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Women's Cases Before Lebanese Courts

A Structural Analysis of Pathways to Justice and Protection

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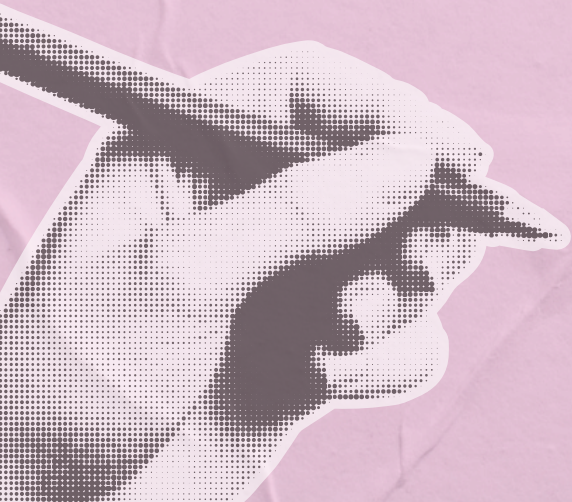


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Executive Summary

This study examines the state of family justice in Lebanon from a rights-based and feminist analytical perspective, grounded in an in-depth analysis of dozens of real cases involving women and children. These cases include disputes relating to divorce, custody, maintenance, visitation, protection orders, as well as criminal proceedings related to domestic violence, defamation, and social coercion. The study aims to assess the extent to which religious and civil courts, across their various sectarian jurisdictions, are capable of ensuring fair trial guarantees and effective protection of fundamental rights, in light of the Lebanese Constitution and the State's international obligations.

The findings reveal a profound structural dysfunction within the family justice system. This dysfunction is not limited to individual practices or isolated procedural errors; rather, it is intrinsically linked to the very nature of the sectarian personal status system, the absence of unified standards, the lack of institutional oversight, and the deficiency of procedural safeguards necessary to protect women and children. Religious courts exercise broad jurisdiction over matters that strike at the core of family life, without being effectively bound by fair trial principles or clearly defined professional standards. In many instances, this results in decisions that contravene the principle of the best interests of the child and the principles of equality and non-discrimination[1].

The study further demonstrates that the multiplicity of sectarian laws and courts does not provide “choices” for women; instead, it produces stark disparities in rights depending on sect, socio-economic status, and geographic location. In practice, women's lives are suspended between a civil judiciary ostensibly more inclined toward protection and a religious judiciary that entrenches patriarchal authority in matters of divorce, custody, guardianship, and maintenance[2].

1] <https://www.hrw.org/report/2015/01/19/unequal-and-unprotected/womens-rights-under-lebanese-personal-status-laws>

[2] <https://adyanfoundation.org/wp-content/uploads/2024/01/ENGLISH-WRL-FULL-REPORT.pdf>

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The research identifies recurring patterns of procedural violations, including the issuance of default judgments without proper notification, unjustified expedition of certain cases when women are the weaker party, and, conversely, the use of delay and adjournment as instruments of pressure when women seek to assert their rights. In this context, concepts such as compulsory guardianship, obedience, and moralistic assessments of conduct are widely deployed as tools that hollow out legal protection and reproduce patriarchal dominance, without objective assessment of the child's best interests or reliance on recognized scientific standards.

The cases analyzed also reveal reliance by certain courts on psychological or social reports that lack neutrality or are not based on reliable assessment tools. Such reports contribute to the distortion of women's image and portray them as unfit or psychologically unstable, leading to decisions that undermine their rights to custody, care, and meaningful participation in their children's lives. The study further documents actual conflicts of jurisdiction between civil and religious courts, resulting in the obstruction of protection orders, the neutralization of civil interventions, and the placement of women in protracted legal limbo for years, without a clear avenue for accountability or remedy.

At the societal level, the study documents the intersection of judicial violence with social violence, including defamation campaigns, fabricated testimonies, familial or local interference, and the instrumentalization of children as tools of pressure or punishment. These practices inflict severe psychological and behavioral harm on women and children and constitute a direct violation of the State's obligation to protect them from psychological violence and emotional exploitation.

Despite these structural challenges, the study records positive judicial practices by a limited number of judges who demonstrated strong rights-based convictions and gender sensitivity. Their decisions mitigated the effects of structural discrimination and activated principles of protection, the best interests of the child, and women's dignity within the margins permitted by existing legal texts.

Executive Summary

In parallel, the study highlights the legal resilience and self-organization of the women concerned, whether through personally pursuing their cases, gathering evidence, or resorting to alternative legal and media-based advocacy strategies to compensate for the absence of institutional protection. However, while significant, these pathways remain individualized and non-institutionalized responses, contingent upon women's resources and their capacity to bear the legal and psychological costs. Justice achieved under such conditions remains circumstantial rather than structurally guaranteed.

The study concludes that the crisis of family justice in Lebanon is comprehensive and structural in nature. It is rooted in the absence of a unified civil personal status framework, the expanding authority of religious courts operating without unified professional standards, and the persistence of a socio-legal culture that affords men a presumptive advantage not grounded in objective criteria or impartial evaluation. Accordingly, the study underscores the need for a fundamental reform approach that includes reconsideration of the structure of family legislation, unification of legal references within a civil system that guarantees equality and the rule of law, and strengthening of protection and accountability mechanisms. Such reforms are essential to ensure effective and sustainable protection of the rights of women and children and to transform justice from a matter of formal texts into a substantive practice grounded in dignity and equity.

Introduction

Personal status matters occupy a central position in the regulation of family relations, given their direct impact on individuals' lives and fundamental rights, particularly those of women and children. In Lebanon, this legal field assumes a distinctive character due to its sectarian plurality, which grants religious courts broad jurisdiction over matters of marriage, divorce, custody, maintenance, and guardianship, in the absence of a unified civil law governing these relationships based on equality and individual rights.

The challenge of family justice in Lebanon does not stem solely from divergences in legal texts, but from the manner in which these texts operate in daily judicial practice, and from their intersection with prevailing social and cultural structures, as well as with unequal power dynamics within the family and society. In this context, courts become decisive mechanisms in the reproduction of either protection or deprivation, inclusion or exclusion, extending beyond the technical character of the legal dispute.

This study proceeds from the need to understand the family justice system as one that functions through procedures, discretionary authority, and institutional practices, not merely through the formal application of laws or the issuance of judgments. It seeks to analyze how family-related cases are managed in practice, including the protracted litigation pathways they entail, the inconsistency of standards, and the overlap of judicial jurisdictions, all of which directly affect women's and children's prospects of accessing justice and protection.

The study adopts a qualitative methodology grounded in the analysis of real cases and the tracing of their judicial and procedural trajectories. This approach enables an examination of the interaction between legal texts, judicial practice, and the surrounding social context. It further relies on a rights-based framework informed by relevant international standards concerning the rights of women and children, without presupposing outcomes, and to unpack the legal and human rights questions raised by these cases within their Lebanese context.

The study aims to contribute to a broader legal and human rights discourse on family justice in Lebanon by offering an analytical reading of the structural framework governing this field. It lays the groundwork for a deeper understanding of the issues addressed in the subsequent chapters and advances reform proposals grounded in structural diagnosis and rights-based standards.

Chapter One: General Framework of the Study

Background and General Context

The personal status system in Lebanon is among the most complex and internally contradictory legal systems, owing to its reliance on sectarian plurality as the organizing framework for family relations. Matters of marriage, divorce, custody, maintenance, and guardianship are referred to multiple religious and spiritual courts, each operating under its own rules, procedures, and standards. This multiplicity has produced a non-homogeneous judicial system in which levels of legal protection vary according to sectarian affiliation, directly affecting the rights of women and children and placing them in vulnerable positions within family disputes.

The personal status system in Lebanon is governed by a pluralistic judicial structure of religious character, whereby constitutionally recognized sects are vested with the authority to regulate matters of marriage, divorce, custody, and maintenance through religious courts that operate independently of the civil judiciary. There are twelve (12) Sunni Sharia Courts of First Instance distributed across various Lebanese regions, in addition to a Higher Sunni Sharia Court seated in Beirut. These courts are funded by the State treasury. The Jaafari sect, for its part, comprises sixteen (16) Jaafari Courts of First Instance, as well as a Higher Jaafari Court in Beirut, likewise funded by the State. The Druze sect maintains six (6) Courts of First Instance across Lebanese territory, in addition to a Higher Druze Court of Appeal seated in Beirut.

With respect to Christian ecclesiastical courts, there is no unified central figure for their number, as their organization is based on ecclesiastical dioceses rather than the State's administrative divisions. Each major Christian sect maintains courts of first instance within its ecclesiastical territorial jurisdiction, in addition to its own appellate bodies. For example, certain appellate levels within Catholic courts fall under the jurisdiction of the Roman Rota in the Vatican, while Orthodox and Evangelical courts generally maintain independent appellate structures whose decisions are often final.

This distribution illustrates that personal status adjudication in Lebanon is not structured around territorial judicial unity based on administrative governorates, but rather around multiple religious authorities linked to sectarian affiliation. The State recognizes eighteen (18) sects, each possessing its own judicial system in family matters. This framework entrenches a fragmented judicial structure lacking unified standards and procedures[3].

In this context, family justice in Lebanon cannot be understood in isolation from the prevailing social and cultural structures, which continue to be influenced by traditional models of intra-family relations. These models place upon women the burden of preserving the family unit and afford men a preferential position in decision-making, whether within the family or before the courts. This structural imbalance becomes more acute where religious courts function as quasi-absolute decision-making authorities, subject to limited oversight and not bound by unified procedural standards, thereby opening the door to contradictory, and at times arbitrary, jurisprudence affecting the core of fundamental rights.

This study emerges against the backdrop of a marked increase in the number of cases in which women resort to the judiciary seeking protection or the dissolution of violent or unequal marital relationships, contrasted with the limited legal tools available to them, the slowness of proceedings, and overlapping jurisdiction between religious and civil courts. These realities intersect with Lebanon's international human rights obligations, particularly under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child, which impose upon the State the duty to ensure equality, protect children, and guarantee fair trial rights, obligations that are frequently rendered ineffective in practice.

[3] <https://www.hrw.org/report/2015/01/19/unequal-and-unprotected/womens-rights-under-lebanese-personal-status-laws>

Research Problem

This study is grounded in the central premise that the crisis of family justice in Lebanon does not lie solely in inequitable or outdated legal provisions. Rather, it is rooted in a profound structural dysfunction within the personal status judicial system itself, in its mechanisms of implementation, and in the absence of procedural and oversight safeguards capable of protecting the rights of women and children.

This structural dysfunction manifests through a set of interrelated phenomena, most notably:

- ✓ The broad discretionary authority exercised by religious courts in the absence of unified professional standards;
- ✓ The lack of fair trial guarantees, particularly with respect to proper notification, the right of parties to be heard, and equality of arms;
- ✓ The selective invocation of concepts such as compulsory guardianship or the best interests of the child in ways that marginalize mothers and entrench paternal dominance;
- ✓ Conflicts of jurisdiction between religious and civil courts, resulting in the obstruction or neutralization of protection orders;
- ✓ The influence of social, cultural, and hierarchical power dynamics on the substance of judicial decisions, extending beyond the legal texts themselves.

Accordingly, the study advances the following central question: To what extent do judicial practices in personal status cases in Lebanon reflect a structural dysfunction within the family justice system, and what is the impact of this dysfunction on the rights of women and children, as well as on the principles of fair trial and the best interests of the child?



Objectives of the Study

This study seeks to achieve a set of interrelated objectives, most notably:



To analyze judicial practices in personal status cases through the examination of real case studies rather than limiting the inquiry to the analysis of legal texts alone



To identify and document the gap between law and practice, and to demonstrate how certain judgments are stripped of their substantive rights-based content despite their apparent formal compliance with legal provisions



To assess the impact of the sectarian personal status system on the rights of women and children, as well as on the principle of equality before the law



To shed light on procedural violations experienced by women throughout litigation processes, including default judgments, undue delay, and coerced settlements



To analyze the concept of the best interests of the child as applied in practice, and to evaluate the extent of its alignment with international standards



To advance a critical reform-oriented approach that contributes to rethinking the structure of family justice and supports broader public debate on the necessity of legislative and institutional reform

Scope of the Study



This study centers on analyzing judicial practice in personal status and domestic violence cases in Lebanon, drawing on real case files before religious courts, civil courts, and the Juvenile Judiciary, to deconstruct how gender inequality is reproduced within the legal and judicial system, or, alternatively, how margins of protection may be expanded through progressive jurisprudence. The study focuses in particular on the relationship between legal texts, on the one hand, and judicial reasoning and procedural tools employed by judges, on the other, and how this interaction affects the rights of women and children in matters of custody, guardianship, maintenance, the right to housing, and protection from violence.

At the legal level, the research examines the mechanisms through which personal status laws and Law No. 293/2014 on the Protection of Women and Other Family Members from Domestic Violence are applied. It analyzes the interpretive spaces within these texts that may allow for either equitable or discriminatory readings, thereby providing a knowledge base for assessing judicial discretion in light of fair trial standards.

At the human rights level, the study addresses patterns of violations experienced by women and children throughout litigation processes and compares them with the standards enshrined in the Lebanese Constitution and in the international treaties to which Lebanon is a party, including CEDAW and the two International Covenants. This analysis seeks to highlight normative and practical gaps without presupposing a predetermined outcome.

Through this focus, the study aims to generate empirical and analytical knowledge that may inform professional and academic debates on reforming the personal status system, strengthening protection guarantees within the Sharia, ecclesiastical, and civil judiciaries alike, and fostering an evidence-based discussion on the viability of proposed pathways, from improving practice within the existing sectarian system to revisiting the option of establishing a unified civil personal status framework.

Methodology and Data Sources

Study Approach

This study adopts a qualitative analytical approach, grounded in the examination of women's cases as reflected in direct testimonies, rather than limiting the analysis to legal texts or abstract judicial decisions. This approach was selected in light of the nature of the research subject, which addresses family justice as shaped by sectarian structures, cultural context, judicial discretion, and unequal power relations between parties to the dispute.

The study is informed by a critical rights-based framework incorporating a gender perspective, grounded in the principles of the Lebanese Constitution and Lebanon's international obligations, particularly the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of the Child, and the International Covenant on Civil and Political Rights. While attentive to the specificity of the Lebanese context and its legal plurality, the study relies on the principles of equality and non-discrimination, the best interests of the child, and the right to a fair trial as reference standards for evaluating national judicial practices. It approaches law not merely as a body of texts, but as a system of authority that produces differentiated outcomes based on gender, sectarian affiliation, and socio-economic position.

