the violence occurred, they can accompany you to the police station to press charges, or take you to hospital if needed, and they shall abide by the instructions of the Public Prosecution, which will be detailed later.

### **Second:**

#### **a- In case I head to the closest police station, what are the measures that the investigation officer should take (ISF member who takes your statement at the police station)?**

Upon receiving the complaint, the investigation officer should, or otherwise risk the disciplinary measures under Service Memo number 164/204 issued on May 20, 2013, and Law 293, proceed as follows:

- Identify himself/herself and welcome you properly;
- Refrain from neglecting any complaint on family violence or risk disciplinary prosecution;
- Ensure that no more than two officers conduct the investigations;
- Provide you with the necessary privacy to express your complaint;
- Refrain from interfering or influencing you to reconsider your complaint;
- Inform you of your right to a protection order;
- Guide you to associations that can provide you with the legal and psychological assistance including a shelter;
- You can request the presence of a social assistant during the hearing at the police station.

Upon receiving the complaint, the investigation officer shall contact the Public Prosecution and after informing the latter with the details of the complaint, the Public Prosecution shall give its instructions, which contain one of the measures established under Law number 293 depending on every case.

#### **b- What are the measures that the Public Prosecution can take when I press charges?**

The Public Prosecution can take one or many of the measures below:

- Compel the offender never to aggress the victim or risk expulsion from home;
- Keep the offender out of his home for a period of 48 hours renewable once;
- Compel the offender to pay an advance covering the medical expenses incurred as a result of your treatment from the consequences of the violence inflicted upon you;
- Transport you to hospital for treatment at the expense of the offender when necessary;
- Transport you, your children and whoever resides with you to a safe location at the expense of the offender;
- Appoint a legal doctor at the expense of the offender or the public prosecution.

**Note:** where the offender refrains from settling the expenses above, the Public Prosecution shall immediately issue an imprisonment decision.

The purpose for which the Public Prosecution decides to keep the offender away for 48 hours or arrest him for 48 hours, even when the damage incurred does not necessitate arrest, is to give you the time necessary to obtain a protection order from the Judge in Chambers.

Upon pressing charges, you can request a copy of the complaint minutes and reference number and request from the Judge in Chambers a protection order before 48 hours elapse. We shall explain this full mechanism in questions 2, 3, 4, 5 and 6.



## 2- If the last complaint I submitted is a few days or months old, and I still feel threatened, can I have protection?

You can address the Judge in Chambers requesting a protection order if you feel threatened again and have not filed a complaint yet or if your complaint is a few days or months old...

### Who is the Judge in Chambers?

He/she is a civil judge on duty in all Palaces of Justice around Lebanon. You should ask, within your residential area, about the judge's office hours as he/she is only available for specific days and hours. The judge is not available after 2pm or on holidays.

When you file a request for obtaining a protection order, it is very important to carry the proof that you have been the victim of violence and that you risk its recurrence. Example of proofs can consist of one or more of the following: medical reports, formerly submitted complaints, registered threats, witnesses...

The main purpose of the protection order is to keep the offender away until you reach a decision regarding your relation with him or to give the offender a second chance to renew family life on solid grounds. We shall explain in details the importance of this decision in questions 3, 4, 5 and 6.



## 3- What is the protection order established under Law number 293?

It is a request that you may file before the Judge in Chambers in case you are the victim of family violence (physical, sexual, psychological, economic etc.) and where you request that a protection order is issued to prohibit the offender from aggressing you, your children, or any other family member by means of a series of protective measures that are implemented for a period of time that could be amended or extended. If you had filed a case that remains pending, you can file the request before the judge examining the file.



As per Law number 293, children are considered as those who are of age to be in the custody of the victim as stipulated in the Personal Status Laws of each religious sect. Therefore, if your children, as a result of their age, are not in your custody, they will not necessarily be included in the protection order. However, the Judge in Chambers who issued the protection order may believe that a child, who is the witness of violence, is a victim himself/herself and may be at risk and will therefore decide to include him/her in the protection order irrespective the age for custody.



It is worth mentioning that the protection order you submit is a request for arbitration which means that the offender cannot be notified of the same and he is not requested to appear before the judge until the protection order is issued; the judge only needs to listen to you to issue his/her verdict. However, once the decision is issued, you and the offender may file an objection before the same judge, or lodge an appeal before the Court of Appeal. The judge may be solicited at any time to review his/her decision, amend the same or take additional measures based on upcoming events.

**Note:** The judge may request to listen to both parties if there is not enough evidence that violence was committed.

As a result of the amendments introduced by MPs to the draft law we submitted to protect women from family violence, the protective section of the law is no longer limited to women; men too can request a protection order. Therefore some husbands may use the fact that protection is not limited to women and file unjustified counter requests to a protection order to take revenge on the victim.



