



NATIONALITY NOT NATURALIZATION

The Rights of Lebanese Women to Full Citizenship
and to Confer their Nationality to their Children



*“It’s my right to love and marry
whoever I want
And it’s my right to pass on my
citizenship to my children
Like me ---like you”*

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Contents

4	Executive summary
6	Methodology
7	Nationality
7	Methods for acquiring original nationality in Lebanese law
14	Causes and effects related to the denial of Lebanese women to confer their nationality to their children
18	Numbers and statistics
21	Recommendations
23	Annex
25	Endnotes

EXECUTIVE SUMMARY

In its preamble to the Constitution, Lebanon noted its commitment to the Universal Declaration of Human Rights, which stipulates that all persons are free and equal regardless of gender, colour, belief, religion or other characteristics. The Declaration provided for 30 human rights, including the right to non-discrimination, the right to nationality, the right to freedom of expression, the right to education, the right to seek asylum, and additional civil, political, economic, social and cultural rights. All these rights have equal status and are indivisible – no right is more important than another – and the denial of one right may frequently impede the enjoyment of other rights.¹ Lebanon has also committed itself in the preamble of its Constitution to the principles and charters of the United Nations that the State embodies in all areas. In its Decision 1 of 12 September 1997, the jurisprudence of the Constitutional Council established that the principles set forth in the preamble to the Constitution have constitutional power, as are the provisions of the Constitution itself. The preamble of the Constitution is an integral part of it.²

The Lebanese Constitution stipulates that Lebanese nationality, the manner in which it is acquired, retained, and lost shall be determined in accordance with the law³ and that all Lebanese shall be equal before the law. They shall equally enjoy civil and political rights and shall equally be bound by public obligations and duties without any distinction.⁴ However, the Constitution does not contain any text that defines discrimination as stipulated under international conventions and prohibits it based on them, on the one hand. On the other hand, although it provided for equal citizenship rights before the law, it did not stipulate their equality before the law, primarily because religious courts deal with all matters related to personal status, and each court refers to its own laws, resulting in contradiction with constitutional provisions and the perpetuation of discrimination and inequality in national legislations.⁵

On 12 September 2019 the Lebanese Government adopted its first National Action Plan (NAP) to implement UN Security Council Resolution 1325 on Women, Peace and Security, which was developed under the leadership of the National Commission for Lebanese Women on behalf of the Government. This plan provides a comprehensive national framework for Lebanon's long-term stability and security and is essential to achieving the 2030 Sustainable Development Goals.⁶ The NAP includes five strategic priorities:

- Women's participation in decision-making at all levels (security and defence, politics and public affairs, and economic life).
- Prevention of Conflict.
- Prevention of and protection of women/girls from gender-based violence.
- Relief and recovery.
- Legislative framework.

The interventions mentioned in the NAP's section on legislative frameworks include the adoption and amendment of laws,

including (1) amending the Nationality Law to give Lebanese women equal rights to pass on their nationality to their children and (2) amending the provisions of the law related to non-registered persons including waiving fees for DNA testing and ensuring swift judicial proceedings.⁷

The legal reality differs from that of the above as the Lebanese Nationality Law No. 15 of 19 January 1925 contains clear discrimination between Lebanese men and Lebanese women in conferring their nationality to foreign spouses and children. A man grants his Lebanese nationality to his foreign wife and children without any restrictions. However, a Lebanese woman cannot pass on her Lebanese nationality to her foreign spouse or children unless her children are illegitimate.

The Lebanese nationality law also makes a clear discrimination between:

- Mothers of Lebanese origin and mothers who have acquired Lebanese nationality and outlive their husbands can pass on their nationality to their minor children.
- Women of Lebanese origin and foreign women married to foreigners who have acquired Lebanese citizen, as well as the children of adult age of such a foreigner, may upon their request, obtain Lebanese nationality without satisfying conditions for residency, whether by virtue of the regulation giving nationality to the husband, the father or the mother or through a special regulation.

With regard to the rulings issued by the Lebanese courts of various degrees, there appears to be an apparent contradiction in the interpretation and application of particular articles of the Lebanese Nationality law, particularly those relating to Lebanese women passing on their nationality to their children, and this study will address these provisions in detail.

Most of the research and studies on obstacles of a Lebanese woman passing on her nationality to her children are based on political constraints and do not discuss the social, economic and educational implications of this discrimination. Moreover, most of these studies address the right of a Lebanese woman to pass on her nationality to her child if he or she is illegitimate, without further elaborating and discussing Article 4 of Law No. 15 of 1925, which deals with the right of women who have acquired Lebanese nationality, and their distinction and preference over women of Lebanese origin.

Despite campaigns led by civil society organizations to enact a law stipulating that Lebanese women pass on their nationality to their children, through equal rights, and amending laws to comply with international conventions and to ensure gender equality in and before the law, Lebanese legislators continue to enact new discriminatory laws against women. As an example, on 12 November 2015, Parliament

approved a bill establishing conditions for the recovery of nationality to enable expatriates and descendants of Lebanese origin to regain citizenship. The law passed is based on gender discrimination; only male descendants of Lebanese ancestry can benefit from it. The Law includes three references to “males” (one of his male ancestry or male relatives) as distinct from females and two references to “father” (from his father) as distinct from the mother.

On 7 June 2016, the Constitutional Council issued Decision 1, dismissing the appeal submitted by the deputies of the Democratic Gathering bloc on the law to recover Lebanese Nationality. The Decision did not address the unconstitutionality of the law that discriminates on the basis of sex. The Decision was passed by majority vote of nine to one objection made by the Vice President of the Constitutional Court, Judge Tarek Ziadeh, who disagreed with the majority opinion in two areas:

First, the Council should have examined the constitutionality of all provisions of the law, even if it was not included in the appeal that was submitted.

Second, the law was passed through discriminatory provisions against women and was contrary to the principle of equality between all citizens as enshrined in the Constitution, stressing that “Lebanese citizens are meant to be male and female without distinction or discrimination between them”.

Also notable is the lack of accurate statistics showing the number of Lebanese women married in Lebanon and abroad to foreigners and the distribution of this number according to nationality and religious denomination. Rather, most of the figures in circulation are contradictory and inaccurate. It should be noted that the relevant ministries and departments did not cooperate in providing information concerning Lebanese women married to foreigners and their children. This led to a lack of transparency and the inability to access information, thereby preventing full rights to Lebanese women and adopting necessary legal amendments in accordance

with the Lebanese Constitution, international conventions, and the Bill of Human Rights.

It can be said that this situation suits certain politicians and decision-makers in appropriating some of these reasons and linking them to politics and demographics in order to deny Lebanese women the right to pass on Lebanese nationality to their children. Although these politicians and decision-makers advocate for women's causes and their rights to citizenship, political participation and other rights during their electoral campaigns, when they assume their parliamentary or ministerial seats, women's causes become mere promises linked to the political and sectarian makeup of the country.

The time has come to seek new strategic plans and create new legal jurisprudence whereby a Lebanese woman married to a foreigner has the right to confer her nationality to her children by promoting the Lebanese judiciary to exercise its jurisprudence and apply the principles of natural law and justice. These are a source of law and legal references for courts to utilize when there is no explicit legal provision for judges to use diligence in their opinions so they can adjudicate and settle disputes brought before them based on the principles of justice and fairness.

This study examines the Lebanese Nationality Law 15 of 1925 and the judicial rulings issued in this regard, particularly those issued by the Lebanese Court of Cassation, which shows contradictory rulings and sheds light on the jurisprudence of the Lebanese judiciary in interpreting the provisions of the Lebanese Nationality Law. The study also discusses the implications for Lebanese women who are not able to pass on their nationality to their children at various levels and presents figures and statistics provided by some departments and statements of ministries that did not provide the National Commission for Lebanese Women with numbers and information on Lebanese women married to foreigners and their children. The study concludes with a set of recommendations at the individual, community and institutional levels.