The study adopts an intersectional feminist approach, recognizing that the forms of injustice and discrimination experienced by women before the courts are not produced solely by gender, but also by the intersection of gender with other factors, including:

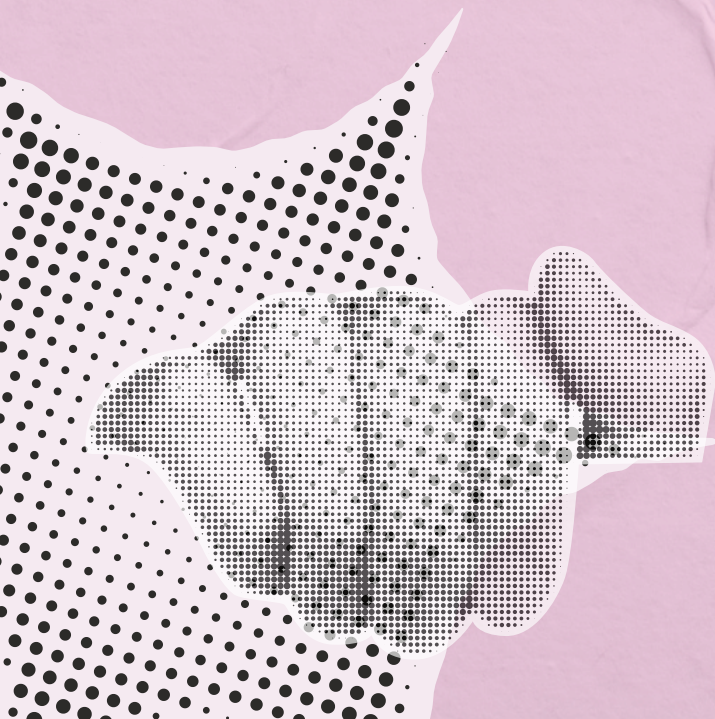
Sect and denomination, which determine the applicable law, the competent court, custody age thresholds, and modalities for dissolution of marriage



Class and economic status, which shape the capacity to bear litigation costs and legal fees, and therefore the effective ability to access justice

Legal and geographic status, whether Lebanese, refugee, undocumented residing in the capital or in peripheral regions, which produces varying degrees of vulnerability or relative power vis-à-vis the system

The study does not treat women's experiences as isolated individual cases, but as lived realities embedded within unequal legal and institutional structures. It is fundamentally grounded in women's own experiences, and treats their testimonies as primary sources of knowledge for understanding mechanisms of injustice and equity within the family justice system, based on the conviction that lived experience reveals dimensions that abstract legal texts alone cannot capture.



Case Study Methodology

The study adopts the case study methodology as its primary analytical tool, given its capacity to reveal structural patterns and recurring violations that may not necessarily emerge through quantitative or statistical analysis. This approach enabled the reconstruction of the judicial trajectory of each case, from the moment of recourse to the court, through the various procedural stages, to the issuance and enforcement of the judgment, while also documenting the legal, psychological, and social consequences arising from these proceedings.

The study does not treat the women who provided testimony as mere sources of information; rather, it regards them as primary epistemic agents in understanding the mechanisms of injustice and equity within the family justice system. This approach is grounded in the conviction that lived experience discloses dimensions that abstract legal texts alone cannot capture. These narratives contribute to reframing the legal and human rights questions themselves, through the analysis of the cases presented and the exploration of alternative forms of justice and protection, while avoiding the reduction of women to the position of “victims” alone.

Within the framework of this study, “case review” refers to the systematic tracing of the judicial and procedural pathway of each case, based on in-depth interviews with the women concerned, as well as with lawyers and judges who had access to the case files. Where available, judicial documents, including judgments, decisions, memoranda, and protection orders, were also reviewed. Each case was analyzed as an independent unit of analysis, with particular attention to procedural steps, judicial reasoning, enforcement mechanisms, and their practical impact on women and children.

The cases examined include:

Divorce,
judicial
separation,
and khula
proceedings

Custody,
visitation, and
maintenance
disputes

Criminal cases
related to
violence, threats,
defamation, and
blackmail

Protection orders issued
pursuant to Law No. 293/2014
on the Protection of Women
and Other Family Members
from Domestic Violence

Disputes involving
overlapping jurisdiction
between religious and civil
courts

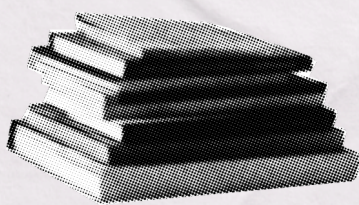
The purpose of the case study methodology is not to generalize findings statistically, but to identify recurring patterns and structural indicators that reveal systemic deficiencies within judicial procedures relating to personal status matters.



Data Sources and Research Tools

This study is grounded in in-depth qualitative research based on the review of real cases accessed through multiple channels and sources. These channels included women who had benefited from legal or social services provided by the organization FEMALE, as well as women reached through feminist and human rights networks and partner organizations that support women affected by personal status laws and domestic violence. The sample further included cases referred by lawyers and judges who participated in the research interviews, drawing on their direct litigation experience.

The study does not rely exclusively on case files provided by FEMALE. Rather, it is based on a broader qualitative sample reflecting the experiences of women who have undergone actual litigation processes before religious and civil courts in Lebanon. This allows for a comparative analysis of experiences, procedures, and judicial outcomes, as well as the identification of shared structural patterns that transcend the specificity of individual cases.



Data Sources and Research Tools

The study adopts a multi-source qualitative approach, including in-depth interviews with lawyers, judges, and survivors of violence across several Lebanese regions. A total of fifty (50) in-depth qualitative interviews were conducted, comprising twenty-nine (29) lawyers, seven (7) judges, and fourteen (14) women survivors. Interviews were carried out in multiple regions, notably Beirut, South Lebanon, the Bekaa, Mount Lebanon, Akkar, and Tripoli, and included:

1

Testimonies of women survivors of family disputes involving divorce, custody, maintenance, visitation, and protection orders

2

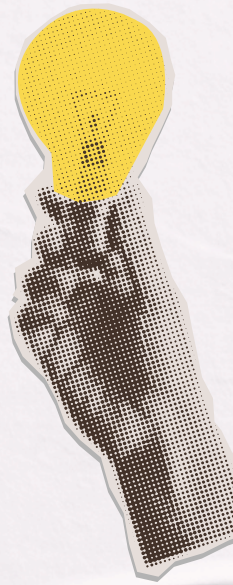
In-depth interviews with women and men lawyers, women and men judges, and legal experts who had direct knowledge of practices before Sharia, ecclesiastical, and civil courts

3

Analysis of judicial files and judgments issued by religious and civil courts, with particular focus on judicial reasoning, procedural steps, and the impact of decisions on women and children

4

Legal review of relevant legislative texts, available jurisprudence, and local and international human rights reports



The interviews were not conducted for the purpose of statistical representation, but rather to identify recurring patterns in judicial practice and to document mechanisms of structural dysfunction that recur across sects and regions, thereby enabling in-depth qualitative analysis beyond the specificity of individual cases.

Ethical Principles and Considerations



The methodology of this study was grounded in a set of core ethical principles applicable to survivor-centered research, ensuring respect for the women participants' dignity, safety, and rights, and preventing exposure to any direct or indirect harm. These principles included the following:

First



The Principle of Do No Harm

Care was taken to ensure that participation in the research would not result in retraumatization or expose women to additional risks. Participants were given full autonomy to determine what aspects of their experiences they wished to share, without pressure or insistence, and with full respect for the pace of narration and the limits of disclosure set by each participant.

Strict measures were implemented to protect the confidentiality of information and the privacy of women participants. Pseudonyms or general descriptors were used in place of real names, and any identifying details that could reveal the identity of the women or their social or legal environment were removed. All data were handled and stored in a secure environment to prevent unauthorized access or use.

Second



Confidentiality and Privacy

Ethical Principles and Considerations

The objectives, nature, and methodology of the study, as well as the anticipated uses of the data, were explained clearly and comprehensibly to women participants. They were explicitly informed of their full right to withdraw at any stage of the research process without any consequences or obligations.

Third



Informed Consent

Particular attention was paid to the selection of interview locations and timing to ensure that women were not exposed to surveillance or potential risks, especially in cases involving domestic violence or ongoing threats. The surrounding context of each interview was carefully assessed to safeguard participants' physical safety and psychological well-being.

Fourth



Safety and Security



Limitations of the Study

This study acknowledges the existence of methodological limitations, most notably:

- ✓ The absence of an official, publicly accessible database of judgments issued by religious courts, which limited the possibility of conducting quantitative comparisons;
- ✓ Significant regional and sectarian disparities, rendering it difficult to draw fully generalizable conclusions;
- ✓ Reliance on a qualitative methodology that prioritizes analytical depth over statistical representation.

These limitations do not diminish the value of the findings; rather, they underscore the need for complementary future studies, both quantitative and qualitative, in this field.

The study recognizes regional and sectarian diversity as a fundamental structural feature of the personal status system in Lebanon. The adopted methodology sought to reflect this diversity through cases involving women who litigated before different religious courts across multiple Lebanese regions. However, the selected sample does not claim a statistically balanced representation of all sects or regions. Instead, it is grounded in a qualitative approach focused on analyzing judicial experiences and their practical trajectories, rather than on numerical comparison between sects.

The distribution of cases within the sample was influenced by practical considerations, including access to women, lawyers, and judicial files, as well as varying levels of transparency and accessibility of judgments across courts and regions. In certain religious courts, access to case files or judicial decisions remains limited or practically unattainable, whether due to the absence of published databases, restrictions on file review, or the sensitivity of cases involving domestic violence and personal status matters.

Moreover, the representation of certain sects or regions in the study partially reflects the volume of cases reaching feminist organizations and partner human rights networks, as well as the extent to which women seek legal or social support. This, in turn, is shaped by social, cultural, and economic factors and cannot be interpreted as a direct indicator of the scale or severity of violations within any particular sect or region.

Limitations of the Study

Accordingly, the study treats sectarian and regional diversity as an analytical framework for understanding differences in litigation pathways and judicial authority, rather than as a basis for ranking or comparing systems. It further emphasizes that practical barriers to accessing courts and case files constitute, in and of themselves, part of the structural problem addressed by this study.



Chapter Two: Legislative Framework and Structural Context of the Personal Status System in Lebanon

Understanding the legislative framework and the structural context governing Lebanon's personal status system is a fundamental entry point for analyzing the judicial practices and documented cases examined in this study. The existing legal context does not merely determine the pathways of litigation; it also directly shapes the nature of the protections available to women and children and the extent of access to justice.

The Gap Between International Obligations and Practical Reality

The Lebanese legal system regulates personal status matters based on constitutional recognition of religious sects and their authority to administer the family affairs of their respective communities, including marriage, divorce, custody, and maintenance. This recognition grants religious and ecclesiastical courts a distinct constitutional status, significantly limiting civil judicial oversight over their decisions, both in terms of substance and in relation to their compliance with overarching constitutional principles, foremost among them equality before the law and fair trial guarantees.

In practice, this framework subjects women who bring their cases before religious courts to a judicial authority that is not obliged to issue reasoned decisions according to unified standards, and whose jurisprudence is not effectively reviewed for its compatibility with constitutional principles or the State's international obligations. The implications of this structural deficiency are particularly visible in divorce and custody cases, where religious judges exercise wide discretionary powers without clear institutional accountability.

Although Lebanon has ratified several core international human rights instruments, most notably the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of the Child, and the International Covenant on Civil and Political Rights, each of which imposes an explicit obligation to review laws and practices that produce gender-based discrimination or undermine the best interests of the child, the legislative and institutional reality reveals a wide gap between these commitments and their practical implementation. Instead of adopting a unified civil personal status law that guarantees equality between citizens, individuals in Lebanon remain subject to a multiplicity of sectarian laws under which women are treated according to divergent standards depending on their religious affiliation. Their fundamental rights are further constrained by complex procedures and stringent evidentiary requirements, particularly in cases involving proof of violence or petitions for dissolution of marriage.

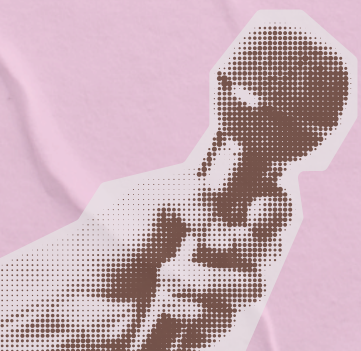
Although Lebanon ratified CEDAW pursuant to Law No. 592/1996, it maintained a number of reservations that strike at the core of equality within the family and in matters of nationality. These include reservations to Article 9(2), concerning women's right to transmit their nationality to their children; Article 16(1)(c), (d), (f), and (g), concerning equality of rights and responsibilities during marriage and upon its dissolution, guardianship and custody of children, and the right to choose a family name and profession; as well as Article 29(1), concerning dispute settlement regarding interpretation of the Convention. The CEDAW Committee has considered these reservations, particularly those relating to Articles 9 and 16, to be incompatible with the object and purpose of the Convention and has repeatedly called upon Lebanon to withdraw them, on the grounds that they reflect the State's insistence on maintaining a discriminatory legal structure in matters of family and nationality[4].

[4] <https://www.un.org/womenwatch/daw/cedaw/cedaw33/conclude/lebanon/0545048E.pdf>

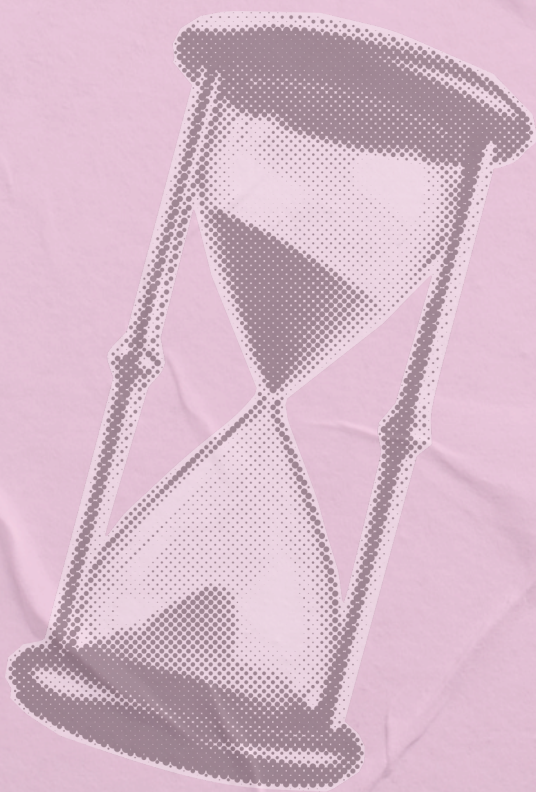
The persistence of these reservations not only entrenches a structural contradiction with the principle of equality before the law enshrined in Article 7 of the Lebanese Constitution, and with the constitutional commitment in its Preamble to respect international treaties, but also results in a practical diminution of the binding force of CEDAW within the Lebanese legal order. Rather than being treated as part of the normative framework that judges and lawyers are required to invoke in interpreting and applying domestic law, pursuant to paragraph (b) of the Preamble to the Constitution and Article 2 of the Code of Civil Procedure, which affirms the primacy of international treaties over domestic legislation and the obligation to respect binding legal norms, CEDAW is effectively relegated to the margins of legal discourse as an international commitment “suspended” upon sectarian conditions and reservations.