#### 4-What does the protection order include?

The protection order issued by the Judge in Chambers may include one or more of the measures below:

- Prohibiting the offender from aggressing you or any of the persons living with you as a result of your dwelling occupancy;
- Keeping the offender away from home for a period designated by the judge and that is renewable;
- Transporting you and whoever is included in the protection order to a safe place at the expense of the offender;
- Compelling the offender to pay an advance for food and clothing to yourself and your children;
- Compelling the offender to pay an advance for the medical treatment necessitated as a result of the violence;
- Prohibiting the offender from having common funds and properties at his disposal;
- Binding the offender to hand you your personal belongings;

These cases are mentioned without limitation.

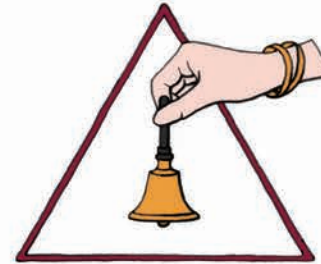
Unfortunately the protection order does not compel the offender to undergo therapy sessions as previously suggested knowing that such therapy is extremely important and ensures that violence is not repeated in the future.



#### 5- How do I obtain a protection order?

To obtain a protection order, you must address the Judge in Chambers who is available at the Palace of Justice where you are currently residing or where violence occurred. At the Judge in Chambers you file a written request to obtain a protection order that is registered at the Court Registry. In your request, you shall speak of the violence and designate your requests as per your situation and decisions. The protection order may include one or more of the measures under question 4 or all of the measures.

(See a sample of the request for protection at the end of this booklet)



Law number 293 provides the Public Prosecution with the right to issue a series of measures that reinforce your protection. However it does not give Public Prosecution the authority to issue the aforementioned protection order, which would have saved you many complications!





### 6- How long will it take before this decision is issued?

Once a request to obtain a protection order is filed as per the procedures above, the Judge in Chambers must issue his/her decision within 48 hours. Where a decision is made to reject the request, an appeal may be lodged before the Court of Appeal.

### 7- Are there any specific financial charges resulting from the order?

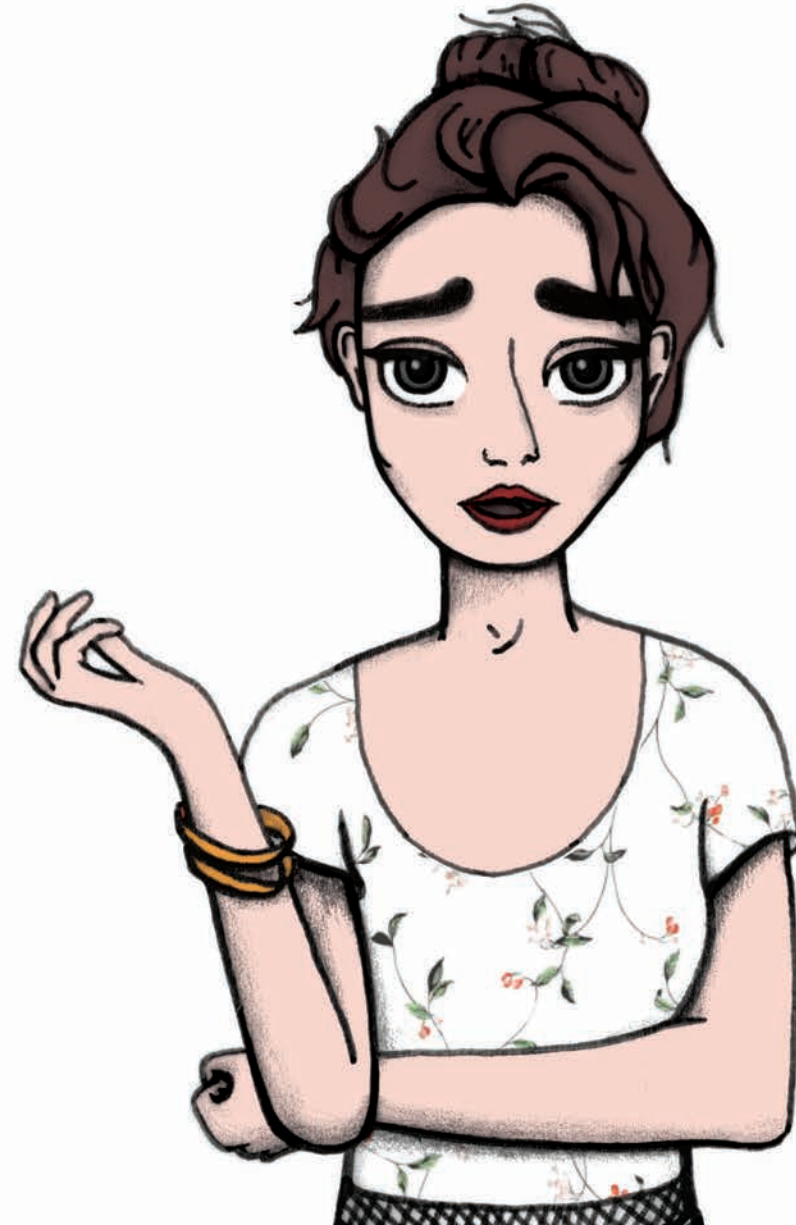
The protection order is exempt from all fees and does not incur any charges including stamp fees. However, since the protection order is issued by the Judge in Chambers who often charges the Court Registrar with its implementation, it is possible sometimes that the Judge allocates transportation fees to the Registrar which is entrusted with notifying the offender. The transportation fees can amount up to 200 thousand Lebanese pounds.