METHODOLOGY

Over the past few decades, civil society organizations and national stakeholders in Lebanon have made numerous efforts to amend the Lebanese Nationality Law No. 15 of 19 January 1925 to allow Lebanese women married to foreigner spouses to pass on their nationality to their husbands and children. Over the past two years, several political parties, deputies and ministers have submitted draft bills to amend the Lebanese Nationality law, including:

- Draft bill submitted by former Minister of Interior and Municipalities Ziad Baroud.
- Draft bill submitted by former parliamentarians Bahij Tabbara and Pierre Dakkash.
- Draft bill submitted by the former member of parliament Imad Al-Hout.
- Draft bill introduced by former Minister for Foreign Affairs, Gebran Basil, on 21 March 2018, to amend the Nationality Law so that Lebanese women can pass on their nationality to their families upon marriage to a foreigner, excluding marriages from neighbouring countries.
- Draft bill submitted by the Democratic Gathering Bloc that lifts all forms of discrimination between men and women in the Lebanese Nationality Law.
- Draft bill presented by member of parliament Rola Tabesh to allow Lebanese mothers to confer their nationality to their children on an equal footing with Lebanese men.
- Finally, a draft bill presented by the National Commission for Lebanese Women (NCLW) in May 2019 that gives Lebanese women married to foreigners the right to pass on their nationality to their minor children as soon as the law enters into force. As for children who have reached the age of eighteen upon or after this law comes into force, they have the right to obtain a green card assuming all civil, economic and social rights the Lebanese enjoy, with the exception of political rights, the right to hold various public jobs, and the right to own real estate except through the Law of Acquisition of Real Estate Rights by Foreigners in Lebanon.

The National Commission for Lebanese Women prepared this study as part of its follow-up to the proposed amendments to the Lebanese Nationality Law to enable a Lebanese mother to pass on her nationality to her children. The study includes information on the availability of statistical data. It also reviews the adverse effects of the deprivation of Lebanese women married to foreigners from passing on their nationality to their children on the economic, political, health, educational, social and family levels.

The methodology that was adopted for this legal study is as follows:

A desk review was undertaken on relevant national efforts and arguments for and against the adoption of amendments to the Nationality Law; a review of Lebanese laws on nationality and rulings

issued from Lebanese courts, in addition to relevant research and studies.

The study also included efforts to obtain data and statistics through written correspondence to each of the following institutions:

- Ministry of Interior and Municipalities.
- Directorate of Personal Status and Directorate of Refugee Affairs.
- Directorate of Internal Security Forces.
- Directorate of General Security.
- Ministry of Foreign Affairs and Expatriates.
- Ministry of Health.
- Ministry of Education and Higher Education.

Bilateral meetings were also carried out with the Ministry of Justice, and interviews were conducted with eleven Lebanese women married to foreigners and/or their children to demonstrate the challenges they face.

This legal study on the right of Lebanese women married to foreigners to confer their nationality to their children includes recommendations to counter allegations that have been used to impede amendments to the Nationality Law and recognize the rights of Lebanese mothers to pass on their nationality to their children. It also includes recommendations at the individual, community and institutional levels.



NATIONALITY

The right to a nationality is a fundamental human right. It implies the right of each individual to acquire, change and retain a nationality.

The Lebanese Court of Cassation held that nationality is the establishment of a political and legal bond between the

individual and the State.⁸ Admitting the nationality of an individual implies the recognition of their ties to a specific society or of their belonging to a state,⁹ and it is a legal bond between an individual and a particular State under which the legal distribution of individuals in the international community occurs.¹⁰

Methods for acquiring original nationality in Lebanese law

The Lebanese nationality of origin applies to Articles 1, 2 and 10 of Law No. 15 of 19 January 1925 of the French High Commissioner, who assumed legislative authority in the State of Greater Lebanon. Article 1 of this decision states the following:

Is considered Lebanese:

- Every person born to a Lebanese father.
- Every person born in the territory of Greater Lebanon and never established that he or she acquired foreign nationality, upon birth, or by filiation.
- Every person born in the territory of Greater Lebanon of unknown parents or parents of unknown nationality.

Consequently, birth on Lebanese territory is not sufficient to register the applicant to establish nationality; rather, the conditions

must be met as indicated above. In the absence of these conditions, Lebanese nationality cannot be conferred.¹¹

Article 2 of Law No. 15 of 1925 also stipulates that an illegitimate child whose paternal filiation is established when still a minor shall have Lebanese nationality if one of his parents in respect of whom affiliation is first established is Lebanese. If the proof of affiliation regarding both the father and the mother results from a single contract or judgment, the child shall acquire the nationality of the father should the father be Lebanese.

Article 10 of the said Law also stipulates that, while retaining all rights related to the right to choose one's nationality as specified in the Peace Treaty signed at Lausanne in 1923, every person born on the Greater Lebanon territory to a Lebanese father who was also born in the said territory as of 1 November 1914 as an Ottoman subject is considered Lebanese.

Section I

Filiation or jus sanguinis

Jus sanguinis means that nationality is conferred based on the child's origin and is granted the nationality of the father. The Lebanese Nationality law is based on patriarchal blood bond, which means that the acquisition of Lebanese nationality is linked to patriarchal lineage and not matriarchal lineage.

The Lebanese Nationality law distinguishes between a legitimate child (legitimate filiation) and an illegitimate child (natural filiation). Jus sanguinis on the father's side is recognized as a basis for establishing the original nationality of a legitimate child. The right of blood on the mother's side to grant citizenship to an illegitimate child is used according to the following:

First: Transmission of Lebanese nationality through the paternal line

A child born to a Lebanese father acquires Lebanese nationality upon birth, and filiation may be legitimate or natural:

Legitimate filiation

Legitimate filiation is the relationship of kinship between a child — as a result of a valid marriage — and his or her parents. The lineage bond between parents and children stems from this filiation, which gives the child the right to belong to his or her parents.¹²

Every child born to a Lebanese father shall be considered Lebanese in accordance with the nationality of the father at the time of birth, regardless of the place of birth. Everyone born to a Lebanese father is Lebanese even if the father renounces his Lebanese nationality or relinquishes it at a later time after the birth of his child and is administratively written off.¹³ There is no regard or consideration for whether the mother is Lebanese, foreign or even stateless.¹⁴

Natural or illegitimate filiation

Natural or illegitimate filiation results from the physical contact between a man and a woman outside wedlock. A child born as a result of this relationship is called a natural or illegitimate child.¹⁵

An illegitimate child may be granted Lebanese citizenship if the father is Lebanese in two cases:

- When paternal filiation is established to a minor child prior to maternal affiliation.
- When the proof of paternity and maternity is established at the same time.

Second: Transmission of Lebanese nationality through the maternal line

The legislator invokes *jus sanguinis* on the mother's side to establish Lebanese status of a natural child (illegitimate) when:

1. The mother is the first to recognize the filiation.
2. She holds Lebanese nationality at the time she recognizes the child.

If the father, regardless of his nationality, acknowledges the birth of the natural child after the mother recognises the child, the child retains his or her Lebanese nationality even if the father's country grants the child its nationality.

It should be noted that the recognition of filiation of a natural child may come from one or both parents and is carried out in the following two ways:

- Recognition by both parents at the same time, or by one without the other.
- A court ruling following a lawsuit by the child requesting his or her filiation with one or both parents.

