

3.1.1. Personal Status Law and courts

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In Lebanon, the applicable Personal Status Law is determined by religious affiliation rather than a unified civil code, with 15 separate legal frameworks applied across the 18 officially recognised sects,214 administered by religious courts representing 12 Christian, 4 Muslim, 1 Druze, and 1 Jewish community.215 The absence of a unified civil code and the reliance on several separate religious personal status laws created a fragmented legal system that limits rights, fosters inequality, and forced some Lebanese, particularly minorities and unrecognised groups, to seek legal solutions abroad, especially for marriage and related personal matters.216

Personal status courts handle matters such as marriage, divorce, and child custody for members of their own religious communities.217 However, criminal matters arising in this context, including serious offences such as murder, terrorism, rape, drug trafficking, corruption, and organised crime, as well as other offences such as theft, assault and public disorder, are handled under secular criminal law, regardless of the individual's religious affiliation.218

The Islamic personal status law is primarily applied219 through Sharia Courts, which operate under distinct Sunni and Shia jurisdictions, while Christian and Jewish personal status matters are handled by Ecclesiastical Courts, divided into various denominational branches.220

Judges are appointed and supervised by the respective religious institutions, enjoying wide discretion within their specialised mandates. This fragmented court system entrenches disparities, leaving citizens subject to different rules and protections depending on their sectarian affiliation.221 Consequently, differences in treatment can arise due to the overlap of religion and gender, particularly in areas such as marriage, divorce, inheritance, and child custody.222

Members of non-recognised religious groups often face legal obstacles, as they cannot access courts aligned with their beliefs and must navigate systems not designed for them.223

Although the Lebanese Constitution calls for replacing sectarian representation in public service and the judiciary with a merit-based system, appointments in the Lebanese judiciary continue to be shaped by religious power-sharing arrangements.224 Daher stated, in an interview with the EUAA, that ‘loyalty to one’s religious community often takes precedence over loyalty to the state’.225

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