### 8- Can I file a request to obtain a protection order without the assistance of a lawyer?

Filing a request to obtain a protection order does not necessitate the assistance of a lawyer unless when there is difficulty in understanding the mechanisms necessary to obtain the protection order or in case you wish to appeal the decision rejecting the request to obtain a protection order.

### 9- What happens when the offender does not abide by the protection order, or when violence recurs, or when I am threatened with violence once the offender is back?

The protection order does not include an imprisonment decision. However, violating any of its articles is what causes imprisonment, and the penalty increases when violation is coupled with violence.



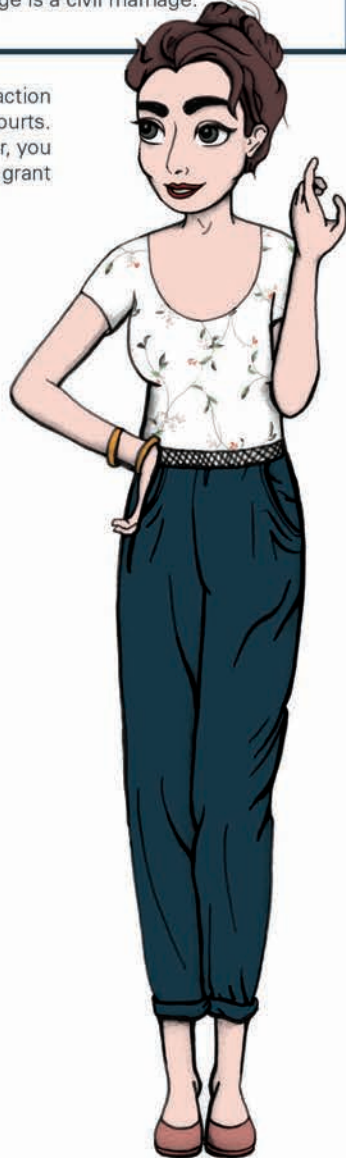


## 10- Can the protection order help me get a divorce?

If divorce is your direct request, you cannot recourse to the protection order or to Law number 293 because:

Courts that are competent with the cases of divorce are the Personal Status Courts i.e., religious courts if marriage is religious or civil courts if marriage is a civil marriage.

However, you should know that divorce could be an impulsive reaction of the offender when marriage is contracted before Islamic courts. Therefore, when you decide to file a request for a protection order, you must be ready for the possibility that the offender could decide to grant you divorce to escape from implementing the protection order.



## 11- Can the protection order grant me the custody of my children?

The Judge in Chambers is not allowed to issue a ruling on the right to custody. This is the competence of the Personal Status Courts designated under question number 10.

However the protection order shall include children when they are in the custody of the victim as per the Personal Status Laws depending on the age of every child.

Nevertheless, the Judge in Chambers who issues a protection order may consider that a child, who is the witness of violence, is a victim himself/herself and is therefore threatened irrespective the age for custody. The protection order therefore keeps him/her with the victim until the Personal Status Courts its ruling on custody.





In case you did not find the answer you were looking for, please call KAFA on **01-392220**; for further support and emergency cases, you can call KAFA' s helpline on **03-018019**.

Don't forget to visit Zalfa online!  
**[www.kafa.org.lb/zalfa](http://www.kafa.org.lb/zalfa)**



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The views expressed in this document do not necessarily reflect the views of the UNFPA, the UN Family in Lebanon, and the Norwegian Embassy in Beirut.