It is noteworthy that the recognition of natural filiation, whether consensual or judicial, is a declaration and not a creation of the affiliation of the child. Accordingly, the child acquires the nationality of his or her Lebanese parents from birth and not from the date of recognition of filiation or the date of the court ruling on it.¹⁶

The Lebanese Court of Cassation held that if the filiation of the illegitimate child is recognized after reaching the age of majority, the case for registering him or her on the Personal Status Record of his or her Lebanese mother can be considered a claim for nationality and is outside the jurisdiction of a single judge.¹⁷ Therefore an illegitimate child's acquisition of Lebanese nationality does not result from his or her registration because registration is a subsequent process of acquiring nationality after fulfilling the provisions of Article 2 of Law No. 15 of 1925.¹⁸

Third: The mechanism for recognizing an illegitimate child

Article 15 of the Personal Status Records Registration Law promulgated on 7 December 1951 stipulates that if a child is born illegitimately, the birth certificate must be prepared by the person who sponsors the child, the doctor or midwife. In this case, no mention is made to his or her father's name unless the latter personally recognizes paternity or through another person, he has delegated for this purpose. If the father does not acknowledge the child, the illegitimate child is given a name by the person preparing the birth certificate.

In addition, the preparer of the birth certificate is not allowed to mention the name of the mother unless she acknowledges that she is the mother of the child or through a court ruling.

Section II

Lebanese nationality by *jus soli* ground 'soil-bond'

The second and third paragraphs of Article 1 of Law No. 15 of 1925 state that every person is considered Lebanese if her or she was born in the Greater Lebanon territory, and it was established that he or she did not acquire foreign nationality, upon birth, by affiliation,¹⁹ and every person born in the Greater Lebanon territory to unknown parents or parents of unknown nationality.²⁰

Therefore, two basic prerequisites must be in place for passing Lebanese citizenship.

- Born on Lebanese territory — based on a certificate issued by the mayor and the parish priest.²¹
- Does not have any foreign nationality at birth — proven by referring to the records of the Directorate-General of General Security.²²

Article 10 of Law No. 15 of 1925 also states that every person is considered Lebanese if born on the Greater Lebanon territory to a father also born in the said territory was of 1 November 1914 as an Ottoman subject.

Three main requirements must meet the provisions stipulated in this Article:

- Person must be born in Lebanon.
- Father is also born in the said territory.
- Father was on 1 November 1914 an Ottoman subject.

Section III

Secondary or derived nationality

Secondary or derived citizenship is the nationality that an individual acquires after birth, such as through marriage, naturalization, and statelessness.

First: Acquisition of Lebanese citizenship by marriage

Lebanese man married to a foreign woman

Article 5 of Law No. 15 of 1925 stipulates that a foreign woman married to a Lebanese man shall, upon her request, become Lebanese one year from the date on which the marriage was registered at the Civil Status Office. The foreign woman meant by this Article is a non-Lebanese woman, who may have foreign nationality, citizenship under study (Qaid ad-Dars) or unidentified nationality.²³

One of the rulings issued by the Lebanese Court of Cassation states that “it is sufficient for a woman married to a Lebanese to be a foreigner – whether her nationality is known or is still under study (Qaid ad-Dars) – so that she may be entitled to claim benefits from the provisions of Article 5 of Decision 15, without having to establish her original nationality, which is still under study”.²⁴

If a divorce takes place between a Lebanese and a foreign wife who acquired Lebanese citizenship by virtue of marriage, the wife retains her foreign nationality in addition to her Lebanese nationality.²⁵

It should be noted that previously, a foreign woman acquired Lebanese nationality upon her marriage to a Lebanese man and enjoyed this right even before her marriage was registered. This continued until the passage of Law 11 January 1960, which stated: “The foreign woman married to a Lebanese shall, upon her request, become Lebanese one year after the date of registering her marriage.”

Here, the law does not require the husband’s consent to the request because he might be deceased, insane, kidnapped or imprisoned... especially since the word “woman” is mentioned in the law and is more comprehensive and carries meanings and marital statuses that are broader than the word “wife,” which denotes the marriage’s continuity. The word “woman” has more than one meaning, namely: wife, widow, divorced, and who is in a state of desertion.²⁶

Notably, the provisions of Article 5 mentioned above are currently violated, as the Directorate of Personal Status and General Security stipulates that three years must pass from the marriage of a foreign woman to a Lebanese to obtain Lebanese citizenship, in addition to her bearing a child or two from him. If one of the spouses is barren, the applicant must attach medical documents confirming the inability to procreate or a statement from a physician confirming that a forced abortion has taken place for health reasons. In other cases, legal proceedings may also be constricted for certain nationalities, and the decision to grant citizenship is delayed indefinitely. This is due to a legal loophole, namely, the failure to

identify a specific period to process citizenship requests by General Security.²⁷

Lebanese woman married to a foreign man

Article 4 of Law No. 15 of 1925 stipulates that:

1. The spouse (woman) of a foreigner, who has become a Lebanese citizen, as well as the children of full age of such a foreigner, may, if they so request, obtain Lebanese nationality, without satisfying conditions for residency, whether by virtue of the regulation giving this nationality to the husband, the father or the mother or through another special regulation.
2. Likewise, the minor children of a father who has acquired Lebanese nationality, or a mother who has acquired the said nationality and who remained alive after the death of the father, shall become Lebanese unless they reject this nationality within the year after reaching the age of majority.

Three issues must be highlighted.

First point: If a woman recovers her Lebanese nationality that she has lost due to marriage, upon her request, after the dissolution of her marriage due to the death of the husband, will her minor children have the right to acquire Lebanese nationality according to the nationality of their mother?

The text of Article 4 of Law No. 15 of 1925 does not distinguish between the status of minors of a naturalized Lebanese mother who remained alive after the death of her foreign husband and that of minors of a Lebanese mother who retained this affiliation, despite her marriage to a foreigner, who later died, and she remained alive and retained her Lebanese nationality.

However, there is conflicting jurisprudence and interpretation on this point:

The first perspective notes that on the principle of equality and justice, equality between a Lebanese woman and a naturalized woman must be ensured since it is not logical to treat a native Lebanese less equitably than an alien who subsequently acquired Lebanese nationality.²⁸

The second perspective is reflected in some jurisprudence, which considers that it is not permissible to adopt the principle of equality between a mother of Lebanese origin who lost her nationality by marrying a foreigner and subsequently recovered it administratively after the dissolution of her marriage, and a foreign mother who was naturalized since, in the first case, the children do not acquire Lebanese citizenship.²⁹ The term “naturalization” means obtaining Lebanese citizenship and is not intended to recover or retain Lebanese nationality after marriage.³⁰

This approach even considers that the Nationality Law is related to public order and can only be explained narrowly and

exclusively. It should not be construed or interpreted further, drawing upon its provisions that are not explicitly or distinctly clear. The last paragraph of Article 4 of Law No. 15 of 1925 deals with only one case, namely, the case of a foreign mother who had taken Lebanese citizenship, i.e., who was naturalized and acquired Lebanese nationality through the naturalization process, after she had been a foreign national and after the death of her foreign husband. This article allows her minor children to acquire Lebanese nationality.³¹

Second point: If a Lebanese woman married a foreigner, retains her Lebanese nationality and did not lose it by marriage, will her minor children have the right to acquire Lebanese nationality in the event of the death of her husband?