In this sense, the continued maintenance of these reservations operates as a normative barrier to the integration of CEDAW provisions into judicial and doctrinal reasoning in the very domains most closely associated with the reproduction of patriarchal authority, namely, custody, guardianship, divorce, and nationality. It deprives women of an international rights-based instrument that could be invoked directly to challenge discrimination and to substantiate claims for substantive equality within the family.

Accordingly, incorporating a critical examination of Lebanon’s reservations to CEDAW constitutes an essential component of the study’s rights-based framework. It serves as a means of exposing the limits of the State’s effective commitment to the principles of equality and non-discrimination within national law, rather than treating the reservations as a mere procedural technicality related to treaty drafting. Shedding light on these reservations illustrates how religious and sectarian references are invoked to restrict the domestic applicability of international standards in the most intimate spheres of women’s lives, namely family and nationality, and reveals the gap between official discourse regarding respect for international treaties and a legal structure that continues to institutionalize male privilege in matters of guardianship, custody, divorce, and transmission of nationality.



Within this framework, calls for reform of personal status laws, including advocacy for the adoption of a unified optional civil personal status law, cannot be viewed as isolated legislative demands. Rather, they form part of a broader trajectory aimed at harmonizing Lebanese law with its international obligations through reconsideration of reservations that undermine the core of equality under CEDAW, and through affirming the primacy of human rights and gender justice over sectarian considerations.



Structural Challenges in Personal Status Laws and Practices

A review of the personal status laws in force in Lebanon demonstrates that the overwhelming majority are premised on an unequal distribution of authority within the marital relationship, granting men broad powers to unilaterally terminate marriage, while restricting women's corresponding rights through stringent procedural and religious conditions.

Under the Sunni and Jaafari Sharia systems, men retain a unilateral right to divorce, whereas women are not afforded an equivalent right except in exceptional circumstances, such as where a woman is granted "Isma" (the delegated right to divorce) or explicitly authorized to exercise this right within the marriage contract. In practice, this option remains rare and is constrained by entrenched social and cultural barriers. Moreover, Jaafari jurisprudence does not recognize judicial dissolution (tafriq), placing Shia women in a particularly vulnerable position and rendering recourse to what is known as "judicial divorce" (ṭalaq al-ḥakim) the near-exclusive pathway available. This mechanism is often protracted, yields uncertain outcomes, and lacks the procedural safeguards required under international fair trial standards.

Within the Druze system, men likewise retain authority to repudiate the marriage, while women's options remain confined to claims for judicial separation subject to judicial discretion and complex evidentiary requirements. As for Christian personal status laws, although restrictions on the dissolution of marriage formally apply to both men and women, women encounter additional obstacles. Most notably, spousal violence is not consistently recognized as a direct and expedited ground for annulment or dissolution. Furthermore, some men circumvent legal constraints by changing sect or religion and remarrying without resolving the first marriage in a manner that safeguards the rights of the wife and children. This practice has adverse implications for women's rights to housing, maintenance, and inheritance[5].

[5]https://pu.edu.lb/sites/default/files/publications/publications_Legal%20Reform%20and%20Women%E2%80%99s%20Rights%20in%20Lebanese%20Personal%20Status%20Laws.pdf

Duality of Protection and the Undermining of the Effectiveness of Law No. 293

At the general legislative level, the adoption of Law No. 293/2014 on the Protection of Women and Other Family Members from Domestic Violence, along with its subsequent amendments, constituted a significant step, at least theoretically, toward the introduction of civil protection mechanisms, including protection orders and the expansion of criminalization in certain instances. However, the law has remained encumbered by structural limitations, most notably its reliance on a narrow definition of domestic violence and its explicit prioritization of personal status laws in cases of conflict.

Despite the amendments introduced, the definition of domestic violence remains governed by a restrictive approach that focuses primarily on physical harm and certain criminalized acts, without explicitly recognizing systematic psychological violence, economic violence, sexual violence within marriage, or patterns of coercion and blackmail associated with control over custody or financial resources. In practice, the issuance of protection orders has remained contingent upon the availability of material evidence or medical reports, thereby excluding a significant number of survivors who experience complex and less visible forms of violence.

Moreover, even after the amendment, the law maintains the primacy of personal status laws in the event of conflict. This allows religious courts to reclaim jurisdiction over matters such as housing, custody, obedience, and marital cohabitation, thereby undermining the effectiveness of protection orders issued by the civil judiciary. In this sense, the law operates not according to a preventive logic centered on risk assessment and the protection of survivors' physical and psychological safety, but rather according to a logic of proving a fully constituted criminal offense. This approach stands in tension with international standards, which require a comprehensive response to gender-based violence grounded in risk assessment and the prioritization of protection where legal norms conflict.

This legislative arrangement has enabled religious courts to continue issuing decisions that neutralize the effectiveness of civil protective measures and return survivors to conditions of risk within the family sphere, in clear contradiction with the protective rationale that should govern such legislation. This conflict constitutes a breach of the State's international obligations, which require that principles of non-discrimination and survivor protection prevail in cases of normative conflict. The consequences of this legislative overlap extend beyond textual or jurisdictional considerations and directly affect the practical pathways of litigation and the implementation of protective measures.

The Impact of the Legal Structure on Family Justice Pathways

The impact of this legislative and institutional framework is not confined to legal texts; rather, it manifests in daily courtroom practices, in the manner in which women's complaints are received, in the speed with which protection cases are adjudicated, and in the moral and social standards used to assess women's "fitness" as mothers or wives. Within this context, women encounter structural barriers when attempting to exit unsafe or abusive marriages or when seeking protection for themselves and their children from violence.

Women's economic rights, particularly maintenance and housing, remain, in most cases, subject to broad judicial discretion. This may result in the denial of maintenance or in its substantial reduction, especially in cases classified under the rubric of "nushuz" (marital disobedience) or where judicial separation is sought by the wife. The threat of losing custody, whether upon remarriage or upon the child reaching a sect-specific age threshold, is frequently deployed as an effective instrument of pressure, compelling many women to relinquish their rights or to accept inequitable settlements.

These challenges are compounded by procedural and economic obstacles, including high court fees, protracted litigation, complex procedural pathways, and the absence of accessible free legal aid. Such factors impede a significant number of women, particularly those in situations of heightened vulnerability, from achieving effective access to justice. The cases analyzed in this study indicate that these challenges do not merely reflect deficiencies in application; rather, they point to a profound structural dysfunction within the family justice system, arising from unregulated legal plurality, the absence of unified professional standards, and weak oversight and accountability mechanisms.



Multiplicity of Courts, Diversity of Sects, and the Unified Impact on Women

Women's cases in Lebanon operate within a personal status system structured around multiple sectarian authorities, whereby matters of divorce, custody, maintenance, and guardianship fall under different religious courts (Jaafari, Sunni, Druze, and Christian ecclesiastical courts), alongside limited parallel civil pathways, most notably Law No. 293/2014 on the Protection of Women and Other Family Members from Domestic Violence, in addition to the intervention of the Juvenile Judiciary in cases affecting the safety or endangerment of children. This plurality does not merely generate differences in legal texts; it creates distinct modes of judicial authority that directly affect women's prospects of accessing justice and the consistent and non-contradictory protection of children.

Despite the apparent doctrinal differences among sects, practical experience reveals that the common denominator lies not in the substantive content of the texts themselves, but in their judicial deployment, the scope of discretionary authority, the social environment within which judges operate, and the extent of coordination, or conflict, between religious courts, the civil judiciary, and the Juvenile Judiciary. Accordingly, family justice in Lebanon cannot be assessed through a simplistic comparison of "which court is better," but rather through an examination of how cases are actually managed within each system, how jurisdictions intersect or compete, and what factors produce either inequity or fairness.

Within this framework, the Juvenile Judiciary assumes a decisive role where mothers' parental fitness is linked to their marital status or to their position in custody proceedings before religious courts. Decisions issued by religious courts may directly affect children's cases before the Juvenile Judiciary, at times constraining the latter's ability to adopt a best interests of the child approach where such an approach conflicts with determinations made by religious authorities.

Practical experience before religious courts in Lebanon indicates that women face complex structural challenges in divorce, custody, maintenance, and visitation cases, as reflected in interviews conducted with practicing lawyers during the preparation of this study. This experience encompasses a broad spectrum of cases brought by women before the courts, including maintenance claims, judicial separation proceedings, custody and visitation disputes, protection orders, and criminal complaints such as defamation, threats, and slander.

Judicial practice reveals that some women resort to a sequential legal strategy, initiating a maintenance claim followed by a petition for judicial separation, in an effort to secure a minimum level of rights. However, certain maintenance awards have been set at minimal amounts insufficient to cover more than basic subsistence needs, thereby imposing significant economic and psychological burdens on women. A clear geographic disparity is also observed in the assessment of maintenance amounts across regions.

Structural obstacles further include delays in the service of process and procedural procrastination that may prolong cases for over a year, in addition to disparities in the quality of judgments among judges, sometimes resulting in the reversal of decisions on appeal. Negative familial practices have also been documented, such as preventing children from spending overnight stays with their mothers following remarriage, practices that have, in certain instances, been successfully challenged through effective legal advocacy, underscoring the importance of competent legal representation.

Ultimately, while access to justice may remain attainable through appellate review and judicial oversight, this outcome is contingent upon the presence of a diligent and competent judiciary capable of interpreting legal texts in light of evolving social and economic realities, in order to ensure substantive fairness for women and children.



First



Custody Between Legal Text and Judicial Practice

Custody constitutes one of the most sensitive and complex matters in personal status disputes, given the intersection of religious texts with judicial discretion and moral and social considerations. This impact is reflected in significant divergence in procedural standards and practical outcomes, and is particularly evident in the sharp differences in custody age thresholds among sects, and even according to the child's sex.

The legally prescribed age of maternal custody varies by denomination. Under Jaafari jurisdiction, maternal custody ends at the age of two for boys and seven for girls, although limited jurisprudential developments have extended the age to seven for both. Under Sunni jurisdiction, custody extends until the age of twelve. In certain ecclesiastical courts, custody ends at seven or nine years, while in others, such as the Greek Orthodox courts, it extends to fourteen or fifteen years, with further distinctions between boys and girls within the same sect. This disparity does not merely reflect technical differences in custody regulation; rather, it produces divergent legal destinies for children and mothers based solely on sectarian affiliation. Custody thus becomes a matter of legal contingency rather than a right grounded in the best interests of the child. The documented cases indicate that this principle is applied selectively and is frequently emptied of substantive content, replaced instead by moral or social assessments concerning the mother's conduct or lifestyle, rather than an objective evaluation of the child's care, stability, and psychological well-being.

Sect	Custody Age (Girls)	Custody Age (Boys)
Sunni	12	12
Shia (Jaafari)	7	2
Druze	14	12
Catholic	2	2
Armenian Orthodox	9	7
Assyrian Orthodox	9	7
Syriac Orthodox	9	7
Evangelical	12	12
Coptic	13	11
Greek Orthodox	15	14

Despite these apparent numerical differences, judicial practice reveals that the common denominator across these systems lies not solely in the substance of the text, but in its judicial deployment and in the scope of discretionary authority afforded to judges. Across nearly all courts, custody age thresholds are frequently used as instruments of pressure against women. Mothers' parental fitness is assessed through moral and behavioral standards, often fabricated, gender-biased, unrealistic, and inequitable, while meaningful and comprehensive evaluation of the child's psychological and emotional needs is marginalized.

Accordingly, family justice in Lebanon cannot be assessed by comparing "which sect grants a higher custody age," but rather by examining how cases are actually managed within each system, and how age thresholds, once judicially applied, become mechanisms for reproducing patriarchal authority and suspending women's lives between different courts that yield divergent yet similarly discriminatory outcomes.

Although custody under Lebanese law is legally recognized as an inherent right of the child and cannot be waived by either parent, being directly linked to the child's best interests rather than to the parties' interests, prevailing judicial practice frequently empties this principle of substance. Custody becomes, in effect, a bargaining tool used to pressure and coerce mothers, with its continuation conditioned upon their behavior and personal choices. Courts often disregard the impact of conflict, violence, and instability on the child.

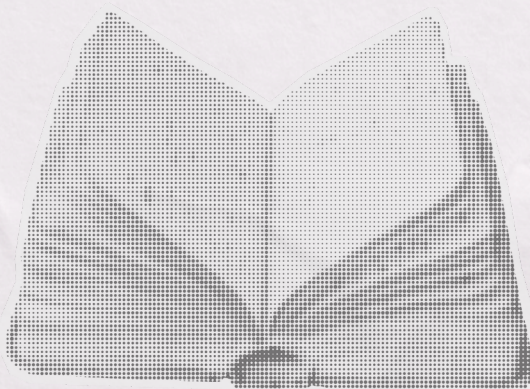
Instead of being assessed based on the child's psychological and emotional needs and overall well-being, custody is reduced to rigid age thresholds or selective moral considerations. This results in the legal penalization of women for exercising their right to separation or seeking protection from violence, effectively stripping them of their parental role. Judicial practice underscores the necessity of avoiding formulaic solutions and of taking into account the psychological condition of both parents, the child's vulnerability, and each party's capacity to cope with separation. It is further recognized that loss of custody may, in certain cases, lead to severe psychological breakdown for mothers, with consequential adverse effects on children.

At the same time, a limited number of exceptional and equitable judgments have been recorded in which courts departed from rigid age thresholds and granted custody to mothers beyond the legally prescribed age, based explicitly on the best interests of the child. Such decisions, however, remain exceptions in the absence of unified standards.

The issue extends beyond the definition of domestic violence and the mechanisms for its proof; it encompasses its direct impact on custody, visitation, and overnight arrangements. From the standpoint of both survivor protection and the best interests of the child, it is untenable that custody, visitation, or overnight rights be granted to fathers who engage in ongoing violence or coercion against mothers, or who instrumentalize children as tools of blackmail and retaliation within the context of family disputes.

These cases raise fundamental questions regarding the extent to which prevailing jurisprudence aligns with the spirit of Law No. 293/2014 on the Protection of Women and Other Family Members from Domestic Violence, which presupposes that protection orders should automatically extend to children whenever continued contact with the perpetrator exposes them to direct or indirect risk.

Separating the protection of mothers from the protection of their children, or maintaining automatic custody and visitation arrangements in favor of violent fathers, empties protective measures of their preventive function and reduces them to partial interventions that fail to address the root sources of risk within the family structure.



