

On the protection of women and other family members from domestic violence



**Law No. 204
Amending law No. 293/2014,
of 7/5/2014**



The Parliament passed, and the President of Republic published the law, which reads as follows:

Article 1: Article 2 of Law 293/2014 (on the protection of women and other family members from domestic violence) shall be amended to read as follows:

Article 2

The following terms, wherever mentioned in the law, shall mean the following:

Family: it includes any of the spouses, the father or the mother of either of them, the brothers and sisters, the ascendants and descendants, whether legitimate or illegitimate, and those united by the ties of adoption, marriage up to the second degree of affinity, guardianship, custody, orphan sponsorship, stepfather or stepmother.

Domestic violence: an act, act of omission, or threat of an act committed by any family member against one or more family members as construed in the definition of family, occurring during or because of marriage, and that results in killing, or physical, psychological, sexual, or economic harm.

Article 2: Article 3 of Law 293/2014 (on the protection of women and other family members from domestic violence) shall be amended to read as follows:

Article 3

- The crimes of domestic violence shall be penalized as follows:

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

Article 618: Anyone who forces a minor under the age of 18 to beg shall be punishable by imprisonment for a term of six months to two years and by a fine ranging from the minimum wage to three times the minimum wage.

2- Article 523 of the Penal Code shall be

amended to read as follows:

Article 523: Anyone who encourages, facilitates, or assists one or more persons, either male or female, who have not reached 21 years of age, to engage in debauchery, shall be punishable by imprisonment for a term of one to three years and by a fine ranging from double to four times the minimum wage.

Anyone who engages in or facilitates prostitution shall be sentenced to the same penalty.

Without prejudice to the provisions of Article 529 in conjunction with Article 506, the penalty shall be aggravated in accordance with the provisions of Article 257 of the present law if the offence is committed within the family, regardless of the age of the victim.

3- Article 527 of the Penal Code shall be amended and a new clause shall be added thereto to read as follows:

Anyone who relies, for all or a portion of his/her livelihood, on the prostitution of others shall be punishable by imprisonment for a term of two to three years and by a fine ranging from five to 10 times the minimum wage.

Without prejudice to the provisions of Article 529 in conjunction with Article 506, the penalty shall be aggravated in accordance with the provisions of Article 257 of the present law if the offence is committed within the family, and the penalty shall be doubled if the offence is coupled with any form of violence or threats.

4- A new clause shall be added to Article 547 of the Penal Code to read as follows:

Article 547: Anyone who intentionally kills another person shall be punishable by hard labor for a term of 15 to 20 years.

The penalty shall be imprisonment for a term of 20 to 25 years if one of the spouses

kills the other spouse.

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

The penalties prescribed in this subsection shall be increased in accordance with the provisions of Article 257 if the act is perpetrated in one of the circumstances mentioned in the second clause of Article 547 and Articles 548 and 549 of the present law, as applicable in accordance with the offence.

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

Article 487: Adultery committed by either of the spouses shall be punishable by imprisonment for a term of three months to two years. The same penalty shall be incurred by the accomplice if the latter is married; otherwise, the penalty shall be imprisonment for a term of one month to one year.

In the absence of a legal confession or offences discovered in flagrante, the only admissible evidence against the spouse shall consist of letters and documents written by the spouse.

The penalty incurred by the adulterous spouse shall be doubled if adultery occurs in the conjugal home.

Article 488: Any spouse who takes a lover openly shall be punishable by imprisonment for a term of one month to one year wherever this occurs. The same sentence shall be incurred by the accomplice.

Article 489:

- Adultery cannot be prosecuted unless a spouse files a complaint as a personal plaintiff.

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

- A complaint shall not be accepted if the spouse consented to the adultery.

- A complaint shall not be accepted after

the passage of three months from the time the spouse had knowledge of the crime.

- If the claim against the husband or wife is dropped, the public claim and the personal case against all offenders shall consequently be dropped.

- If the plaintiff consents to the resumption of marital life, the complaint shall be dropped.

7 – A –

Any person who – with the intent of exacting his marital rights to intercourse, or because of his exaction of such rights – beats or harms his spouse shall be punished by one of the penalties stipulated in articles 554-559 of the Penal Code.

If the offence is repeated, the penalty shall be increased pursuant to article 257 of the Penal Code.

If the plaintiff drops the charge, the claim of “general right” shall lapse with respect to claims to which articles 554 and 555 of the Penal Code apply.

The provisions observed with respect to repeat cases or habitual criminality shall remain in effect if the conditions thereof are met.

7 – B –

Any person who – with the intent of exacting his marital rights to intercourse, or because of his exaction of such rights – threatens his spouse shall be punished by one of the penalties stipulated in articles 573-578 of the Penal Code.