In this case, there also two different views:

The first perspective is represented in the jurisprudence issued by Lebanese courts, which stipulates that children of a Lebanese woman married to a foreigner who retained her Lebanese nationality and did not lose it by marriage, her minor children may acquire Lebanese nationality after the death of her husband.³²

The second perspective is based on some jurisprudence that contravenes this principle and considers that children, in this case, cannot be granted Lebanese nationality, as nationality is regarded as a political and spiritual bond between the individual and the State. This jurisprudence also finds that the Lebanese legislator neglected to regulate the status of minor children of the mother who recovers her Lebanese nationality. Therefore, there is no provision enabling them to be considered Lebanese, given that nationality is based on *jus sanguinis* rather than on the womb bond grounds.³³

Third point: Naturalized Lebanese woman married to a Palestinian

The Lebanese Court of Cassation, in its subsequent decisions, as well as some basic courts, first instance and appeal, concluded that Article 4 of Law No. 15 does not apply to the children of a naturalized woman, married to a Palestinian who died on a date when his children were still minors. That is because the Lebanese State, in paragraph (i) of the preamble of its Constitution, and by its signature of the Charter of the Arab League and its participation in issuing decisions regarding Palestinian refugees and its affirmation “on creating employment opportunities for those residing on its territory while retaining their Palestinian nationality as a general principle” has decided to retain the Palestinian nationality to those who hold it. In addition to the fact that the Lebanese Constitution, the Charter of the Arab League and what emanated from decisions would be equivalent to any law issued by the Lebanese Authority; rather, they supersede Article 4 of Law No. 15 of 1925 and amend it concerning Palestinians so that this Article does not apply to the children of a Lebanese woman married to a Palestinian who died on a date when his children were still minors. However, if a Lebanese man marries a Palestinian woman, he grants her Lebanese citizenship by marriage, and Lebanese nationality is transferred to his children by paternity.³⁴

It must be pointed out here that the Palestinian problem did not exist in 1925 — the date when the Lebanese nationality was

established under Law No. 15 of 1925 — upon the enactment of legislation that excluded women from their natural right to pass on their nationality to their children on an equal footing as men. This confirms that the male perspective prevailed when this law was drafted, despite the fact that the principle of equality in rights and duties among citizens is enshrined in the Lebanese Constitution. How does the Lebanese State fear permanent settlement (Tawteen) when a Lebanese woman marries a Palestinian and is not afraid of permanent settlement when a Lebanese man marries a Palestinian woman? The Palestinian woman, married to a Lebanese, acquires Lebanese nationality administratively. The question is whether permanent settlement passes only through Lebanese women and not Lebanese men.³⁵

Second: Naturalization

Naturalization clauses in Article 3 of Law No. 15 of 1925

Article 3 of Law No. 15 of 1925 stipulates that a person may acquire Lebanese nationality by virtue of an order issued by the President of the Republic after investigation and at the request of:

- A foreigner who can prove that he or she has lived in Lebanon for five years without interruption.
- A foreign man who marries a Lebanese woman and can prove he has lived in Lebanon for one year since his marriage without interruption. The legislator makes the alien husband obtain nationality by a personal decision issued by the President of the Republic without interference from the judiciary and beyond the Directorate of Personal Status's competence if the applicant for naturalization fulfils the general requirements for naturalization.³⁶
- A foreigner who offers estimable services to Lebanon; in this case, the application should be accepted by a reasoned decision. Estimable services may be actual missions in the private armies if performed for two years or more.

As reflected above, naturalization is granted when an alien expresses his or her will to obtain Lebanese nationality at a request to the competent authorities based on the conditions set by the law. The authorities accept or reject with full freedom, even if other legal requirements are met because naturalization is an act of sovereignty left to the absolute discretion of the State and not a right for everyone applying for it.³⁷

In the case where a naturalized father submits a Naturalization Decree in the Personal Status Record after the birth of one of his children, this execution is not retroactive, so the issue lies in the naturalized person's acceptance of naturalization, and if this acceptance occurs at a later date after the birth, he cannot register the child on his record. However, he must file a nationality lawsuit, not a birth registration suit.³⁸

It should be noted that the Naturalization Decree takes effect only after paying the legally required fees, and therefore the naturalized person acquires the Lebanese nationality as of the payment of these fees and not from the date of the issuance of

the Decree. If a child is born before the naturalization fees are paid and because this child is born from a non-Lebanese father, it is not permissible to be registered administratively or by a single judge; rather, the child must obtain legal nationality in accordance with the principles, to be registered in the Lebanese records.³⁹

What if the registration included a mistake in the naturalized Lebanese person's family name or family status?

Article 21 of Decree 8837 of 15 January 1932 allows for correcting mistakes in the Personal Status Record since this does not constitute an amendment to the Naturalization Decree, but rather ratification of the error at the stage of checking the facts for registration records, which is within the jurisdiction of the administrative judiciary.

The third paragraph of the aforementioned article, added by Decree 1822 of September 16, 1944, also authorizes civil courts to consider the nationality of the person whose registration was administratively removed and re-registered in Lebanese records.⁴⁰

Under Article 77 of the Statute of the State Consultative Council and Article 4 of Law No. 15 of 1925, which grants minor children the right to benefit from the nationality of their father *de jure* and with the force of law, the Naturalization Decree remains in force and is open to its effects unless a decision is passed by the competent court to nullify it or suspend its implementation.

Consequently, in order to register the non-registered child "Maktoumi al Qaid" on the record of the father, the father must be Lebanese on the date of birth of whose registration is required, and this can only be achieved after the implementation of the Naturalization Decree in the Personal Civil Status Records, including payment of due fees. The implementation of the decree by the father after the birth of the child does not have any retroactive effect; effectively, the issue lies in the naturalized person accepting the naturalization.⁴¹

Naturalization Decree 5247, dated 20 June 1994

On 20 June 1994, Naturalization Decree 5247/94 was issued, without the numbers of persons who had obtained Lebanese nationality. This naturalization aims to legalize the status of a large number of persons who have formed a kind of *de facto* citizenship with the State and which had to be enshrined in a decree legalizing the relationship between them and the State.⁴²

In the case of persons who are eligible to obtain Lebanese nationality by birth, as in the cases of non-registered persons "Maktoumi al-Qaid" who have been naturalized, naturalization has put them in a precarious legal status on the basis that naturalized persons do not enjoy equal rights with Lebanese who are entitled to nationality by birth, as they lose the Lebanese nationality they acquired by naturalization if they committed a crime against the State's security as stipulated in Decree No. 10828 of 9 October 1962.

(a) Course of the naturalization Decree 5247/1994

The Maronite Association appealed against Decree 5247 of 1994 before the State Consultative Council because the contested Decree did not respect the basic provisions of Law No. 15 of 1925 regarding the necessity to conduct a comprehensive investigation into every request granting nationality to the concerned person on the basis of the law. In addition, the appeal was also based on the grounds of errors in judgement because it included tens of thousands of persons without following the prescribed rules, which violate the law, customs, traditional practices and procedural irregularities, which tainted the decision with flaws to modulating power.⁴³

The Maronite Association also indicated that there are persons and groups included in the contested decree who are eligible for Lebanese nationality, and it favours granting them citizenship, first and foremost "descendants of Lebanese origin, Arabs of Wadi Khaled and members of sects who are deprived or experienced all kinds of suffering and who meet the legal requirements".⁴⁴

In order to verify the facts presented by the Maronite Association, the State Consultative Council decided to assign a committee of three advisers to assist the consultant Rapporteur in the investigation. During its work, which lasted for more than one year, from 5 January 1998 to 3 February 1999, the Commission examined 335 naturalization applications from more than 50,000 files, most of which contained more than one application. As a result, the Commission concluded that the total number of applications fall into four categories:

- Maktoumi al-Qaid (mostly Arabs of Wadi Khaled).
- Persons holding Qaid ad-Dars or under study.
- Persons from villages known as the Seven Villages.
- Foreigners (holders of different nationalities).⁴⁵

The Commission concluded in its report that the contents of the files related to naturalized persons contained varying probative value documents. Some forms did not mention the existence of records at the General Security, some investigations were incomplete, and imprisoned persons submitted some applications for naturalization.