**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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ENOUGH VIOLENCE AND EXPLOITATION  
كفاة العنف و استغلال

## المعلومات التي يجب أن يتضمنها طلب الحماية

في الفقرة الأولى من طلب الحماية يجب تحديد النقاط التالية:

- التاريخ
- القاضي الذي نوجه إليه الطلب
- اسم ضحية العنف الأسري (المستدعية)
- اسم وكيلها القانوني في حال وُجد لأن توكيل محامي/ة ليس إلزامياً
- تحديد موضوع الطلب

في الفقرة الثانية من طلب الحماية يجب التركيز على النقاط التالية:

- السياق التاريخي لوقوع العنف على الضحية (تكرار أم هي المرة الأولى؟)
- تحديد مرتكب العنف وعلاقته بالضحية (أي فرد من أفراد الأسرة وفقاً للمادة (٢) من القانون رقم ٢٩٣، مثلاً الزوج، أهل الزوج، الأب، الأم، الأخ، الأخت، الصهر...)
- أشكال العنف الذي تتعرض له الضحية (معنوي، حجز الحرية، شتم وإهانة... جسدي، ضرب وإيذاء، جنسي، إكراه على إقامة علاقة زوجية بالضرب أو التهديد، اغتصاب... اقتصادي، الامتناع عن الإنفاق على الروجة والأطفال أو على أفراد الأسرة الموكل بإعالتهم...)
- إرفاق طلب الحماية بمستندات تثبت وقوع العنف، مثل: تقارير طبية، شكاوى سابقة...

في الفقرة الثالثة من طلب الحماية (الختام) يجب التركيز على النقاط التالية:

- تحديد الأشخاص المطلوب حمايتهم
- تحديد التدابير المطلوب اتخاذها بحق المعتنف وفقاً للمادة (١٤) من القانون رقم ٢٩٣ (يمكن طلب اتخاذ تدبير أو أكثر أو جميع التدابير بحسب معطيات كل قضية)
- تحديد المدة التي يجب فيها إصدار القرار من قبل القاضي (مدة ٤٨ ساعة)

الرجاء الاطلاع على نموذج طلب الحماية أدناه:

### نموذج طلب حماية

التاريخ: \_\_\_\_\_

حضرة قاضي الأمور المستعجلة \_\_\_\_\_ المحترم  
المستدعية: \_\_\_\_\_ وكيلها: الأستاذ/ة \_\_\_\_\_

**الموضوع:** طلب إصدار أمر حماية وفقاً للقانون رقم ٢٩٣ "قانون حماية النساء وسائر أفراد الأسرة من العنف الأسري".

لما كانت المستدعية \_\_\_\_\_ ضحية عنف أسري متكرر من قبل \_\_\_\_\_ المدعوة/ة \_\_\_\_\_،

ولما كانت المستدعية قد تقدمت مرات عديدة بشكاوى إلى القضاء المختص بجرم ضرب وإيذاء وتهديد بالقتل بالإضافة إلى دعاوى روحية من بطلان زواج ونفقة،  
ولما كانت المستدعية في كل مرة تتعرض فيها للعنف تستحصل على تقارير من الأطباء الشرعيين تثبت الضرر الناتج عن العنف الذي تعرضت له (صورة عن التقارير مرفقة رطباً)،  
ولما كانت تعرضت منذ أسبوع لاعتداء بالضرب على رأسها من قبل زوجها وليست المرة الأولى كما سبق وذكرنا، مما أدى إلى تعرضها لنزيف حاد وارتداء في الجهاز البولي ولم تستطع التقدم بالشكوى خوفاً من ردة فعله كون التعهد بعدم التعرض لا يحميها من تعرضه لها عند العودة إلى المنزل،  
ولما كان استمرار العنف من خلال التواجد معه في منزل واحد يعرضها للخطر الدائم الذي قد يصل إلى القتل أو التسيب بعاهة مستديمة كون الزوج يقوم بضربها دائماً على منطقة الرأس،  
ولما كانت المادة ١٣ وما يليها من القانون رقم ٢٩٣ أعطت صلاحية إصدار أمر الحماية لقاضي الأمور المستعجلة بالصورة الرجائية،

#### لذلك

تلتمس المستدعية من حضرتكم اتخاذ القرار في غرفة المذاكرة، خلال مهلة ٤٨ ساعة وفقاً للقانون رقم ٢٩٣، بحماية المستدعية وابنتها المقيمة معها في سكن واحد على أن يتضمن أمر الحماية إلزام المشكو منه الزوج بالتدابير المنصوص في البند (١) والبند (٢) والبند (٣) والبند (٧) والبند (٨) من المادة (١٤) من القانون المذكور أعلاه قرار معجل التنفيذ نافذ على أصله.

وتفضلوا بقبول الاحترام،

الاسم والتوقيع: \_\_\_\_\_