Second



Dissolution of the Marital Bond

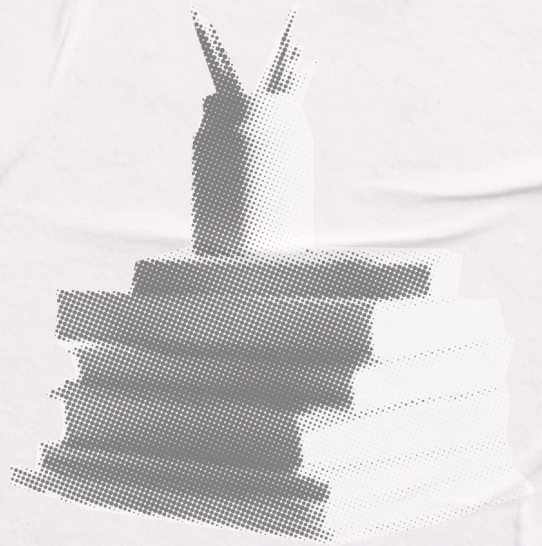
Across religious courts, notwithstanding their doctrinal differences, men are generally granted broader authority to terminate marriage than women, albeit through varying mechanisms. Under Islamic systems, divorce (ṭalaq) remains, in essence, a quasi-unilateral right of men, while women are confined to judicial dissolution pathways contingent upon proving harm, often under evidentiary standards that are onerous in practice. In Christian systems, the possibility of terminating marriage is restricted to such an extent that prolonged desertion or coerced settlement frequently becomes the only realistic avenue available to many women. In all systems, the dysfunction lies not solely in the legal text but in the transformation of divorce into an attritional process, during which women are compelled to relinquish financial or familial rights in exchange for exiting the marital relationship. Leaving an abusive or unsafe marriage thus becomes conditioned upon a high economic and psychological cost.

In judicial separation proceedings within Islamic courts, two arbiters are appointed in an attempt at reconciliation; if reconciliation fails, a report is submitted allocating responsibility and determining financial entitlements. While this mechanism may produce imbalanced outcomes where the conflict is not accurately assessed, such an imbalance does not in itself constitute discrimination. In ecclesiastical courts, stricter conditions govern proof of dissolution, varying by denomination, with judges bound to apply the relevant canonical texts.

Although the Sunni system is often portrayed as comparatively more accessible for women seeking to end a marriage, particularly when contrasted with the Jaafari system or certain ecclesiastical systems that do not recognize divorce per se, this relative flexibility does not amount to substantive equality. Sunni women theoretically have access to multiple judicial dissolution pathways, yet in most cases must prove harm before the court or accept “khula” (no-fault divorce initiated by the wife) in exchange for relinquishing dowry and financial rights.

By contrast, men may unilaterally repudiate the marriage within a short timeframe and without bearing a comparable burden of proof. Thus, the Sunni system reflects a structural paradox. Although it offers women more formal avenues to initiate divorce than some other systems, it ultimately preserves decisive legal authority in the hands of men and often transforms women-initiated divorce claims into a form of “purchasing freedom” through financial forfeiture rather than an equal exercise of the right to dissolve the marriage.

The following table provides a comparative overview of the conditions under which women may obtain divorce or otherwise exit marriage under different religious legal frameworks in Lebanon, with a view to assessing their consistency with the principles of equality, non-discrimination, and the right to an effective remedy.



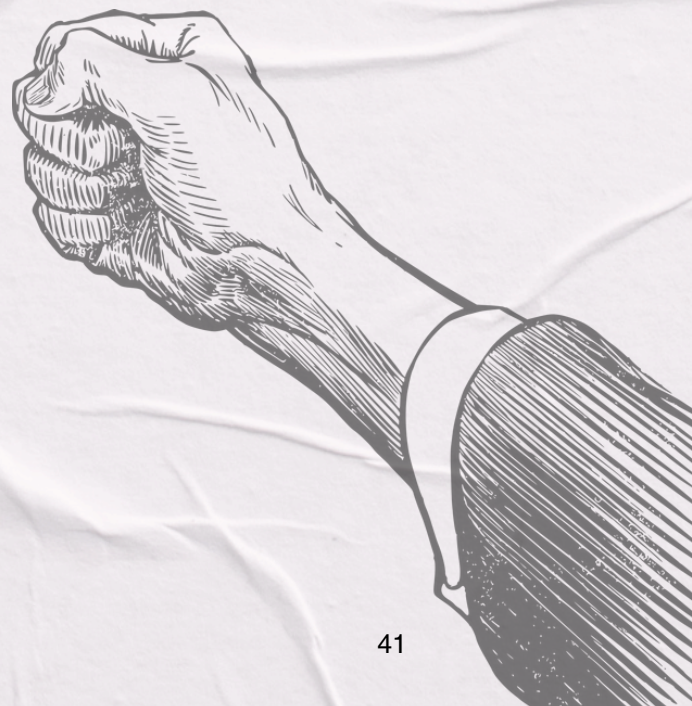
Sect / Religious Authority	Do Women Have a Pathway to Divorce / Exit Marriage?	Main Pathways / Conditions (as commonly practiced)	Nature of Procedure	General Observations
Sunni (Sunni Sharia Courts)	Yes, but with clear limitations	Judicial separation for harm (violence, abandonment, non-maintenance) with high burden of proof; khula typically in exchange for relinquishing most financial rights	Judicial claim before the Sharia Court	Men possess unilateral divorce; women must pursue lengthy and costly litigation. Khula operates in practice as “purchasing freedom” through financial forfeiture, reinforcing inequality in the ability to terminate marriage.
Jaafari (Shia Sharia Courts)	Extremely limited in practice	No broad judicial dissolution; limited possibility of judicial divorce (ṭalaq al-ḥakim) in exceptional cases; delegation of divorce right (Isma) if stipulated in contract (rare)	Generally dependent on husband's will or approval of religious authority	Among the most restrictive systems regarding women's exit from marriage; many women remain trapped in abusive marriages as effective divorce power lies with men or the religious judge.
Druze (Madhhab Council)	Yes, under restrictive conditions	Judicial separation for specified grounds (serious harm, abuse, breach of marital duties)	Claim before the Madhhabi Court with broad judicial discretion	Men do not have unilateral divorce; however, women's ability to exit marriage depends on judicial moral assessment, leaving their fate contingent upon patriarchal evaluative standards.
Maronite (Maronite Ecclesiastical Courts)	No divorce; annulment + separation	Petition for annulment on formal or substantive grounds (lack of consent, fraud, serious defect); or regulation of physical separation with bond remaining religiously valid	Lengthy and complex canonical process with appellate levels	Women may exit cohabitation but remain legally married religiously; this suspension constrains rebuilding life and leaves them between de facto separation and de jure religious marriage.

Sect / Religious Authority	Do Women Have a Pathway to Divorce / Exit Marriage?	Main Pathways / Conditions (as commonly practiced)	Nature of Procedure	General Observations
Greek Catholic (Catholic Ecclesiastical Courts)	No divorce; annulment + separation	Annulment for specified canonical grounds; recognition of separation without dissolution of bond	Local ecclesiastical court with possible recourse to the Roman Rota (Vatican)	Costly and lengthy process requiring legal and theological expertise; absent recognized civil divorce, women remain religiously married despite practical dissolution, deepening legal and social vulnerability.
Greek Orthodox (Orthodox Ecclesiastical Courts)	Yes, under specified grounds, plus desertion	Ecclesiastical divorce or dissolution for textual grounds (adultery, prolonged desertion, severe violence, conversion) with burden of proof; desertion recognized as primary pathway	Claim before the Ecclesiastical Court	Formally available to both parties; however, interpretation of “harm” and “desertion” often conservative, with women subject to stricter moral scrutiny; desertion may operate as compromise leaving legal bond partially intact.
Armenian Churches (Orthodox / Catholic)	Yes, under conditions similar to other Eastern Churches; desertion frequently used	Canonical grounds (adultery, desertion, violence) requiring proof and ecclesiastical evaluation; recognition of physical separation	Ecclesiastical courts under sect authority	Broad discretionary authority of bishop/court; even where formal dissolution exists, desertion or separation becomes practical solution, leaving many women outside marriage without full legal protection.
Evangelical Churches	Yes, with relative flexibility	Recognition of multiple grounds (adultery, desertion, violence); broader acceptance of harm; possibility of regulated separation followed by divorce	Evangelical ecclesiastical court/church councils	Among the relatively more flexible frameworks in recognizing women’s right to exit marriage, however, application varies between churches and remains influenced by pastoral culture and social pressure.

The table demonstrates that the religious plurality underpinning Lebanon's personal status system does not result in diversified avenues of legal protection for women; rather, it generates varying patterns of restriction on their right to exit marriage. In most religious systems, men retain an effective and expeditious ability to terminate or reorganize marriage, while women face complex legal pathways burdened by proof requirements, coerced financial concessions, or prolonged religious procedures.

This disparity extends not only across sects but within each sect, where women's fate is shaped by judicial discretion and religious interpretation of concepts such as "harm," "desertion," and "moral fitness." The right to divorce is thereby transformed from a legal guarantee into a selectively granted privilege.

Furthermore, reliance on concepts such as "desertion" or "physical separation" in certain Christian systems is often presented as a compromise between theological constraints prohibiting divorce and the practical necessity for women to escape abusive relationships. Yet such arrangements fail to provide full legal protection or genuine freedom to rebuild one's life. Conversely, the Sunni and Jaafari systems illustrate that the mere existence of divorce as a legal institution does not in itself guarantee rights, so long as the decisive power remains vested in men or conditioned upon unequal concessions by women. Women thus remain situated between restrictive legal texts and judicial or religious authorities that ultimately determine the trajectory of their familial lives.



Third



Maintenance and Guardianship

Maintenance is frequently determined in the absence of transparent standards for verifying men's actual financial capacity, resulting in awards that fail to meet the minimum needs of children. Concepts such as "nushuz" (marital disobedience) or "obedience" are invoked in certain courts to deny or reduce maintenance, thereby transforming a financial entitlement into an instrument of bargaining pressure. Maintenance amounts are often set at low baseline levels that do not reflect the real cost of raising children and frequently exclude expenses related to education or medical care. This dynamic compels many women to relinquish custody due to financial incapacity. A recurring pattern is also observed whereby mothers are deprived of custody upon remarriage or subjected to arbitrary reductions in maintenance, contrary to the principle of the best interests of the child.

In the aftermath of Lebanon's economic crisis, maintenance has become an additional point of vulnerability in domestic violence cases. Currency collapse and the absence of effective mechanisms to adjust maintenance awards or ensure swift enforcement have transformed maintenance itself into a tool of coercion in the hands of perpetrators.

Amid severe currency devaluation, maintenance awards, paid in Lebanese pounds at depreciated rates, have lost meaningful purchasing power. Many husbands invoke deteriorating economic conditions to reduce maintenance to symbolic amounts or to delay payment for extended periods without facing immediate or serious consequences. Meanwhile, women remain de facto solely responsible for covering children's basic needs in a context of escalating living costs and the absence of effective social protection mechanisms.

This monetary instability has afforded perpetrators broad latitude for delay, evasion, and strategic exploitation of exchange rate fluctuations. Tactics include postponing payments, repeatedly appealing judgments, or seeking recalculation of maintenance on the basis of changing economic circumstances. Others benefit from paying maintenance in Lebanese pounds while earning income in foreign currency or transferring assets abroad. In this sense, maintenance has ceased to be merely an insufficient financial right; it has evolved into an instrument of economic humiliation and control that entrenches women's dependency and chronic vulnerability. Many women are compelled to accept inequitable settlements or relinquish other rights in exchange for the regular payment of sums insufficient to secure children's basic subsistence.

This structural dysfunction amounts to what may be characterized as "institutionalized economic violence," whereby judicial decisions are stripped of their social and protective function, leaving women and children without effective economic protection despite favorable rulings. This economic violence is exacerbated by weak enforcement mechanisms, the absence of a unified judicial index for calculating maintenance based on actual purchasing power or cost of living, and the practical impossibility of effective asset seizure within a collapsed banking system.

In this context, the economic crisis has not only generated widespread impoverishment but has also reshaped power relations within family disputes. Exchange rate fluctuations and the national currency have become new tools of coercive negotiation in the hands of abusive husbands, used to prolong disputes, financially and psychologically exhaust women, and condition their ability to remain in or exit a marriage upon their capacity to endure deprivation and poverty.



There is therefore an urgent need for a re-conceptualization of maintenance in the context of violence—one that recognizes deliberate non-payment or manipulation of maintenance as a form of economic violence and provides for more rapid and effective protective and enforcement measures. Such measures could include direct deduction of maintenance from income or compensation where feasible, and linking maintenance compliance to other entitlements such as visitation rights and custody arrangements, in order to prevent the instrumentalization of children and their financial rights as tools of retaliation or extortion following separation.

As for guardianship, in most systems it remains a male-dominated authority that excludes mothers from fundamental decisions concerning travel, education, medical treatment, and official administrative matters, even where mothers are the de facto custodial caregivers. This separation between physical custody and daily care, on the one hand, and legal authority on the other, produces a model of “motherhood without authority” and undermines women’s legal autonomy.



Fourth



Domestic Violence Between Civil Law and Religious Courts

Law No. 293/2014, as amended, marked an important legislative development through the introduction of a civil protection pathway. However, its effectiveness is constrained by the duality of judicial authorities[6]. While women may obtain a civil protection order, matters of divorce, custody, and maintenance remain subject to religious courts, which may disregard or minimize the weight of such orders. Judicial practice further demonstrates that recognition of violence remains contingent upon a high evidentiary threshold, and that psychological and economic violence are frequently recharacterized as mere “marital disputes,” thereby limiting the law’s capacity to provide comprehensive and sustainable protection. This reality produces an artificial separation between protection from violence and family justice pathways, undermining the possibility of integrated and durable protection for women[7].

From a legislative standpoint, Law No. 293/2014 provides a framework that can theoretically serve as a basis for civil protective measures, particularly through protection orders issued by the Summary Matters Judge or by the Public Prosecution Office upon substantiation of violence. However, the judicial practice documented in this study reveals a significant gap between text and implementation. Numerous protection requests submitted by women at risk of violence have been treated dismissively, rejected, delayed, or stripped of their preventive substance, leaving survivors within cycles of danger rather than removing them from harm.

[6] <https://civilsociety-centre.org/content/issuance-law-no-293-protection-women-and-family-members-domestic-violence>

[7] https://euromedrights.org/wp-content/uploads/2023/04/factsheet-Lebanon_EN-2.pdf

Despite formal recognition of psychological and moral harm, protection orders in practice continue to be granted primarily where conclusive medical reports evidencing physical injury are available. This excludes a broad spectrum of non-visible forms of violence[1] and deprives protection of its preventive function. The study documents cases in which protection requests were denied despite documented threats, ongoing psychological abuse, or prior incidents of violence, on the grounds of “insufficient evidence”, in stark contradiction to the preventive philosophy of the law, which is intended to avert risk rather than await the occurrence of severe physical harm.

The law theoretically provides two pathways: a traditional, often protracted judicial separation claim before religious courts, and an urgent pathway through protection orders. Yet this expedited pathway is frequently emptied of its substance due to procedural delays, postponement in adjudicating requests, and weak coordination with personal status courts, thereby transforming immediate protection into a deferred promise. A further concern lies in the legal language employed in certain judgments, particularly in the absence of gender-sensitive understanding among some lawyers and judges, resulting in women losing rights due to incomplete comprehension of the operative wording of judgments and their enforcement implications.