The State Consultative Council considered the contested decree an individual administrative decision, but given the number of people it covers, it is also considered a collective administrative decision that may be wholly or partially annulled if such partial annulment does not radically affect the whole decree and its entity fully. The fragmentation of this revocation review and restricting it in light of the documents presented to only a portion of persons covered in the contested decree — requires in addition to this council examining all the files of naturalization applications to verify their validity and fulfilment of their conditions — separating and excluding those whom the Maronite Association considers eligible for citizenship and prefers to grant them separately from other applications that need to be annulled.⁴⁶

In order for the State Consultative Council to carry out the aforementioned tasks, those included in the decree must be brought in to listen to their statements and defences before determining the fate of their right to the affiliation given to them, with the necessity

of including all the files of naturalization applications to put them under discussion or the request to the competent administration to make room for perusal by the parties and who will be included. This is difficult and almost physically impossible given the number of persons covered by the Decree.⁴⁷

Moreover, the principle of stability of administrative work must be observed as quickly as possible. For the Council to complete all the preceding tasks, which is in fact not entirely financially impossible, it does take a long time to carry out and prepare the revocation review. On the one hand, this matter is inconsistent with the need to ensure the proper functioning of justice, provide stability and close this file as required by public interest. And on the other hand, this is incompatible with the urgent need to adjudicate this review in light of the effects resulting from the acquisition of nationality by the persons concerned and the rights associated with such acquisition, and the rights that accompany this acquisition, either directly or at a later date.

The State Consultative Council considered that all the files of administrative naturalization applications are available at the competent administration that received them through its bodies and studied them. This would make it easier for these bodies to review them and reconsider the contested decree regarding nationality applications that were obtained unjustly or through fraud and forgery or deemed contrary to the Constitution or a grave violation of the law.

However, it was not possible for this Council to play its role in monitoring a large number of administrative files of the current review within a reasonable time frame. The time it would take to bring in the beneficiaries associated with the disputed decree to defend their rights so that the legitimacy of this decree and the resulting rights of persons are not suspended for an extended period of time was found to be explicitly contrary to the principles of justice and stability of administrative work, as described above.

The State Consultative Council decided to refer the case under current review to the competent Administration (Ministry of Interior) to re-examine its administrative files – i.e., the files of individuals who were naturalized by virtue of this Decree – review the contested Decree and annul the citizenship of all applicants found unworthy or fraudulent or those persons whose naturalization was flagrantly contrary to the Constitution or the law.⁴⁸

It should be noted that the Council has not given any specific directive to the Ministry of Interior on the principles of due process to be followed or on the deadlines that it must adhere to in its review of the files.

As a result of this Decision, the nationality of the naturalized persons under Decree 5247 of 1994 remained unsettled even after the court judgment was delivered, primarily since an administrative decision was issued to form a supreme committee to review the files of naturalized persons. Nonetheless, this committee was not permanent, and its work was suspended more than once; accordingly, the decision on this file has not been concluded to date, that is, seventeen years after the decision of the State Consultative Council. Consequently, since 2009, owing

to the fact that the Committee has not met, the Administration does not spontaneously review these files to conclude this review but exclusively provide answers whenever a naturalized person submits a personal or administrative claim.

In 2011 a new committee was formed to re-examine the files of naturalized persons. Decrees 6690 and 6691 were issued on 28 October 2011, withdrawing the citizenship of approximately 200 naturalization files. They were divided into four basic categories: Maktoumi al Qaid, who were found to have non-Lebanese lineage, Palestinians registered in the records of the Palestinian Refugee Affairs Directorate in Lebanon, two persons who submitted incorrect personal statements and one person who was convicted of a criminal offence upon applying for naturalization. Obviously, a number of those appealed the denationalization Decree and resorted again to the State Consultative Council.

As part of its review of appeals against the denationalization Decrees, the State Consultative Council declared that the Administration was entitled to withdraw nationality at any time in the event that it was found to have been granted contrary to the law or as a result of fraud and forgery since the law did not restrict it to any time limit contrary to the laws of other States. This argument justified that the judiciary had authorized the Administration to reverse naturalization decisions through a ruling that was issued in 2003 without restricting it to any time limit and by the legal principle that says fraud vitiates everything.

Judicial advisor, Tarek Al-Majzoub, opposed the State Consultative Council's decision, arguing that Lebanese law does not provide for fraud and forgery as one of the grounds for withdrawing acquired nationality. He also considered the fact that the law was silent on the time limit does not mean that it is open to the Administration to withdraw nationality at any time, in support of the principle of protection of rights and legal stability and the principle of protection of legitimate expectations – *Principe de Confiance Legitime* –, drawn from the French administrative jurisprudence. Judge-advisor Majzoub also regarded that the Administration has been aware of the fraud for several years without correcting it and that the conditions for fraud and forgery are not feasible in the case of a naturalized person who is found to have a record in the Directorate of Palestinian Refugee Affairs because the administration has not adequately scrutinized and vetted the files of naturalized persons.⁴⁹

Moreover, in cases in which the State Consultative Council recognized the illegality of granting nationality in 1994, the Council dismissed the appeal against the denationalisation decree, which led to the withdrawal of nationality from the naturalized person and from anyone who acquired it by affiliation, whatever the method of this acquisition (marriage, birth, legal or administrative decisions ...). It should be noted here that the dissenting opinion of Counsellor Tarek Al-Majzoub considered that the denationalisation was a personal and individual punishment (as a result of fraud and forgery) and did not apply to family members of the naturalized. Its effects must not extend to persons who have not committed any act to justify punishment pursuant to the rule of individual punishment and to ensure legal stability.⁵⁰

In this context, it is worth noting that the Beirut Bar Association refused to accept the membership of a naturalized person under the 1994 Decree on the grounds that the Association feared that a catastrophe might occur if citizenship was abruptly withdrawn from individuals naturalized on the basis of this Decree. The files of naturalized persons have been in the Ministry of Interior since 2004 following a request by the Consultative Council to re-examine the files to find out who is eligible for citizenship and who is not.⁵¹ Moreover, naturalized applicants for membership in the Bar Association were required to obtain a paper proving that their Lebanese nationality was not contested.

The Council of the Bar Association also refused to allow a graduate of law to take training examinations on the grounds that she had acquired Lebanese nationality under Decree 5247 of 20 June 1994. However, she has been Lebanese for more than ten years under the civil registration record issued by the Lebanese authorities and certified by the Lebanese Ministry of Interior. Some members of the Bar Association's Council considered that the argument that the Naturalization Decree issued in 1994 is contested, and therefore cannot be enforced, is categorically false, considering that the State of Lebanon that issued it operates and implements it and allows Lebanese naturalized persons to vote and run for parliamentary elections ten years after the Decree of their naturalization, excluding alien women married to Lebanese, who have become Lebanese through this marriage. This provision is clear and unequivocal in more than one law, decree and decision, and the most recent law in this regard is Law 44 concerning the election of members of the House of Representatives, promulgated on 17 June 2017 and published in Official Gazette 27, issued exceptionally on Saturday, 17 June 2017, where its fifth article stipulated that "a naturalized Lebanese citizen is not entitled to vote or run for office until ten years since the implementation of the Naturalization Decree ...", So, how does the Lebanese State implement an explicit decree and is rejected by an Association that is supposed to watch over the proper implementation of laws, even if it is disputed for sectarian reasons?⁵²

(b) Discrepancies in the numbers of naturalized persons

To date, no one has been able to quantify the number of naturalized persons in Lebanon. Some say that it has reached the limits of 400,000 persons and others claim that it has reached 800,000. However, the reality indicates that these figures are wildly exaggerated and that the actual number is, at best, only 200,000. That being said, the official statistics from the Directorate General of Personal Status show that the number of persons who have obtained citizenship through the Decree is close to 153,452.⁵³

Others considered that the number of those who attained Lebanese nationality under this Decree is unclear, as the Decree did not include numbers. Nevertheless, the number of naturalized persons was calculated by counting the number of pages /1280/ page and the number of lines or files per page [35 on average].⁵⁴

A study by lawyer Elias Bou Nassif was published in the Journal of Justice – page 77 entitled Direct Nationality and Naturalization – Observations on Naturalization Decree 5247 of 20 June 1994, indicating that the number of persons who acquired Lebanese nationality reached 1.5 million.

