

**Amendment to the law on the
protection of women and family
members from domestic violence,
issued by Law No 204 issued on 30
December 2020**

Scope of application

The objective behind the definition of domestic violence in this law is to extend it to all situations and types of violence, in accordance with international standards.

This Law amends several articles of Law 393/2014. One of the most significant amendments is the one noted in article 2, whereby the definition of what is considered as domestic violence and parental proximity is redefined. Domestic violence includes any act, omission or threat committed by one of the members of the family against any other member(s), in accordance to definition of family, and occurs during the marital life or as result thereof. And such violence results in the killing or physical, psychological, sexual, or economic harm.

Furthermore, the penalties referred to in Article 3 have been amended, thus important changes are conducted to Article 618 of the Penal code, whereby who ever incites a minor to beg, shall be sentenced to a prison term between six months to two years and a penalty ranging from the minimum wage up to three times that amount.

Whereas, the amendment to article 523 of the penal code foresees the penalization of anyone who incites one or more persons, male or female, under the age of twenty-one years of age, to the conduct of an immoral act, or facilitates it for him, or helps him to come, he shall be punished with imprisonment from one year to three years and a fine between two times the minimum wage up to four times.

The penalty is increased from one to three years if the offences under article 523 of the Penal Code materialize.

Article 523 of the Lebanese Penal Code criminalizes “any person who practices covert prostitution or facilitates it”.

Therefore, prostitution is now a violation of public morals rather than an exploitation and extension of women, as per the amendment of article 527 of the penal code.

The competence in the field of domestic violence is generalized among all judicial authorities.

This law applies to anyone who leads a minor to beg, who urges a person under 21 years old to debauchery and corruption, who uses or facilitates clandestine prostitution, who earns a living based on prostitution, who commits adultery, who willfully kills a human being, if the act of murder is committed by one spouse against the other.

The penalty shall be increased if the act of murder is committed by one spouse against the other or if it is committed within the family.

However, the law does provide for the punishment of adultery committed by either of the spouses by imprisonment from three months to two years. The same penalty shall be imposed on the partner of adultery if he is married, or otherwise, with imprisonment from one month to a year (article 487 of the penal code as amended).

To establish adultery, only the judicial affidavit or any witness account of the misdemeanor shall be accepted, including any communication or written letter by the adultery partner.

The adulterous spouse shall have an additional penalty, should the crime of adultery be conducted in the marital home.

Key of provisions

- The Public Prosecutor assigns one or more public lawyers in the governorate to receive and follow up complaints of incidents of domestic violence.
- The General Directorate of Internal Security forces shall establish a special domestic violence crime department to handle the judicial officer's functions in complaints submitted and referred to it in accordance with the provisions of this Act.
- A judicial officer, who attempts to coerce or apply pressure to the offender in order to reverse his complaint, shall be punished by the penalty prescribed in article 376 of the Penal Code.
- The judicial officer shall, upon receipt of complaints and statements, and after reviewing the general attorney responsible for the examination of the cases: Hear the victim and suspects, in the presence of the social representative as mentioned in article 5 of this Act, after being informed of the rights set forth in article 47 of the Code of Criminal Procedure.
Hear witnesses of domestic violence, including minor children, in the presence of the Social Representative provided for in article 34 of Law No. 422 of 6/6/2002.
- Before issuing the Protection order from the competent authority, the competent public lawyer responsible for receiving complaints of domestic violence may assign the judicial officer under his supervision to take some measures like obtaining a pledge from the offender to prevent exposure to the victim.
- The Protection order is an interim measure issued by the competent judicial authority according to the provisions of this Law. The protection order is intended to protect the victim and her children.
- A special fund, is established to assist and the victims of domestic violence. It is funded from the contributions of the State and the donations.