Although a limited number of equitable and prompt protection orders have been documented, where thorough investigations uncovered facts and prevented manipulation, such instances remain exceptions dependent upon the individual convictions of particular judges rather than upon an institutionalized standard. Field testimonies reveal wide disparities in rulings among judges and recurring minimization of protection requests, underscoring the urgent need for systematic judicial training, unified standards governing the issuance of protection orders, and adoption of a risk-assessment approach rather than one contingent upon medically proven physical injury[9].

[9]https://www.aub.edu.lb/ifi/Documents/publications/policy_briefs/2016-2017/20170716_domestic_violence.pdf

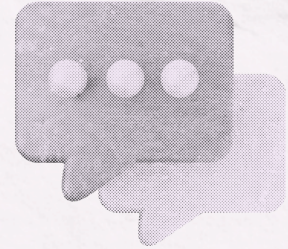


While physical and psychological violence are widely addressed in legal and human rights discourse, economic violence within the family remains less documented and less effectively protected under law, despite constituting a primary mechanism of control and coercion. Practices such as monopolizing household income, denying women access to joint bank accounts, transferring assets prior to divorce, and withholding or reducing maintenance to symbolic amounts insufficient to meet basic living costs are routinely employed to blackmail women and compel them to remain in abusive relationships or relinquish rights to custody, housing, or divorce.

Legislatively, although the amendments introduced by Law No. 204/2020 to Law No. 293/2014 formally recognized economic violence within the definition of domestic violence and criminalized certain related acts, this recognition remains limited in effect due to two structural deficiencies. First, personal status matters, such as maintenance, custody, and marital housing, remain excluded from the law's jurisdiction and continue to fall under religious courts. In practice, the most prevalent forms of economic violence are thus addressed within a sectarian jurisprudential framework that fails to recognize women's unpaid labor or their contribution to the accumulation of family wealth. Second, there are no clear and unified standards for determining maintenance, compensation, or financial entitlements following dissolution of marriage. Broad judicial discretion frequently results in minimal awards that neither reflect the husband's financial capacity nor meet the actual needs of women and children[10].

This deficiency constitutes a circumvention of Lebanon's obligations under the International Covenant on Economic, Social, and Cultural Rights and CEDAW, particularly with respect to ensuring the right to an adequate standard of living and non-discrimination in the enjoyment of economic rights. It transforms economic violence from an actionable violation into a normalized reality, as courts accept obedience claims and link maintenance to a wife's conduct and "compliance," or disregard her unpaid domestic labor when assessing her post-divorce entitlements. Accordingly, centering economic violence and exposing the gap between its formal recognition under Law No. 293/2014 and the absence of effective legal mechanisms to address it within personal status laws constitute essential components of a feminist reading of family justice. This approach paves the way for clear reform recommendations, including the decoupling of maintenance from obedience standards and the recognition of housing as an independent right of wives and children following the dissolution of the marital bond.

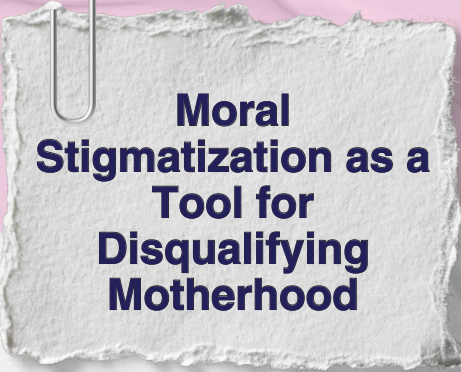
Chapter Three: Practical Experiences Before the Courts: Women's Narratives



The cases presented in this section are not introduced as individual anecdotes or isolated testimonies, but rather as core analytical material that, through lived experience, reveals the range of challenges women face when litigating before religious courts. These narratives are not merely “human stories,” but entry points for understanding patterns of deprivation, mechanisms of exclusion, and forms of institutional violence exercised through legal texts, judicial procedures, language, and conflicting jurisdictions.

This section documents the experiences of women who have navigated litigation pathways before various religious and civil courts in cases involving custody, guardianship, divorce, domestic violence, maintenance, and visitation. Analysis of these cases demonstrates how the court frequently shifts from being a space of protection and redress to a site for the reproduction of patriarchal control, entrenchment of inequality, and psychological and economic exhaustion of women.





Moral Stigmatization as a Tool for Disqualifying Motherhood

This case is presented as a professional testimony from within legal practice, illustrating the intersection of sectarian affiliation with mechanisms of custody deprivation, and highlighting how patriarchal moral “standards” are deployed as instruments of legal exclusion. One lawyer, drawing on experience in personal status litigation, documented the case of a Christian woman married to a Shia man who was deprived of custody of her eight-year-old daughter after a Jaafari judge deemed her “unfit” to raise the child “in accordance with Shia doctrinal standards.” The decision was based on a photograph the mother had posted of her daughter wearing a swimsuit, which was treated as evidence of “misconduct,” without any substantive assessment of the child’s psychological well-being or the mother’s daily caregiving role.

Despite legal objection, reunification between mother and daughter was only achieved through an out-of-court settlement, reflecting the limitations of litigation where motherhood is reduced to narrow and gendered moral criteria. This case illustrates how moral stigmatization becomes a judicial tool, and how women are treated unequally within a system that formally purports to guarantee equality before the law. It further demonstrates how financial and coercive settlements have become the near-exclusive pathway through which women may secure the minimum of their rights, within a system that recognizes domestic violence only in “extreme” cases substantiated by exceptional evidence, while reclassifying most manifestations of abuse as mere “marital disputes.”

Between Two Courts and Two Authorities: Children as Hostages of Judicial and Religious Power Struggles

This case constitutes one of the most striking illustrations of institutional violence arising from conflicting judicial authorities and the intersection of religious and political influence with justice pathways. In one example, proceedings began on 4 August 2020, the day of the Beirut Port explosion, when a woman was divorced in absentia without her knowledge. She was subsequently summoned to the General Security Directorate under the pretext of an administrative matter, only to discover that the locks to her home had been changed and that she was barred from returning, while her children were outside the residence.

Following the divorce, the Jaafari court swiftly issued a default judgment transferring custody of her two children to the father, who was outside Lebanon, and granting him the right to take them abroad. The ruling employed explicitly discriminatory language, describing the father as “a person of high standing.” The child’s age was also manipulated by calculating it according to the Hijri calendar in order to terminate the mother’s custody rights. This occurred in complete disregard of the right of defense, the principle of the best interests of the child, and without hearing or summoning the mother.

By contrast, the Juvenile Court constituted the sole space for redress. The presiding judge reviewed psychological reports and issued immediate decisions placing the children under court protection, maintaining them in their mother’s care, and prohibiting their travel. Yet this redress remained fragile, as the conflict between civil and religious jurisdictions persisted for years, accompanied by threats of imprisonment, repeated demands to surrender the children, and protection orders that were routinely disregarded.

This case illustrates how litigation itself may become a process of psychological and legal attrition, and how influence, obstruction of service of process, and asset concealment are used to empty judicial rulings of their substance. It further exposes one of the most dangerous structural defects: compulsory guardianship, which leaves the father, despite absence and failure to provide adequate and fair maintenance, in possession of absolute legal authority over the children’s fate, while stripping the mother of effective decision-making power.

A Fragmented Justice Pathway in Personal Status Cases

This case exemplifies the profound legal and social complexities confronting women in divorce and custody disputes within Lebanon's personal status system. After marrying and relocating with her husband between Saudi Arabia and Morocco, the woman returned to Lebanon in her seventh month of pregnancy to give birth. Two weeks later, her husband unexpectedly sought a divorce. His hesitation extended for approximately one and a half years, during which he leveled false accusations of immoral conduct. A divorce action was ultimately filed, and a manifestly inequitable settlement agreement was signed under duress and through the collusion of her own lawyer with her husband, exploiting the fact that her children had been taken from her for six months.

The dispute subsequently centered on visitation rights, with the husband seeking to severely restrict them and invoking political influence to affect the course of proceedings. The first judge recused himself after partially amending the agreement in her favor. However, a second judge issued a formalistic decision permitting overnight visitation under nearly impossible conditions, accompanied by a grave characterization of the mother as "untrustworthy in raising daughters," based on fabricated testimonies signed by a local official (mukhtar) and three unrelated men, as well as audio recordings inserted into the file without her knowledge.

Parallel to the judicial proceedings, she faced social and familial violations, including physical violence, systematic incitement against her, and even collusion by members of her own family. Despite this, she succeeded in documenting the forgery and pursued criminal complaints against the mukhtar and the witnesses, leading to their arrest. She repeatedly petitioned the Public Prosecution Office and the Enforcement Court to compel implementation of visitation orders that were systematically obstructed.

At a later stage, she chose to appeal the decision without legal representation and personally submitted a comprehensive file supported by evidence and documentation. This resulted in the modification of the ruling to allow her daughters to stay overnight with her, an outcome that represented both a legal and moral victory and had a positive impact on the children's psychological well-being.

Years into the dispute, the effects of incitement and pressure remain visible in the children. Nevertheless, the mother continues to demonstrate resilience and insistence on her maternal rights, affirming that this struggle was not merely legal in nature, but a battle for dignity, protection, and existence.



Motherhood Confiscated in the Name of “Unfitness”

This case represents a stark example of custody deprivation, in which two infant children were removed from their mother immediately following divorce. The elder was under two years of age and the younger only seven months old. Custody was stripped on the grounds of alleged “unfitness” and the asserted principle of “non-separation of siblings.” No consideration was given to the reality of daily caregiving, nor to the biological and psychological needs of the infants. Instead, an abstract reasoning prevailed, reducing the mother to the position of an unfit party without any independent or objective assessment.

The decision was accompanied by social and judicial pressures aimed at delegitimizing her motherhood in a context that facilitated the social reorganization of the ex-husband’s life. The mother found herself besieged simultaneously by family, society, and the court, entirely dispossessed of her maternal role. She came to understand that the objective extended beyond terminating the marriage; it was to “erase her motherhood” in order to socially legitimize her former husband’s remarriage.

The struggle transcended the courtroom and spilled into the public sphere. The ex-husband leveraged his position within the security sector to disseminate rumors and shield himself from accountability. The woman was subjected to public defamation and humiliation, including verbal harassment by strangers. Her work in media was weaponized against her, ultimately forcing her to resign.

For years, she lived as an “invisible mother,” standing behind the walls of a school in Nabatieh to catch glimpses of her children during recess, disguising herself at school events to see them covertly, relying on a network of teachers and friends to relay information. She refrained from filing a custody claim, fully aware that the outcome was “predetermined” under Jaafari law and prevailing political circumstances.

The 17 October uprising became her sole outlet. Holding a banner reading “I Want to See My Children” in a public square, she heard her son’s voice for the first time in years. Although contact remained limited, circumstances later allowed her to reunite with her eldest son in Turkey, and eventually to relocate with him to Canada. The younger son, however, remains distant, influenced by narratives instilled by his father.

When Protection Is Emptied of Its Substance: Domestic Violence Between Civil and Ecclesiastical Courts

This case reflects the structural contradiction in the treatment of domestic violence, whereby legal protection mechanisms are reduced to temporary and revocable measures.

After more than twelve years of documented physical and psychological violence, supported by forensic medical reports, the woman sought recourse before the civil judiciary. An immediate protection order was issued requiring the husband to vacate the marital home, marking a turning point in her life and that of her children.

Yet this protection was subsequently stripped of its substance pursuant to a decision issued by an ecclesiastical court, which characterized the facts as a mere “marital dispute.” The court relied on standardized psychological reports describing the woman as “nervous,” without conducting any serious evaluation of the violence or of the children’s best interests. The father was granted visitation rights, and a travel ban was imposed on the mother, in complete disregard of the documented risk.

This case exposes the limitations of the domestic violence law when left subject to the logic of religious courts, demonstrating how violence may be reproduced through the neutralization of protective measures rather than their reinforcement.





Divorce Without Legal Effect: Women's Lives Suspended Between Religious Pronouncement and Judicial Procedure

This case is presented as a stark illustration of procedural dysfunction within the courts, and of how a single instance of erroneous judicial guidance, combined with the absence of accountability and the use of degrading language, can suspend a woman's legal status for years.

The participant recounts that she approached the Jaafari court to dissolve her marriage, where a judge informed her that a written authorization granted by the husband to his sister would suffice to effectuate the divorce. Acting upon this guidance, the document was submitted, and a video call was conducted with the husband to confirm his consent, following which the divorce was pronounced in accordance with religious procedure. However, the same judge later refused to register the divorce legally, deeming the document invalid. As a result, the woman remained religiously divorced but not legally divorced for more than four years.

This limbo did not stem from a complex legal dispute, but from administrative negligence, contradictory interpretation, and the absence of any mechanism to hold the judge accountable for providing erroneous legal instruction. The situation was compounded by humiliating judicial language. The participant stated that the sheikh addressed her coarsely and disrespectfully, as though speaking to someone without status or respect, rather than to a litigant before the court. She also recalled a particularly shocking remark: "Even if you had ten children, I would not register it for you."

This case demonstrates how judicial procedure itself may constitute a form of institutional violence, suspending women's lives, depriving them of legal stability, and preventing them from remarrying or arranging their personal and economic affairs due to an error for which they bear no responsibility.





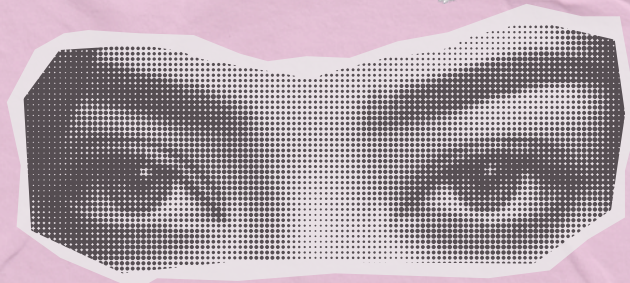
Compulsory Guardianship: From Bargained Rights to Partial Justice

This case illustrates the fragility of judicial settlement agreements in the face of the doctrine of compulsory guardianship, and how subsequent rulings may effectively nullify divorce settlements.

In this instance, the divorce was concluded through “khula”, with the mother relinquishing her financial rights in exchange for securing visitation rights with her children. However, a subsequent first-instance judgment designated the father as the compulsory guardian and granted him full authority, effectively voiding the prior agreement and permitting the children to travel outside Lebanon without the mother’s consent.

Although an appellate ruling later ordered the children’s return and imposed a financial penalty for delay, the redress remained partial and belated, failing to remedy the psychological and temporal harm endured by the mother and the children. The father complied only with school tuition payments, while the mother bore the entirety of daily expenses, despite her prior relinquishment of financial rights.

This case reveals that compulsory guardianship operates not as a protective mechanism for the minor, but as an instrument for reasserting patriarchal control. It further illustrates how justice may be reduced to formal compliance, without addressing the substantive dimensions of fairness and equity.