Former Minister of the Interior Bechara Merhej also confirmed that the actual number of naturalized persons in the 1994 Decree was about 152,000 between adults and minors, based on stakeholders' requests until 1993.⁵⁵

The retired Brigadier General of the Internal Security Forces, Dr. Fadl Zaher, who was charged with overseeing the implementation stages of the Naturalization Decree following its promulgation (1994), stated that the number of files covered by the Naturalization Decree of 1994 was about 53,000 (each file contains a family of between one and twelve persons), indicating that if this number is multiplied by an average of 5.4 family members listed in the files, the result will be that the number of naturalized persons is estimated at 238,550.

Former Minister of Interior and Municipalities, Ahmed Fatfat, submitted a report in early 2006 to the National Dialogue Table, in a first step of its kind, indicating that citizenship had been granted to people from 80 countries. According to the report, the number of persons who acquired citizenship was approximately 203,000 and distributed by religious denomination as follows:⁵⁶

- Total Muslims 159,011 naturalized persons (Sunni-Shiite-Alawite, Druze).
- Total Christians 43,516 naturalized persons (from different Christian denominations).

The above confirms the absence of precise and detailed figures for the number of naturalized persons by Decree 5247 of 1994 and the absence of a detailed breakdown of these figures based on gender, legal status, nationality, denomination/religion. This is the case with subsequent decrees. All of this requires the adoption of a statistical system to enable and ensure the acquisition of accurate information and figures in order to propose and approve appropriate laws and develop matching development programmes. Most importantly, it is not to allow discretionary freedom to issue positions, decisions, and policies that may not correspond to reality, especially concerning Lebanese women married to foreigners.

Causes and effects related to the denial of Lebanese women to confer their nationality to their children

Contrary to what is stated in the Lebanese constitution, which guarantees equal rights for citizens, women and men, the Lebanese laws are unfair to women and deny their right to pass on their Lebanese nationality to their children, thereby enshrining the principle of discrimination against women and gender inequality. Not only does the law deny this right to women, but it prevents them from exercising their citizenship as Lebanese on the territory of their homeland. Once married to a non-Lebanese man, her files are quickly attributed to her husband, thus preventing her husband and children from exercising any of the basic rights enshrined in the Universal Declaration of Human Rights.

One of the main arguments behind the refusal to allow Lebanese women to confer their nationality to their children is the rejection of permanent settlement (Tawteen) of Palestinians in Lebanon. The granting of Lebanese nationality to persons born to a Lebanese mother married to a Palestinian is often used as a cover for permanent settlement.

Public discourse on the rights of women to transfer their nationality witnessed a critical turning point in late 2012-2013. At the meeting of 21 March 2013, the Council of Ministers established a ministerial committee to examine the possibility of amending the last paragraph of Article 4 of Decision 15 of 19 January 1925 (Nationality Law) and submit its report with proposals to the Council of Ministers.⁵⁷ It is evident from the report prepared by this committee on 14 December 2012 that its primary concern is limited to measuring the effects of abolishing discrimination, not only from the standpoint of permanent settlement of Palestinians but primarily from the point of view of the demographic balance between sects, which could destabilize the balances governing power-sharing in Lebanon with the possible consequence of a breach of the civil peace. In light of its figures, the Committee concluded that Lebanon was not ready for any amendment in this regard, whether with or without any exception, suggesting that some privileges be granted only to those born to Lebanese mothers. At its meeting on 17 January 2013, the Council of Ministers fully endorsed this Committee's recommendations.⁵⁸

Depriving a Lebanese woman, married to a foreigner of her right to pass on her nationality to her children, has negative repercussions on her life and her family, especially her children. Hereunder are the most prominent of these effects and consequences as follows:

Legal residency

The Ministry of Interior and Municipalities issued Decree 4186 of 2010 granting spouses and children of Lebanese women the right to free "courtesy" residency permits, valid for either one or three years, depending on the validity of the passport. This Decree is a positive step, but there are several observations on it:

- This residency is indeed provided free of charge. However, it is often costly or complicated to prepare the necessary documents, especially if the marriage has not been duly registered or challenging to obtain some of the required

documents to present them in a "courtesy" residency permit application.

- Can be reversed at any time by a parallel decision.
- Renewal is required every three years, and each time all the documents needed for a courtesy residency permit must be re-produced.
- The Lebanese Public Security Directorate is granted discretionary powers to accept or reject the application based on its investigations.

In addition, in the case of domestic violence, and in the event of failure to register the children of a Lebanese mother married to a foreigner, or inability to have official and proper documentation that prove her marriage, the mother will find it difficult or even impossible to obtain a courtesy residency for her children.

Right to work

The children and spouses of Lebanese women need a valid work permit to work legally in Lebanon. In 2011, the Minister of Labour issued Decision No. 122/1, which exempted foreigners who were married to or born to Lebanese women or Lebanese men or those whose parents obtained Lebanese citizenship but were still under 18 years of age from work permit fees and specific documents. They were also exempted from being restricted to occupations reserved for Lebanese.⁵⁹ However, these decisions can be annulled by a parallel decision, and nothing in the course of this study confirms that this decision is still in force.

The Ministry of Labour restricted jobs, professions, occupations and trades to Lebanese citizens only. It is at the discretion of the Minister of Labour to exclude certain foreigners from the provisions of this Decision if they fulfil one of the conditions stipulated in Article 8 of Decree 17561 of 18 September 1964, including "who is of Lebanese origin or born to a Lebanese mother".

On 26 June 2019, Parliament approved the exemption of children of Lebanese mothers married to non-Lebanese and residency holders. However, this law was rejected by the President of the Republic, General Michel Aoun, for compelling reasons, stating that paragraph "c" of the Constitution stipulates that Lebanon is a republic based on equal rights and duties among all citizens and that equal rights among all citizens assume equality among children of Lebanese women so that the right to work and its permission cannot be linked to the acquisition of courtesy residencies, which are essentially under the authority of discretionary administration. He added that the current law addresses part of the problem of the rights of Lebanese children, which requires a comprehensive treatment that is still subject to various approaches, particularly in the Parliament and its competent committees.

It must be noted that some unions place additional restrictions on eligibility that are almost impossible for children of Lebanese

mothers married to foreigners, such as the requirement that a person be Lebanese for more than ten years, such as the Bar Association, Veterinary Association, Syndicate of Midwives ----] or that the person proves they are licensed to practice the profession in their home country. This is impossible for children who cannot obtain nationality from their father or whose fathers are stateless and for many who have only lived and studied in Lebanon.

Because Lebanese children of and spouses married to Lebanese women are treated as foreigners, they are caught up in broad Ministry of Labour decisions targeting foreigners. These decisions include the 2017 Ministry of Labour effort to crack down on shops and institutions run and operated by non-Lebanese, widely understood to target Syrians.

"For some work positions, they prefer to have a Lebanese national, which excludes me," said Layal. "I don't apply for a position that says it prefers a Lebanese national,"

Nawal, a Lebanese citizen, married to a Frenchman, said her son Ziad "tried to apply for jobs after graduating, but they wouldn't take him because he'd be an additional expense to them."