If the offence is repeated, the penalty shall be increased pursuant to article 257 of the Penal Code.

If the plaintiff drops the charge, the claim of a “general right” shall lapse with respect to claims to which articles 577 and 578 of the Penal Code apply.

The provisions observed with respect to repeat cases or habitual criminality shall remain in effect if the conditions thereof are met.

8 - Article 503 bis 1 shall be added to Clause 6 of Chapter Two, Section Six of Book Two of the Penal Code, which reads as follows: Anyone who commits violence within the family that results in psychological or economic harm to one of the family members, or deprives any member of the family of their basic needs, shall be punishable by imprisonment for a term of three months to three years and by a fine ranging from the minimum wage to three times the minimum wage, or by one of these two penalties.

Article 3: Article 4 of Law 293/2014 (on the protection of women and other family members from domestic violence) shall be amended to read as follows:

Article 4

The Public Prosecutor shall designate one or more public defenders in the governorate to receive and follow up on complaints related to domestic violence offences.

The first investigative judge shall also assign one or more investigative judges in the governorate to investigate complaints related to domestic violence offences.

The First President (or Chief Judge) of the courts of appeal shall assign one or more single criminal judges, an appeals court, and a criminal court to examine cases related to domestic violence, when there are multiple divisions or chambers, in accordance with the tasks allocation decision.

Article 4: Article 5 of Law 293/2014 (on the protection of women and other family members from domestic violence) shall be amended to read as follows:

Article 5

A unit specialized in domestic violence offences shall be established at the Directorate General of Internal Security Forces to undertake the tasks of judicial police in

complaints filed and referred to it in accordance with the provisions of the present law. This unit shall be structured in accordance with the laws and regulations that govern Internal Security Forces in a way to cover all Lebanese territory.

The unit shall be composed so as to include female officers and adequately trained officers in conflict resolution and social counselling and guidance.

The members of the unit shall conduct their investigations in the presence of social workers specialized in family affairs and conflict resolution, chosen from a pool compiled by the Ministry of Social Affairs at the request of the victim after being informed by the investigation officer of her right to obtain the assistance of a social worker. The unit's jurisdiction remains valid in the event of a criminal offence. The unit's officers should go to the crime scene whenever necessary and within the limits of the laws in force.

Article 5: Article 9 of Law 293/2014 (on the protection of women and other family members from domestic violence) shall be amended to read as follows:

Article 9

Upon receiving complaints and reports, and after consulting the attorney general in charge of cases of domestic violence, the Judicial Police shall undertake the following actions under the attorney general's supervision:

- Hearing the victim and the suspects, in the presence of the social worker as stipulated in Article 5 of the present law if the victim so desires, after informing them of the rights stipulated in Article 47 of the Code of Criminal Procedure.

- Hearing the witnesses of domestic violence, including minor children, in the presence of the social worker as stipulated in Article 34 of Law No. 422 of 6/6/2002.

Article 6: Article 11 of Law 293/2014 (on the protection of women and other family members from domestic violence) shall be amended to read as follows:

Article 11

The attorney general in charge of receiving complaints related to domestic violence, and prior to the issuance of a protection order by the competent authority, may charge the judicial police with taking, under his/her supervision, one or more of the following measures:

A- Obtain a guarantee whereby the defendant undertakes to refrain from harming or inciting to harm the victim or any of the other persons listed in Article 12 of the present law, at the risk of applying Clause (1) or (2) of Paragraph (B) of the present Article.

B - In the event of a threat to the persons themselves:

1- A restraining order banning the defendant from entering the family home for 48 hours, which can be extended once, if there is no other means to secure protection for the victim, her children, and the other persons listed in Article 12 of the present law.

2- Detention of the defendant in accordance with Article 47 of the Code of Criminal Procedure.

3- Moving the victim and the other persons listed in Article 12, if they so wish, to a safe place at the expense of the defendant in line with his financial means.

C - If violence results in cases that require medical or hospital treatment, the victims of violence shall be transferred to the hospital, and the defendant shall pay advances to cover the treatment costs.

If the defendant refrains from providing advances for the expenses set forth in Clause "3" of Paragraph "B" and in Paragraph "C" of the present Article, as well as advances stipulated in the protection order, the im-

plementing procedures of the alimony provisions in the Code of Civil Procedure shall apply.

Contrary to Article 999 of the Code of Civil Procedure, a decision to imprison the defendant who refuses to pay the advances for the aforementioned expenses shall be issued by the Public Prosecutor.

Article 7: Article 12 of Law 293/2014 (on the protection of women and other family members from domestic violence) shall be amended to read as follows:

Article 12

The protection order is a temporary measure initiated by the relevant legal authority pursuant to the provisions of the present law with regard to cases of domestic violence.