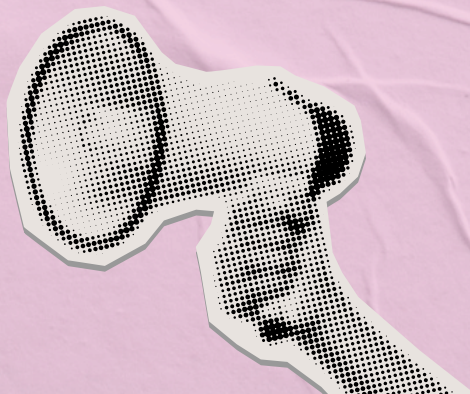


Domestic Violence: From Physical Survival to Judicial Exclusion

This case reflects one of the most severe forms of compounded violence, where chronic domestic abuse intersects with complete deprivation of rights following divorce. Over nearly thirty years, the woman was subjected to grave forms of physical, psychological, and economic violence, including severe beatings, attempted killings, burning, verbal humiliation, and deprivation of food. Her children were also exposed to this abuse.

Despite this prolonged violence, she was compelled to divorce without receiving any maintenance, compensation, or housing rights. She and her children were forcibly evicted from the marital home and endured months of homelessness, while the residence was subsequently allocated to the husband's new wife. Most troublingly, she was prevented from presenting evidence of the violence before the court due to intimidation and threats by her husband inside the courtroom, revealing a structural failure to guarantee a safe environment for testimony. Economic violence persisted after the divorce, and the perpetrator remained effectively beyond accountability.

This case highlights the failure of the judicial system to protect women after divorce and demonstrates how separation may mark not an escape from violence, but the beginning of a new phase of exclusion.



Compulsory Guardianship and the Deprivation of Maternal Legal Capacity: The Legally Present, Practically Absent Mother

This case documents a judicial decision described by one lawyer as “particularly egregious,” whereby guardianship of a child was granted to the deceased husband’s family, despite the mother being alive and serving as the child’s sole and actual caregiver. Pursuant to this ruling, the mother was required to seek permission from the husband’s family for all matters concerning her child, including school enrollment.

When the husband’s family later relinquished guardianship, it was not restored to the mother; instead, it was transferred to the judge, leaving the mother subject to individual judicial authorization for every administrative step. This case reveals a judicial perspective that regards the mother as perpetually lacking full legal capacity, stripping her of effective authority and reducing her to an executor of decisions made by others, in direct violation of the principle of full legal capacity.



Normalization of Violence: When Abuse Is Reduced to a “Family Matter”

This testimony is presented as a critical reflection from within legal practice, illustrating how the sectarian personal status system empties women's protection of substance, even in cases of severe violence. The lawyer recounts working on cases involving women subjected to extreme abuse who nonetheless failed to secure divorce or effective protection.

In one case, a husband physically assaulted his wife inside the courthouse building and in public view, yet this did not prompt any serious or expedited judicial response. According to the lawyer, the dysfunction lies not solely in the legal texts, but in their inconsistent application and in judicial discretion. One judge may consider violence sufficient grounds for judicial separation, while another may trivialize it as a transient marital dispute.

He concludes that such inconsistency is closely linked to a broader social culture that normalizes violence and treats it as a private family matter, an attitude that directly influences judicial performance and outcomes.



“Khula” Under Coercion: The Obedience Ruling as a Tool to Strip Women of Protection

This case illustrates the use of obedience rulings (ḥukm al-ta’aa) as a legal instrument of pressure to compel women to accept coerced settlements within the Jaafari judiciary.

The survivor recounted that the issuance of an obedience ruling against her was used to suspend her maintenance and pressure her into accepting an agreement whereby she relinquished her deferred dowry in exchange for divorce, with the husband committing only to a lump-sum payment and coverage of the children’s school fees. The “khula” divorce was pronounced in a routine and summary manner, without any inquiry into the circumstances surrounding the request or the presence of coercion.

Although she ultimately obtained the divorce, she remained in a state of psychological distress, perceiving that her freedom had come at a “price,” and that the law had failed to provide genuine protection. Instead, it compelled her to forfeit her rights in order to secure the minimum threshold of legal exit.

This case reflects the constraints of the Jaafari judiciary on women's ability to terminate marriage, even when the woman herself possesses legal expertise. The interview documented the testimony of a Sunni lawyer married to a Shia lawyer. She endured years of psychological abuse, threats, and infidelity, and her children were also affected. Yet she was unable to initiate judicial divorce proceedings due to the difficulty of proving harm under the applicable standards.

**Divorce by
Delegation: The
Limits of Judicial
Protection**

Faced with the exhaustion of formal legal avenues, she resorted to a coercive negotiated solution and obtained a delegated power of divorce, which she then exercised to divorce herself. However, the pressures did not cease following separation; her former husband continued to subject her to threats, psychological blackmail, and intimidation, including threats to deprive her of her children.

Her testimony encapsulates the structural dysfunction of the system in the following words: "No one helps you but yourself, not the law, not the system, not the courts."



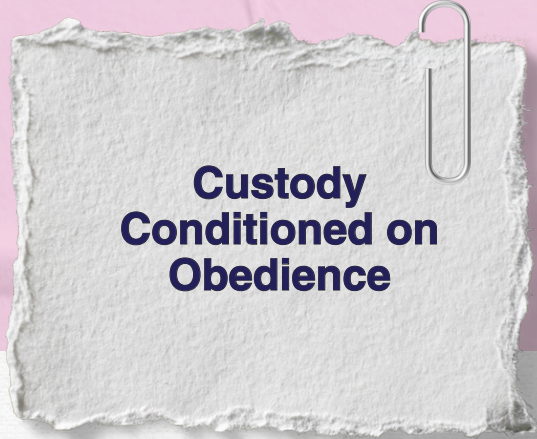
Ongoing Daily Violence: The Absence of Preventive Protection

This case stands as a stark example of the failure of preventive protection, whereby violence is not treated as an imminent risk until it escalates to a lethal level. A lawyer recounted the case of a twenty-four-year-old woman subjected to daily physical abuse within her family home, not only by her father, but also with the participation of her brother, in a pattern of systematic and repeated violence. Despite the evident and continuous danger, no immediate protection mechanism was activated, nor were measures taken to isolate the perpetrators or provide the survivor with shelter or precautionary relief. Daily violence, in and of itself, was not deemed sufficient grounds for judicial or security intervention, as though the system moves only after grave harm or a fatal outcome has occurred.

This case exposes a structural flaw in the approach to domestic violence, whereby risk is understood as an exceptional event rather than a cumulative process. Women are left to endure ongoing violence while awaiting “conclusive evidence,” which too often takes the form of homicide or severe injury. It reflects the State’s failure in its preventive duty and the transformation of protection from a proactive right into a belated response.

In another case, a lawyer recounted the experience of a woman who endured years of physical and psychological abuse at the hands of her husband without being able to dissolve the marriage or secure effective protection. Most alarmingly, the husband assaulted her physically inside the courthouse building, following a hearing and in the presence of court personnel. Despite the assault occurring in a public space and within the very institution charged with upholding justice, the case was not pursued with the urgency or seriousness commensurate with its gravity. Litigation continued at its usual slow pace.

This case reveals two levels of dysfunction: first, the perpetrator’s sense of impunity, emboldening him to commit violence even within the court premises without fear of consequences; and second, the judiciary’s inability to treat violence as an urgent matter warranting immediate intervention, even when it occurs at the heart of the institution responsible for deterring it. The result is a transformation of the judiciary, through delay and normalization, from a site of deterrence into a space that permits the continuation of violence, sending a dangerous message that violence against women is not a priority, even when perpetrated before the edifice of justice itself.



Custody Conditioned on Obedience



This case illustrates the systematic use of obedience claims within the Jaafari judiciary as a mechanism of pressure that empties custody rights of their substantive content and transforms them into instruments of legal coercion against women following separation. A specialized lawyer explained that custody or maintenance claims are frequently met with counterclaims for obedience, which are deployed to re-subject women to the logic of the marital relationship even after its breakdown.

If a wife is deemed “nashiz” (disobedient) for refusing to return to the marital home, her maintenance is automatically suspended, and her claims are reframed as acts of rebellion rather than legitimate rights. In this context, custody is not examined as a right linked to the best interests of the child; rather, it becomes a bargaining chip conditioned upon maternal compliance and conduct.

This practice demonstrates how procedurally legitimate tools may be instrumentalized to produce substantively inequitable outcomes, entrenching punitive logic and reproducing patriarchal control under the guise of legality.

Taken together, these cases demonstrate that women’s judicial experience in Lebanon cannot be reduced to statutory provisions alone. It is shaped by a complex web of procedures, language, influence, conflicting jurisdictions, and unregulated discretionary power. These lived realities form the empirical foundation for the analysis of structural dysfunction explored in the following chapter and for the development of reform recommendations grounded in women’s actual experiences.



Chapter Four: Patterns of Structural Dysfunction in the Family Justice System in Lebanon

Although legal pluralism is ostensibly intended to ensure respect for religious particularities, the absence of a unifying normative framework results, in practice, in fundamental disparities in levels of legal protection based on sectarian affiliation. Accordingly, the challenges faced by women cannot be understood as the product of isolated individual practices or incidental procedural errors. The evidence derived from the analysis of cases and judicial files demonstrates that what may superficially appear as variability in rulings or divergence in jurisprudence is, at its core, an expression of entrenched structural dysfunction embedded within the legal and institutional architecture of the personal status system.

In this context, “structural dysfunction” refers to systemic features that consistently generate unequal outcomes, irrespective of the identity of the judge or the nature of the case. These features include legal plurality of authorities, the absence of unified procedural standards, expansive discretionary powers without effective constraints, and weak oversight and accountability mechanisms. The cumulative effect of these characteristics is the transformation of justice from a rights-based system into an uneven and asymmetrical process.

The cases analyzed in this study reveal recurring patterns of violation of fair trial guarantees, most notably:



Erosion of Fair Trial Principles and Procedural Safeguards



The breach of fair trial guarantees manifests through systematic procedural practices, including:

Default judgments and ineffective service of process, whereby decisive rulings affecting women's fundamental rights are issued without affording them the opportunity to defend themselves or even to receive timely notice of the proceedings.

Dual-speed litigation, whereby certain cases are expedited when the objective is to impose a settlement or compel women's compliance, while maintenance, custody, and enforcement claims are deliberately delayed when women seek to assert their rights.

Violation of equality of arms, as one party may leverage financial, political, or social influence to affect the course of proceedings, whether through strategic changes of legal counsel to obstruct service of process, or through informal interventions that may lead to judicial recusal or suspension of the file.



Slow Justice and the Compounded Cost



The violence experienced by women is not confined to the domestic sphere; it extends into a form of legal and institutional violence exercised within the very corridors of the courts. Testimonies from lawyers and survivors reveal that judicial procedures, rather than functioning as instruments of protection and redress, frequently become mechanisms of implicit punishment. Delay, procrastination, and condescending treatment convey an unspoken message that a woman claiming her rights is a “troublesome” or “rebellious” party, rather than a rights-holder entitled to protection. In this context, injustice is measured not only by the substance of the ruling, but also by the protracted, exhausting, and humiliating procedural path imposed on women as an additional cost of seeking justice.

A. Protracted Proceedings as a Mechanism of Attrition and Pressure

A significant number of testimonies concur that excessive delay in litigation constitutes one of the most serious barriers to women’s access to justice, often exerting a harsher impact than any explicit bias in statutory provisions. Divorce, custody, maintenance, and protection order proceedings frequently extend over several years, leaving women and children in a state of legal, social, and psychological limbo, and transforming the very act of seeking protection into a continuous process of attrition.

This procedural violence manifests through:



Repeated adjournments of hearings without serious justification, leaving women in precarious situations and subjecting them to forced waiting.



The strategic use of delay as indirect pressure, compelling many women to accept inequitable settlements, relinquish financial or parental rights, or even return to abusive relationships in order to avoid prolonged litigation.



Judicial paralysis during periods of judges' strike or court staff work stoppages, during which maintenance and custody files remain frozen for months, with the immediate burden of such disruption borne by women and children, often with consequences more severe than those resulting from the substance of the judgment itself.

B. The Dual Financial Burden of Litigation as a Structural Barrier

In addition to procedural delay, the financial cost of litigation constitutes a further structural barrier, particularly in the context of Lebanon's economic collapse, rendering access to justice a class-based privilege rather than a guaranteed right.

Judicial practice highlights in particular:

- The enforcement cost of visitation rights, where enforcement officers' fees range between USD 100 and 200 per session. Such sums effectively transform a child's fundamental human right to maintain contact with both parents into a "paid service," contingent upon the financial capacity of the parties. Consequently, judicial rulings become devoid of practical effect for low-income families, in stark contradiction to the principle of the best interests of the child.
- Indirect litigation expenses, whereby maintenance claims, although theoretically exempt from court fees, nonetheless generate additional costs in practice, including legal fees, service of process fees, and the cost of obtaining certified copies of judgments. These expenses constitute a tangible barrier for women who are unemployed or without independent income, limiting their ability to pursue their claims through to conclusion.



Evasion of Enforcement Mechanisms and Judgments that Remain Unenforced



Women's hardship does not end with the issuance of judicial rulings; rather, a more complex phase begins, namely, the battle over enforcement. A significant proportion of husbands resort to systematic tactics aimed at emptying economic justice of its substance. Documented cases reveal that the concealment and transfer of assets, by registering property in the names of relatives or third parties, is frequently employed to obstruct seizure and enforcement, constituting a clear manifestation of bad faith. Courts often respond with undue leniency to such conduct, placing the entire burden of proof on women through complex, costly, and protracted litigation, thereby effectively depriving them of the ability to recover their financial entitlements in a timely manner.

This dysfunction is compounded by deliberate evasion of service of process, through changing addresses or refusing receipt, alongside the exploitation of professional or political influence to conceal official documents or impede enforcement procedures, as evidenced in certain cases involving public officials or former diplomats. Additional structural loopholes exacerbate the problem, most notably the statutory provision prohibiting coercive detention for individuals over the age of sixty-five. This exception effectively strips maintenance judgments of their only meaningful enforcement mechanism, reducing women's and children's financial rights to formal obligations devoid of effective guarantees.

In this sense, the dysfunction lies not in the judgment itself, but in an enforcement system incapable of curbing bad faith conduct, thereby rendering economic justice delayed, or altogether unattainable.

These practices demonstrate that judicial procedures have, in many instances, been transformed into instruments of pressure and exhaustion, emptying the right to litigation of its substantive content.



Expansive Discretionary Authority of Religious Courts



Religious courts exercise broad discretionary powers that are not counterbalanced by a unified professional or rights-based framework, nor by clear interpretative standards. This unregulated breadth of discretion gives rise to sharp disparities in rulings, even in substantively similar cases. The unchecked expansion of judicial discretion has resulted in:



Radical divergence in the interpretation of legal texts from one judge to another, such that women's fates become contingent upon personal conviction rather than a stable and predictable legal rule.



Reliance on moral and behavioral standards to assess women's "fitness," instead of grounding determinations in established evidentiary standards or specialized assessments.