Here we review the conditions imposed by certain professions for naturalized persons to work on Lebanese territory for at least five years under special laws, including:

Pharmacy law: A naturalized pharmacist is required to have had at least five years' de facto residence in Lebanon after their naturalization and prior to applying for a license to practice the profession.

Practice of legal profession: Article 5 of the Law 8/1970 stipulates that anyone intending to practice law be Lebanese for at least ten years.

It is necessary to point out here that the Beirut Bar Association refused to accept the training of a naturalized person under the 1994 Decree for fear of subsequent withdrawal of nationality.⁶⁰ Moreover, naturalized applicants for membership in the Bar Association were required to obtain a paper proving that their Lebanese nationality was not contested.

Dentistry: Legislative Decree 74 of 9 September 1983 does not allow a dentist who has nationality from an Arab country from practising dentistry in Lebanon until five years after acquiring nationality and proving residency throughout this period without interruption in the country.

General medicine: The law enforced by Decree 1658 of 17 January 1979 grants a doctor who acquired Lebanese nationality a license to practise general medicine as soon as they obtain nationality, provided that the conditions and qualifications required by the Lebanese doctor are fulfilled. A license to practice medicine is also

granted to a non-Lebanese doctor of Arab States if, among other conditions, he or she is affiliated with a country that allows the Lebanese doctor to practice his or her profession. The license shall also be granted to a non-Lebanese doctor of all nationalities if they meet the conditions and qualifications required of the Lebanese doctor and has a nationality of a country that applies reciprocity.

Nursing profession: The Law regulating the Nursing Practice in Lebanon, promulgated by Decree 1655 of 17 January 1979, stipulates that no one may practise as a licensed nurse, nurse or assistant nurse unless they meet several conditions, the first of which is to be Lebanese.

Concerning the non-Lebanese nurse who is authorized to practice the profession in his or her country and is sent by an international body, organization or institution authorized to work in Lebanon, the practice is within the scope of the task entrusted to him or her. Besides, a non-Lebanese nurse who is a member of educational bodies in nursing schools in Lebanon may also practice the nursing profession in Lebanon under the following two conditions: (1) be licensed to practice the nursing profession in their country, and (2) have signed a draft contract of employment with a nursing school in Lebanon under which they teach full-time nursing and shall not be entitled to receive an additional wage to their basic salary, on their own account, for any professional work performed in or outside the school.⁶¹

Non-Lebanese nurses may practice nursing training in Lebanon provided that they are licensed to practice the profession of nursing in their countries and pass the colloquium exam conducted by the Ministry of National Education and Fine Arts. They must sign a draft contract of employment for a certain period with a hospital in Lebanon on a full-time basis and are not entitled to receive additional wages on their own salaries for any professional work performed inside or outside the school.⁶²

The law regulating nursing practice in Lebanon stipulates that the proportion of nurses in each teaching school or training hospital must not exceed 20 per cent.

Engineering profession: Article 3 of the Law of 22 January 1951 on the practice of engineering stipulates that a naturalized Lebanese engineer is required to have had at least five years' de facto residence in Lebanon without interruption after their naturalization and prior to their application for occupation.

Organization of State services: (Legislative Decree 13 of 7 January 1953) Article 9 of this Decree stipulates that no one is accepted in a public office unless several conditions are met, the first of which is to be Lebanese for at least ten years.

Judiciary: (Legislative Decree 150 of 16 September 1983) Article 61 of the Judicial Justice Law stipulates that every candidate to participate in the competition must be Lebanese for more than ten years.

Rules of Procedure for colleges for Primary and Complementary Teachers: (Decision 233 of 2 May 1962): Article 10 of this system stipulates for the participation conditions in the competition to enter teachers 'colleges and primary school teachers to be Lebanese for at least ten years.

Internal Security Forces: Pursuant to Law 17/1990, a volunteer must be a Lebanese national for at least ten years.⁶³

Lebanese Public Security: One of the general conditions required to volunteer in Lebanese public security is to be a Lebanese national for at least ten years.⁶⁴

Lebanese Army: One of the general conditions required to volunteer in the Lebanese Army is to be a Lebanese national for at least ten years.

Labour unions and syndicates should open membership to the children of and spouses married for one year to Lebanese women on an equal basis with Lebanese citizens until Parliament amends the Nationality Law, Human Rights Watch said.⁶⁵

Running and voting in parliamentary elections

Article 3 of Election Law 44, issued on June 17, 2017, stipulates that every resident or non-resident Lebanese citizen may exercise their right to vote, provided that they have attained the legal age specified in the Constitution, enjoy their civil and political rights and are not in any of the non-eligibility situations set forth in the present law.

Article 5 of this law also stipulates that naturalized Lebanese citizens may only vote or run for office ten years after the execution of their naturalization decree. The present article shall not apply to non-Lebanese women who obtain Lebanese citizenship as a result of marrying a Lebanese male.⁶⁶

Healthcare

Foreign nationals (including the foreign husband and children of Lebanese women) are largely excluded from healthcare benefits subsidized by Lebanon's National Social Security Fund and the Ministry of Health.

As for Lebanese women married to a Palestinian, Palestinian refugees are deprived of public hospital services and any other health services provided by the Ministry of Health, except under the agreements signed between the U.N. Relief and Works Agency for Near East Refugees (UNRWA) and the Ministry of Health. On 24 August 2010, law 128 was enacted, amending paragraph 3 of Article 9, of the Social Security Law, which stipulates that a Palestinian refugee worker residing in Lebanon and registered in the General Directorate of Political Affairs and Refugees (DPAR) – Ministry of the Interior and Municipalities – shall be subject to the provisions of the Labour Law, both in terms of end-of-service indemnity and work emergencies. The beneficiary of Palestinian refugee workers is exempt from the reciprocity conditions stipulated in the Labour and Social Security Law and benefits from end-of-service compensation on par with Lebanese worker benefits. The National Social Security Fund administration must set up a separate and independent account for the subscriptions of Palestinian refugee workers, provided that neither the Treasury nor the National Social Security Fund is held accountable for any financial commitment related thereto. Those covered by this Law are excluded from the subscriptions of the Sickness and Maternity Insurance and Family Allowance Fund benefits.

The Lebanese Ministry of Health and the National Social Security Fund must allow children of Lebanese women married to foreigners to benefit from available public healthcare services on par with Lebanese citizens. They should also promulgate laws similar to the aforementioned Law No. 128 concerning foreign spouses and children of Lebanese women, which enable them to benefit from the Sickness and Maternity insurance Funds' contributions.

Education

The noncitizen children of Lebanese women can attend Lebanese public schools for free. However, because these children are deemed foreign nationals, the Ministry of Education and Higher Education (MEHE) issues annual enrolment decrees that prioritize Lebanese students' enrolment, making it harder for non-Lebanese children to register. The Ministry is often aware of the matter and gives special treatment to non-Lebanese children of Lebanese mothers. Nonetheless, a permanent solution is needed to prevent preferential treatment and ensure that they are treated on equal footing with Lebanese students.

In some cases, children without the necessary identification documents face complications that prevent them from enrolling in school or taking national exams. Furthermore, noncitizen children and spouses of Lebanese women applying to a university may not be eligible for financial aid.

It should be noted here that Lebanese law does not prohibit Palestinians from enrolling in public schools, vocational education institutes and the Lebanese University, given that the responsibility for educating Palestinian refugees in primary, middle and secondary grades falls upon UNRWA. Nonetheless, there is close cooperation between the Ministry of Education and Higher Education and UNRWA as students attending UNRWA schools follow a curriculum that is in line with the Lebanese educational curricula, a policy pursued by UNRWA in all host countries and not a requirement imposed by the Lebanese Government.