The protection order is aimed at protecting the victim and her children. As for the rest of the descendants and anyone living with her, they benefit from the protection order if they are at risk, as well as the social workers, the witnesses and any other person who provides assistance to the victim, to prevent the continuation of violence or the threat of its recurrence.

Children who are automatically included in the protection order are those at the age of 13 and below.

Article 8: Article 13 of Law 293/2014 (on the protection of women and other family members from domestic violence) shall be amended to read as follows:

Article 13

The request for protection shall be submitted before the Investigating Judge who is in charge of the case or the competent Penal Court examining it, and it shall be examined in the deliberation room.

Under all circumstances, an urgent request may be lodged before the Judge of summa-

ry justice through an injunctive plea.

A minor child may also request a protection order without his/her guardian.

The decision issued by the Investigating Judge or the Single Criminal Judge may be appealed in accordance with the procedures established in the Code of Criminal Procedure.

The decision issued by the Judge of Summary Justice may be appealed in accordance with the procedures established for voluntary jurisdiction in the Code of Civil Procedure.

Appealing or challenging the decision containing the protection order shall not suspend its enforcement unless the competent court decides otherwise.

The decision issued by any of the judicial references mentioned in this article may not be brought to the court of cassation.

The protection order shall be issued under all circumstances within a maximum period of 48 hours.

Article 9: Article 14 of Law 293/2014 (on the protection of women and other family members from domestic violence) shall be amended to read as follows:

Article 14

The protection order shall bind the defendant to take one or more of the following measures:

1- Refraining from harming or inciting to harm the victim or any of the other persons listed in Article 12 of the present law.

2- Refraining from undermining the continued occupation of the family home by the victim and the persons residing with her who are covered by the protection order.

3- Removing the aggressor from the home, temporarily and for a period to be determined by the competent authority, upon sensing any risk to the victim.

4- Removing the victim and the persons re-

siding with her who are covered by the protection order upon sensing any real threat to them that may result from their continued occupation of the family home, to safe and appropriate temporary housing.

If the victim is removed from the house, her children at the age of 13 and below shall be removed with her, as well as all other children and persons residing with her if they are at risk.

The defendant shall pay advances to cover the housing expenses, in line with his financial means.

5- Lending an amount of money, in line with his financial means, to cover food, clothing and education expenses for whomever he is in charge of.

6- Lending an amount of money, in line with his financial means, to cover the expenses of medical or hospital treatment of the victim and the other persons listed in Article 12 of the present law if the perpetrated violence results in injuries that require treatment.

7- Refraining from causing damage to any property belonging to the victim and to the persons covered by the protection order.

8- Refraining from causing damage to household furniture and common movable funds and preventing the disposal thereof.

9- Enabling the victim, or her authorized representative, in the event of leaving the house, to enter it to take her personal belongings by virtue of a handover report.

In every temporary loan, the victim or the defendant have the right to refer to the competent courts to obtain the appropriate judgement according to the rules in force therein.

The implementation of the alimony ruling issued by the competent courts halts the advance stipulated in the protection order.

Article 10: Article 17 of Law 293/2014 (on

the protection of women and other family members from domestic violence) shall be amended to read as follows:

Article 17

The protection order issued by the competent judicial authority shall be put into effect immediately as originally laid out.

The Judge of Summary Justice can have recourse to the police to implement the protection order.

The protection order shall be implemented by the Family Public Prosecution in accordance with Article 11 of the present law.

The victim, the other beneficiaries of the protection order, and the defendant may ask the judicial authority that issued the order to cancel or amend it where any new circumstances arise.

The decision to cancel or amend shall be subject to the review mechanism set out in Article 13 of the present law.

Article 11: Article 18 of Law 293/2014 (on the protection of women and other family members from domestic violence) shall be amended to read as follows:

Article 18

Anyone who violates the protection order shall be punishable by imprisonment for a term of up to one year and by a fine of up to two times the minimum wage, or one of these two penalties.

If such violation is coupled with the use of violence, the aggressor shall be punishable by imprisonment for a term of up to one year and by a fine of up to four times the minimum wage.

The penalty is doubled in case of recurrence.

Article 12: Article 21 of Law 293/2014 (on the protection of women and other family members from domestic violence) shall be amended to read as follows:

Article 21

A special account shall be established in the Ministry of Social Affairs to assist and provide necessary care for victims of domestic violence, as well as to devise ways to reduce and prevent domestic violence crimes and rehabilitate the victims.

This account shall be funded by:

- State contributions; for this purpose a nominal appropriation shall be allocated in the annual budget of the Ministry of Social Affairs.

- Donations and grants.

- Funds resulting from fines imposed under the present law.

The account regulations shall be set out by virtue of a decree issued by the Council of Ministers based on the proposal of the Minister of Social Affairs.

Article 13: The present law shall come into force immediately after its publication in the Official Gazette.