The transformation of the judiciary into a space of moral oversight, where photographs, social conduct, and mothers' personal choices are treated as indicia for revoking custody or restricting rights. Certain cases have demonstrated how a published photograph or a particular style of dress may be invoked as the basis for decisions affecting a child's future, in complete disregard of the best interests of the child and absent any objective evaluation of the actual caregiving environment.



Undermining the Principle of the Best Interests of the Child



Despite formal acknowledgment of the principle of the best interests of the child, judicial practice reveals that this principle is frequently emptied of substantive meaning and supplanted by preconceived assumptions, including:



The near-automatic prioritization of the father or compulsory guardian, even in cases of absence, neglect, or failure to provide financial support.



Disregard for the psychological impact of forced separation between mothers and their children, or of systematic incitement against mothers.



Custody and visitation rulings that fail to account for children's emotional stability and are not grounded in independent psychological assessments.

In several cases, “redress” has come only after years of attrition, with custody eventually restored or fines imposed, yet without any meaningful acknowledgment or remediation of the psychological and temporal harm suffered by the children. This reveals a form of procedural justice that lacks a genuine protective dimension.



The Use of Psychological and Social Reports as Instruments of Exclusion



A number of case files reveal reliance on psychological or social reports characterized by:



A descriptive and stereotypical nature lacking a clear scientific methodology;



The reproduction of gendered stereotypes portraying women as “hysterical” or “emotionally unstable”;



The instrumentalization of such reports to justify the removal of custody or to undermine women’s credibility, rather than to assess the reality of violence or ensure child protection.

In certain cases, it became evident that the purpose of the report was not to safeguard the family, but to consolidate a predetermined judicial trajectory. In this manner, technical expertise, intended as a protective mechanism, was transformed into an exclusionary tool deployed against the survivor.



Compulsory Guardianship as a Mechanism of Legal Domination



The cases demonstrate that compulsory guardianship is frequently used as a means of stripping mothers of any effective authority over their children’s lives. As a result:



Mothers are excluded from health, educational, and administrative decision-making;



“Consensual” agreements are emptied of their substantive content;



Mothers are reduced to mere executors of decisions taken by fathers, judges, or legal guardians.

In this sense, guardianship ceases to function as a framework for the protection of minors and instead becomes a mechanism of control and domination, reproducing gender hierarchies within the family even after separation.



Conflict of Jurisdiction Between Civil and Religious Courts



The conflict of jurisdiction between civil and religious courts constitutes one of the most serious manifestations of structural dysfunction. It results in:



The obstruction or dilution of civil protection orders on the basis of rulings issued by religious courts;



The subjection of women to dual and incoherent authorities;



The creation of a persistent state of legal uncertainty that is exploited for purposes of coercion and delay.

The cases demonstrate that while civil courts may, in certain instances, provide effective protection, such protection remains fragile and subject to nullification. Consequently, women and children are often returned to cycles of risk rather than afforded sustainable and integrated protection.



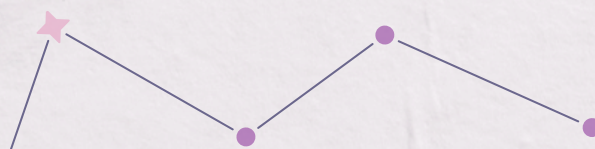
Failure of Preventive Protection and Immediate Intervention



Barriers to access to justice do not end at the stage of issuing protection orders; rather, they intensify both before and after their issuance. Judicial practice reveals a structural weakness in enforcement mechanisms and the absence of prompt and effective responses to ongoing violence. Documented cases demonstrate that the inaction of certain members of the Internal Security Forces, whether through delayed intervention, refusal to draft official reports, or pressure toward “reconciliation” between the survivor and the perpetrator, undermines the fundamental purpose of protection orders and returns women to cycles of danger instead of removing them from harm. Such inaction does not constitute a mere administrative lapse; it amounts to a breach of the State’s legal obligation to safeguard the right to life and physical integrity, particularly where the risk is imminent and formally reported.

This institutional failure is compounded by a judicial and social culture that normalizes violence and empties the concept of protection of its substantive content by imposing onerous evidentiary standards that fail to account for the nature of domestic violence. In many cases involving judicial separation or custody, survivors are required to produce forensic medical reports or direct eyewitness testimony, rendering the outcome contingent upon the survivor’s capacity to document abuse or upon what is colloquially described as the “skill of the lawyer.” Such conditions disproportionately disadvantage women in situations of heightened vulnerability. Within a broader social context that frames spousal abuse as a “family matter,” the judiciary may hesitate to treat violence with the seriousness it warrants. In extreme cases, the killing of women has been legally characterized as “unintentional homicide,” “a crime committed in a fit of rage,” or an “accidental incident,” reflecting institutional normalization of violence and a minimization of its gravity. As a result, the Protection Law risks being transformed from a life-saving mechanism into a fragile and easily undermined measure.

Certain cases reveal an almost complete absence of preventive protection, with no action taken until violence escalates or reaches catastrophic levels. In instances of documented daily abuse, the risk was not deemed sufficient to justify the issuance of immediate protection orders, reflecting a judicial logic that waits for “the worst” rather than acting to prevent it. This dysfunction extends beyond the judiciary to include inadequate security responses, delayed intervention, and attempts at coercive “reconciliation,” thereby exposing women to additional danger and undermining the notion of protection as a right.



Social Violence Parallel to Judicial Violence

Violations are not confined to courtrooms; they are accompanied by organized social violence, manifested through:

- ➡ Moral defamation campaigns;
- ➡ Fabricated or misleading testimonies;
- ➡ Interventions by local officials (mukhtars) or influential figures to confer social legitimacy upon allegations.

In some cases, such forms of social violence have been incorporated into the evidentiary process itself, revealing explicit or implicit collusion between judicial actors and the surrounding social context.

Knowledge Asymmetry and the Deprivation of Women's Right to Informed Understanding

Judicial practice in personal status cases reveals a structural imbalance manifested in knowledge asymmetry between litigants, whereby many women lose portions of their rights not solely because of the substance of judicial rulings, but due to their inability to decipher the complex legal and doctrinal language in which such decisions are framed. In the absence of accessible legal aid, and given disparities in the capacity to retain specialized counsel, many women confront judgments replete with technical terminology and unexplained procedural formulations. Consequently, they may consent to agreements or decisions concerning divorce, custody, or maintenance without genuine awareness of their future legal implications. In this sense, judicial acknowledgment ceases to represent informed consent and instead reflects unequal access to legal knowledge, rendering comprehension itself a class-based privilege rather than a guaranteed right.

Within this context, judicial language shifts from being an instrument of clarity and legal certainty to a form of symbolic exclusion that entrenches inequality and obscures violence behind broad juristic expressions such as “adequacy,” “maintenance in accordance with custom,” or “ease and hardship”, concepts frequently interpreted in abstraction from the economic and lived realities of women and children. This non-neutral deployment of language, coupled with the absence of transparency and the lack of published and accessible jurisprudential compendia, facilitates inconsistent interpretations and onerous evidentiary standards that normalize violence and place an almost insurmountable burden of proof upon women.

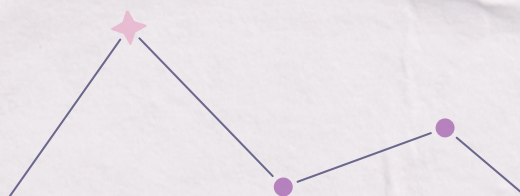
Accordingly, recognition of the “right to informed understanding” emerges as an essential component of the right of access to justice. This entails a positive obligation upon judges to explain the substance and consequences of their rulings in clear and accessible language, particularly in cases affecting the lives, fundamental rights, and legal status of women and children.



Influence, Judicial Mindset, and the Limits of the Text



Testimonies from judges and lawyers indicate that one of the most serious barriers to women’s access to justice in Lebanon lies not merely in the absence or inadequacy of legal provisions, but in the recharacterization of crimes in ways that diminish their gravity, while shifting suspicion or doubt onto the victim. This pattern is particularly evident in cases of severe physical violence and femicide, where facts are reclassified in a manner that understates their seriousness, or criminal responsibility is fragmented in ways that fail to reflect the magnitude of the offense committed. Judicial accounts further suggest that social and financial influence plays a decisive role in this process, whether through indirect pressure affecting the legal characterization of the crime, or through the instrumental use of politicized medical and psychological reports portraying women as “unstable” or “unfit,” particularly in custody disputes.



This dynamic appears more pronounced in certain religious courts than in civil courts, where the constraints of statutory law are narrower, oversight mechanisms weaker, and discretionary space broader.

Conversely, testimonies from within the civil judiciary reveal a fundamental paradox: while some judges acknowledge the necessity of adopting a gender-sensitive interpretation of crimes, recognizing that violence against women cannot be assessed according to neutral or abstract standards, others adhere to a formalistic approach that confines the judicial role to the mechanical “application of the text,” irrespective of the ruling’s impact on the victim/survivor. This divergence reflects not merely individual variation, but the absence of unified standards for understanding violence and the harm inflicted upon women and children alike.

This dysfunction is particularly visible in protection cases, where applications for protection orders are sometimes rejected on the grounds of insufficient proof of violence or lack of jurisdiction, even in contexts where violence intersects with the loss or threatened loss of custody. The rigid separation between judicial tracks (civil versus religious) thereby empties protection of its substance and places women before a legal system marked by contradictory outcomes. Testimonies further demonstrate that justice in women’s cases often depends more upon the identity of the court and the personal convictions of the judge than upon stable legal guarantees. Between judges who view the law as an instrument of protection and others who regard it as a rigid minimum standard resistant to interpretive development, the destinies of women and children are determined. The sectarian and social affiliations of judges may further influence the interpretation of legal texts and the assessment of facts, entrenching disparities in rulings.

These findings lead to the conclusion that the principal obstacle to justice lies not solely in legislative deficiencies, but in the penetration of legal processes by influence, the application of law through patriarchal and non-neutral mentalities, and the absence of effective accountability mechanisms to ensure consistency with human rights principles. Accordingly, any meaningful reform cannot be confined to statutory amendment alone; it must encompass a profound transformation of judicial culture, the unification of interpretive standards, and the strengthening of judicial independence, to ensure that justice does not become a privilege and that women’s rights are not reduced to fluctuating individual discretion.

Psychological, Social, and Legal Impact on Women and Children

PSYCHOLOGICAL IMPACT ON WOMEN: FROM LITIGATION TO EXISTENTIAL ATTRITION

The documented cases demonstrate that litigation pathways in personal status disputes extend far beyond their legal dimension, deeply affecting women's mental health. Judicial proceedings often transform from avenues of redress into prolonged experiences of exhaustion and depletion. Many participants described a persistent sense of anxiety, fear, and insecurity, particularly amid uncertainty regarding the fate of their children or their own material stability.

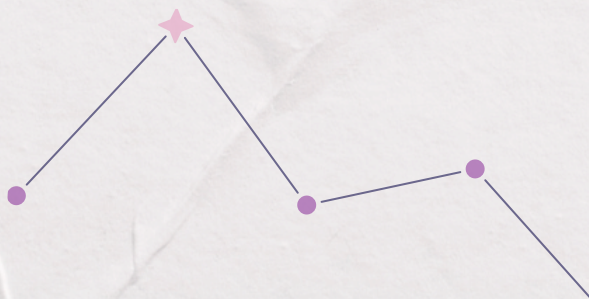
Testimonies frequently characterized the courtroom as a psychologically draining space in which traumatic experiences are relived rather than remedied. Repeated questioning of women's credibility, the imposition of blame upon them for the violence endured, and the procedural coldness with which their suffering is sometimes addressed have contributed to the exacerbation of depressive symptoms, panic attacks, and sleep disorders. In certain cases, this cumulative strain has resulted in a profound loss of trust in public institutions and the justice system as a whole.

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LEGAL COERCION AND ITS IMPACT ON PERSONAL DIGNITY

The documented cases reveal that many women did not enter into inequitable settlements or “khula” divorces as an expression of free and informed choice, but rather under compounded legal and psychological pressure. This unspoken coercion has had a profound impact on women’s sense of self and personal dignity. Some participants expressed deep feelings of guilt or failure, perceiving that their “freedom” was secured only at the expense of relinquishing fundamental rights.

Such coercion does not stem solely from spousal violence; it is also produced by a legal system that places women before two equally punitive alternatives: remaining in harmful relationships or exiting them at a high legal and psychological cost.



SOCIAL IMPACT: STIGMATIZATION, ISOLATION, AND THE EROSION OF SUPPORT NETWORKS

The cases further demonstrate that women who pursued judicial proceedings, particularly in the context of divorce or custody, were subjected to multiple forms of social stigmatization. Some were portrayed as “rebellious,” “unfit for motherhood,” or “a threat to family cohesion,” resulting in the contraction of familial and community support networks.

In several instances, women received no support even from their immediate families; instead, they encountered blame or justification of the violence perpetrated against them. This social fragmentation exacerbated their economic and psychological vulnerability, transforming litigation into an individualized struggle rather than a socially supported path toward protection and justice.

ECONOMIC IMPACT: CONCEALED POVERTY AND INSTABILITY

The economic impact constitutes one of the most severe consequences of dysfunction within the family justice system. Low maintenance awards, delays in enforcement, and the conditioning of financial rights upon onerous requirements have pushed many women to the brink of poverty.

Documented cases reveal that some women were compelled to:





Bear the full burden of financial support without adequate resources



Incur debt to meet their children's basic needs



Relinquish financial entitlements in order to expedite divorce proceedings

This reality affects not only women, but also children, who are left to live in unstable environments deprived of the essentials of material security.



PSYCHOLOGICAL IMPACT ON CHILDREN: INVISIBLE VIOLENCE

Testimonies from survivors demonstrate that children are the silent victims of judicial conflicts. Statements and specialist reports indicate that children subjected to forced separation from their mothers, or placed in situations of divided loyalty between parents, exhibited clear symptoms, including:



Anxiety and social withdrawal



Aggressive behavior or developmental regression



Sleep disturbances and difficulties in concentration



Decline in academic performance

Certain cases further revealed the instrumentalization of children as tools of legal or social pressure, whether through the denial of visitation, psychological incitement, or indirect involvement in judicial disputes, amounting to a form of psychological violence.

The cases consistently show that children's psychological stability was closely linked to the stability of their relationship with their mothers, rather than to formal guardianship authority. In instances where children were returned to stable environments with their mothers, marked improvements were observed in their psychological and behavioral well-being. This underscores that decisions taken in abstraction from children's emotional realities produce long-term harm.

LEGAL IMPACT: EROSION OF TRUST IN JUSTICE

Among the most serious consequences of this system is the erosion of trust in the judiciary and in protection mechanisms. Many women expressed the perception that justice “does not work in their favor,” or that it is accessible only to those possessing influence or financial means.

This decline in confidence leads some women to:



Refrain from resorting to the courts in the future



Accept violence as an unavoidable reality



Seek solutions outside the framework of the law, sometimes at the expense of their own safety

Such outcomes weaken the principle of the rule of law and undermine the judiciary’s role as a final refuge for protection and redress.



Alternative Pathways and Progressive Jurisprudence

Despite the structural nature of the obstacles confronting women in litigation pathways, field data indicate the existence of equitable judicial practices within certain religious courts, civil courts, and Juvenile Courts. These practices do not deny the systemic dysfunctions and implementation gaps within the current frameworks; rather, they demonstrate that the scope of protection can be expanded when legal texts are interpreted through a rights-based lens and a preventive approach to harm, and when proceedings are managed efficiently so as to prevent delay and manipulation.

The significance of these examples lies in their potential to be transformed into standards. Reform, therefore, cannot be confined to legislative amendment; it must also encompass judicial training, the development of judicial language, the unification of risk assessment criteria, and the strengthening of enforcement effectiveness.



I. Progressive Jurisprudence Within Certain Sectarian Courts



A number of judges have adopted practices that shift maintenance from the realm of “negotiated settlement” to that of a binding and enforceable obligation, through the use of available legal tools, including:

- ✿ Travel bans imposed on defaulting obligors, thereby limiting the concealment of assets or evasion of enforcement

- ✿ Asset seizure and precautionary measures to secure rights without prolonging proceedings unnecessarily

Such practices redefine maintenance as a right intrinsically linked to the material security of children and mothers, and reduce the scope for economic coercion that often drives women into inequitable settlements.

In several case files, judicial practices also addressed “time as a weapon” through:

- ✿ The adoption of effective or exceptional service mechanisms where deliberate evasion or frequent changes of address are evident
- ✿ Firm case management, including the setting of clear deadlines and the refusal of unjustified adjournment requests

Such practices redefine maintenance as a right intrinsically linked to the material security of children and mothers, and reduce the scope for economic coercion that often drives women into inequitable settlements.

In several case files, judicial practices also addressed “time as a weapon” through:

This procedural approach is critical, as it curtails attrition and prevents litigation from becoming an unspoken form of punishment imposed upon women.

Moreover, certain religious court rulings demonstrate the potential to invoke concepts such as “dignity” and “respect” as legal and ethical standards capable of generating effective protection, when applied to evaluate facts as constituting a fundamental affront to women’s humanity, rather than merely a familial dispute. The value of such jurisprudence lies in illustrating that the very same textual provisions sometimes used to restrict women can also be interpreted to deter humiliation and degradation, provided that judicial reasoning situates dignity as a principle of protection rather than control.

In some instances, judicial practice was further distinguished by permitting expedited recourse to the court in cases of non-compliance with visitation or maintenance orders, thereby preventing the hollowing out of judicial decisions. This model is significant because it affirms that custody and visitation are not merely “theoretical judgments,” but components of a protective framework requiring continuous oversight and graduated enforcement.



II. Civil Courts, Summary Proceedings, and Juvenile Courts as Parallel Lines of Protection



Certain experiences demonstrate that summary proceedings before the civil judiciary, when their full jurisdictional powers are effectively exercised, can impose immediate protective measures that prioritize the safety of women and children, particularly in situations where traditional litigation pathways are delayed or unable to contain imminent risk. In this context, urgent orders serve to break the cycle of “fatal waiting,” transforming protection into a preventive safeguard rather than a belated reaction.

In some civil rulings, the marital home has been treated as a right warranting immediate judicial protection, thereby preventing its instrumentalization as a means of punishment or coercion to compel women to relinquish their rights. The importance of this approach lies in its direct engagement with a central form of economic violence: eviction, control over housing, or conditioning material stability upon the waiver of legal entitlements.

Similarly, certain approaches adopted by Juvenile Courts have provided advanced models for conceptualizing “risk” not as an isolated incident, but as an ongoing trajectory manifested through the perpetrator’s conduct, the survivor’s silence, or indicators of continuing threat. This perspective reflects a practical understanding of the dynamics of domestic violence and affirms that the protection of children may necessitate immediate and proactive measures, including removal orders, protective supervision, and continuous monitoring.



III. Women’s Strategies and Non-Traditional Defense Pathways



In situations where avenues within religious courts were effectively blocked, some women activated the jurisdiction of the Juvenile Court as a protective pathway for their children, securing rapid measures such as travel bans, psychological follow-up, and the placement of children in safer environments. This strategy demonstrates the potential for a constructive “intersection of jurisdictions” in favor of protection. At the same time, it reveals the high cost of such recourse, as it requires time, legal knowledge, and professional support that are not equally accessible to all women.

Certain testimonies further indicate that public visibility of cases or broader public pressure may reduce arbitrariness and expedite decisions in specific files. However, this mechanism is not equally available to all; it depends upon access to resources, support networks, and the capacity to withstand stigma and threats. Consequently, reliance on public pressure as a protective pathway, while sometimes effective, may inadvertently reproduce class- and region-based disparities among women.

IV. Judicial Language and the Gender Lens

A comparison between equitable and inequitable rulings reveals that the “language of the judgment” is not merely stylistic; it produces tangible effects:

-  It may reduce humiliation to a “detail” and violence to a “dispute,” thereby narrowing the scope of protection
-  Or it may name harm explicitly and connect it to enforceable rights, thereby expanding protection and strengthening implementation

Where rights-based awareness is present, concepts such as “risk,” “best interests,” and “dignity” become operational tools:

-  Risk is not confined to physical injury, but encompasses threats, coercive control, economic violence, and the intimidation of women and children
-  Best interests are interpreted as emotional and psychological stability and security, rather than as a rigid age-based custody formula
-  Dignity is treated as a standard of protection, not as an instrument of stigma or behavioral regulation

At present, such practices remain dependent upon individual judicial conviction rather than systemic standards, rendering protection inconsistent and unequal. The imperative, therefore, is to elevate these practices from the level of “exception” to that of “norm” through the institutionalization of best practices, including:

- ✿ Mandatory training for judges (civil and religious) on the dynamics of violence, trauma-informed approaches, non-discriminatory language, and risk assessment indicators
- ✿ Systematic documentation of progressive jurisprudence in a publicly accessible database or digest of judgments, including full reasoning, categorized as persuasive precedents
- ✿ Unification of criteria for assessing risk and the best interests of the child through procedural guidelines incorporating clear indicators
- ✿ Strengthening transparency and oversight of rulings and procedures, while safeguarding survivors' identities, in order to limit arbitrariness
- ✿ Linking judicial evaluation and promotion to completion of training and demonstrated adherence to non-discriminatory standards in drafting and reasoning



General Conclusion

The case studies examined in this research reveal the existence of a profound structural dysfunction within the family justice system in Lebanon, one that transcends individual practices and extends to the level of a legal and institutional architecture lacking the procedural standards and rights-based safeguards necessary to ensure a fair trial and to protect the fundamental rights of women and children.

General Conclusion



This conclusion is grounded in the recurrence of similar patterns across multiple case files and courts of varying sectarian affiliations, indicating a systemic defect rather than isolated incidents. It is evident that religious courts, across sectarian lines, exercise broad powers not subject to effective oversight or unified professional standards, resulting in decisions that are substantively at odds with constitutional principles and with Lebanon's international obligations, particularly under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of the Child, and the International Covenant on Civil and Political Rights.

Analysis of the cases brought before the courts demonstrates that women are systematically deprived of procedural guarantees. Default judgments are issued without proper service; proceedings are managed in ways that undermine the principle of equality of arms; and excessive adjournments are deployed as a means of pressure when a woman is the initiating party or seeking to assert her rights. Moreover, certain judges within religious courts exceed the scope of their discretionary authority by relying on moral or social considerations unrelated to evidentiary standards, resulting in arbitrary interpretations or applications of legal texts that undermine the principle of the best interests of the child and entrench paternal dominance based on cultural constructs rather than objective, scientific, or rights-based criteria. The principle of the "best interests" is often invoked rhetorically, yet reduced in practice to rigid criteria, such as age thresholds for custody, social status, financial capacity, or moral assessments of maternal conduct, rather than applied as a substantive and individualized assessment of children's safety and emotional stability.

General Conclusion



In several instances, courts have relied upon psychological or social reports of a descriptive and non-neutral nature, which reproduce gender stereotypes portraying women as incapable or unstable, without grounding in validated assessment tools or documented methodologies. Additionally, compulsory guardianship (*wilaya jabriyya*) is frequently deployed as a mechanism for stripping mothers of legal authority in relation to their children, transforming a concept ostensibly designed to safeguard minors into an instrument of control that suspends maternal rights and disrupts their central role in their children's lives, in direct contravention of the State's obligation to protect minors.

The cases further reveal grave procedural gaps, particularly the absence of effective institutional oversight within religious courts, where some women remained in legally "suspended" status for years due to administrative or religious errors unaddressed through any clear accountability mechanism. Compounding this dysfunction is the conflict of jurisdiction between civil and religious courts, generating legal duality that obstructs protection orders and empties civil measures of practical effect. The deficit does not end at the issuance of a decision; it deepens at the enforcement stage: defective service of process, prohibitive enforcement costs, and disparities in responsiveness transform judicial rights into paper promises and prolong exposure to risk for women and children.

The cases also demonstrate that economic violence operates as a central axis of family disputes: reduction or evasion of maintenance obligations, conditioning housing upon waiver of rights, and protracting proceedings to exhaust the weaker party transform children's basic needs into instruments of negotiation and punishment. This is accompanied by patterns of social violence, including defamation campaigns, fabricated testimonies, and the intervention of influential actors to legitimize unsubstantiated moral allegations against women. Such practices not only weaken women's position within litigation but also infringe upon their rights to dignity, privacy, and protection from gender-based violence.

General Conclusion



Of particular concern is the instrumentalization of children as tools of pressure or retaliation within family disputes, constituting a serious violation of children's rights, especially the obligation upon States to protect children from psychological violence and emotional exploitation. The documented cases reveal that forced separation from mothers, systematic incitement, or obstruction of natural contact has resulted in clear psychological and behavioral harm to children. In the majority of cases, the mother emerged as the decisive factor in ensuring children's psychological stability.

Notwithstanding the gravity of these violations, the women concerned demonstrated significant resilience and procedural awareness, collecting evidence, pursuing litigation, and resorting to alternative pathways in response to the absence of institutional protection. However, such resilience should not be construed as evidence of systemic adequacy; rather, it underscores systemic failure. A justice system ought to provide protection, not compel survivors to construct their own protective mechanisms within an environment that fails to guarantee justice. Comparative analysis across cases further reveals that outcomes vary according to sectarian affiliation, socio-economic status, geographic location, and networks of influence, producing a form of "tiered justice" in which protection functions as a privilege rather than an equal right.

These findings lead to the conclusion that the crisis of family justice in Lebanon is not merely a matter of flawed application of the law, but a structural crisis rooted in the absence of a unified civil personal status framework, the expanding authority of religious courts not subject to clear professional standards, jurisdictional conflict between civil and religious authorities, and the persistence of a legal-social culture that confers presumptive advantage upon men. Regardless of the broader trajectory of legislative reform, there is an urgent need to establish a minimum set of unified procedural and oversight safeguards to ensure fair trial guarantees, the effectiveness of protection orders, and the reasoned and reviewable nature of judicial decisions.

This reality necessitates a fundamental reform approach encompassing a re-examination of the structure of family legislation, the unification of legal references within a civil system grounded in equality and the rule of law, and the effective protection of women and children from discrimination and violence in all its forms.



The empirical and analytical findings of this study confirm that the dysfunction within Lebanon's family justice system cannot be remedied through piecemeal measures or isolated technical reforms. Rather, it requires structural intervention addressing the interplay between legal texts, procedure, discretionary authority, judicial culture, and enforcement mechanisms, in order to transform justice from a selective practice into a rights-based system grounded in enforceable guarantees.

First

Legislative Recommendations

- Adopt an optional unified civil personal status law grounded in the principles of equality before the law and non-discrimination on the basis of sex, while ensuring the best interests of the child, in conformity with the Lebanese Constitution and the State's international human rights obligations.
- Establish a binding national legislative framework for the application of the best interests of the child principle.
- Adopt a unified legal definition of the best interests of the child, based on psychological, social, and scientific standards rather than selective moral or behavioral considerations.
- Mandate all courts, including religious courts, to provide reasoned custody decisions grounded in this framework and subject to review.

- Strengthen the effectiveness of the Law on the Protection of Women and Other Family Members from Domestic Violence.
- Explicitly provide for the primacy of civil protection measures in cases of conflict with any personal status decision, to ensure the safety of women and children.
- Expand the statutory definition of violence to encompass psychological and economic violence.

Second Procedural Recommendation

- Mandate electronic service of process in personal status cases.
- Limit default judgments and ineffective service that undermine the right to defense.
- Adopt a presumption of legal notice upon verified electronic service.
- Regulate judicial routine and prevent undue delay in proceedings.
- Establish statutory time limits for adjudicating maintenance, custody, and protection order cases.
- Recognize unjustified delay as a procedural violation subject to accountability.

Third

Recommendations on Enforcement and Economic Justice

- Reform mechanisms for enforcing family-related judgments.
- Reduce the cost of enforcing visitation orders, aligning enforcement with the best interests of the child rather than the parties' financial capacity.
- Strengthen financial tracing tools and immediate seizure mechanisms in maintenance cases.
- Review restrictions on coercive detention to prevent age-based exemptions from becoming tools of evasion.
- Provide economic support to women during litigation.
- Amend court fee structures in personal status cases.
- Expand free and specialized legal aid programs.
- Ensure parallel psychosocial support services during litigation, particularly in cases involving violence or prolonged proceedings.

Fourth

Recommendations Concerning Judicial Practice and Language

- Prohibit reliance on personal conduct, photographs, or lifestyle as legal indicia for revoking custody or restricting rights.
- Prohibit the use of concepts such as “nushuz” (marital disobedience) and “obedience” in a manner inconsistent with fundamental rights.
- Mandate reasoned judicial decisions subject to review.
- Require clear and detailed reasoning for any ruling affecting custody, guardianship, or financial rights.
- Treat the absence of adequate reasoning as a violation of fair trial guarantees.

Fifth

Human Rights Training and Capacity Building

- Recognize human rights training as a condition of judicial legitimacy, not a formalistic requirement.
- Condition the exercise of judicial authority in family cases upon completion of accredited human rights training, including:
 - The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its General Recommendations
 - The Convention on the Rights of the Child
 - Fair trial standards
 - Trauma-informed justice
 - Gender discrimination and violence against women, including survivor-centered approaches and understanding of violence dynamics
- Assess the impact of training on judicial practice and link it to promotion and accountability mechanisms.
- Integrate religious courts within the framework of international human rights obligations.
- Subject religious judges to mandatory training on equality and non-discrimination principles.
- Affirm that religious pluralism does not exempt the State from its human rights responsibilities.

Sixth

Institutional and Oversight Recommendations

- Establish an independent judicial observatory for personal status cases.
- Document both inequitable patterns and progressive jurisprudence.

- Issue periodic analytical reports to support legislative reform and the harmonization of standards.
- Create an accessible database of judgments, ensuring the protection of privacy.
- Enhance transparency in judicial processes.
- Strengthen legal research and systematic monitoring of judicial trends.



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