Palestinian refugees can enrol in Lebanese public and private schools at all levels (primary, middle and secondary) without any discrimination in terms of the required documents or fees charged, and the entry of Palestinian refugees into Lebanese public schools depends on the absorptive capacity of schools with the adoption of a national preferential policy.

Furthermore, if a Palestinian student (especially an undocumented person) is unable to present an Identity Card or a Civil Registration extract, Article 108 of the rules of procedure for preschools and primary education in public schools 1130/M/2001 allows the adoption of any other identification document, with the approval of the head of the educational district.⁶⁷

Higher education

With regard to higher education, Palestinian students enrolled in the Lebanese University are treated on par with Lebanese students. On 18 June 2009, the Council of Ministers issued Decision 90 to cancel university tuition for Palestinian students from Nahr el-Bared camp enrolled in the Lebanese University for the

2008-2009 academic year, including 68 students. Decision 1 of 1 May 2010 issued by the Lebanese Ministry of Education and Higher Education gave equivalences for some branches of Palestinian secondary school certificates to high school certificates or Lebanese technical baccalaureate.⁶⁸

Documents required for registration at the Lebanese University include:

- Possession of a Lebanese high school certificate or its equivalence and submission of a copy certified from the Ministry of Education.
- Non-Lebanese students are accepted based on secondary school certificates that allow them to enter universities in their countries, provided they are equivalent to the Lebanese high school certificate.

The Lebanese University collects from enrolled students the following registration fees (in one payment):

Colleges of applied sciences: Science, medical sciences, dentistry, pharmacy, agriculture, health, media, economics and business administration, engineering, education, fine arts and architecture, tourism and hotels, technology.

Bachelor's degree:

- Lebanese and Palestinian students: 245,000 Lebanese pounds.
- Non-Lebanese students: 995,000 Lebanese pounds.

Faculties of humanities: Law, political and administrative sciences, arts and humanities and the institute of social sciences.

Bachelor's degree:

- Lebanese and Palestinian students: 195,000 Lebanese pounds.
- Non-Lebanese students: 945,000 Lebanese pounds.

Masters and doctoral degrees in all colleges and higher institutions:

- Lebanese and Palestinian students: 745,000 Lebanese pounds.
- Non-Lebanese students: 1,745,000 Lebanese pounds.

Right to own property

With regard to the children of Lebanese women married to foreigners, it should be noted that some Lebanese legislation places some restrictions on the freedom of property ownership of foreigners in Lebanon, including for Palestinians. The right to possess real estate by non-Lebanese is governed by Decree 11614 of 14 January 1969, which prohibits property ownership by foreigners in Lebanon only under a permit given by decree through the Council of Ministers. Nevertheless, Article 3 of the same Decree exempts citizens of Arab countries, including Palestinians, from licensing requirements whereby they could own real-estate without prior authorization for a maximum of 5,000 square meters in all Lebanese territory, provided that it does not exceed 3,000 square meters in Beirut. After meeting the specified fees for foreigners set out in the Decree, a Palestinian resident of Lebanon has the right to own a property or an apartment within the permissible limits.

This was the case until the government proposed a draft law to amend some articles of Decree 11614, intending to provide further incentives to foreign investments by removing ownership and legal impediments that limit this. The Lebanese parliament voted on the proposed amendment as provided: "All forms of real estate rights are forbidden to any person who does not hold a nationality from a recognized state, or to any person in general — should the ownership be nonconforming to the provisions of the Constitution in relation to rejecting permanent settlement (Tawteen)." Law 296/2001, on the Acquisition of Real-Estate Rights by Foreigners in Lebanon, was issued on 3 April 2001 excluding Palestinians in Lebanon without other foreigners from the right to own property in Lebanon. The relevant authorities apply the new Property Law to persons of Palestinian origin, although they hold different nationalities.

This law has been subject to many criticisms and was challenged through a review submitted by ten deputies to the Constitutional Council. Still, the Council rejected the review on the grounds that "the second paragraph of the new Article 1 of Law 296 of 3 April 2001 does not violate the Constitution or a rule of constitutional power."

"In the future, I have to sell all my property and transfer the money abroad, since foreigners can only own a certain percentage of the property, and if I die, my children cannot get it; they need a decree," says one woman.

Right to inheritance

Differences in nationality do not prevent a Lebanese mother married to a foreigner and her children from inheritance unless a foreign law forbids inheriting from a Lebanese. If the law of the foreign husband prescribes limitations to the right of inheritance, foreign children do not inherit their Lebanese mother, as authorized by foreign law for Lebanese nationals.⁶⁹ The same applies to Muslim sects that permit inheritance between the Lebanese and the foreigner on the condition of reciprocity.

It should be noted that, in addition to the above, the failure of a Lebanese woman married to a foreigner to pass on her nationality to her children puts her children at risk of statelessness, exploitation and trafficking. Also, in the case of domestic violence, especially in the event that the foreign husband abandons his wife and child, whom he did not duly register, either due to the illegality of his residence in Lebanon or due to negligence or ignorance, then in some cases, the Lebanese wife risks registering her child as an illegitimate child to enable him or her to obtain the Lebanese nationality, exposing herself to the risk of prosecution, as her act is considered criminal forgery.

In other cases, children of a Lebanese woman married to a foreigner are required to be recognized as illegitimate children to acquire Lebanese nationality and identity cards to pursue their studies, work, and travel. Bearing in mind that falsifying legal status is a criminal offence punishable by the Lebanese Penal Code.

"I asked my father to agree with the allegation that I was not his son and that I was an illegitimate child for my mother to register me on her name as an illegitimate child so that I can obtain Lebanese citizenship, work and travel like other Lebanese," said Elie, a son of a Lebanese woman married to non-registered person "Maktoum al-Qaid".

"My father didn't register me on his record in Syria, and I don't know anything about him," said Jad, a son of a Lebanese woman married to a Syrian. I don't want the Syrian nationality but rather the Lebanese citizenship because I am a Lebanese son, and I was born and has lived in Lebanon. I prefer to wait for a law granting Lebanese women the right to pass on their nationality to their children rather than acquiring any other nationality.

Sobhia, a Lebanese woman married to a foreigner, said: My husband left me two months after my marriage while I was pregnant. I gave birth to my son, who is now five years old. I don't know anything about my husband, and I don't have a copy of his passport. I registered my son as an illegitimate child to have an identity card and nationality and to be able to enter school. I'm sick of my life, and I want to secure my son.

nationality of the husband and/or his denomination and sect, the denomination and sect of the wife.

- Number of marriages concluded between Lebanese men and foreign women, with the place of marriage indicated, nationality, denomination and sect of the Lebanese husband and foreign wife.
- Number of marriages concluded between Lebanese women and Palestinians registered with the Directorate General of Political Affairs and Refugees.
- Number of marriages concluded between Lebanese and Palestinian women registered with the Directorate General of Personal Status by regions, indicating denomination and sect of both spouses.

The response of the Ministry of Interior and Municipalities stated that it is impossible to respond to the National Commission for Lebanese Women with statistical information and data on marriages concluded between Lebanese and foreigners – males and females – from 1995 to date since they do not have electronic archives dating back to 1995 and all previous years. However, they have started to work on digitizing their archives in recent years.

The Directorate General of Personal Status also indicated that non-digitized archives are distributed in the Personal Status Registries that do not have adequate facilities to store archives dating back to 1995. In light of the Covid-19 pandemic, staff members are overwhelmed in ensuring the proper functioning of citizens' transactions and preparing the electoral lists simultaneously.

In addition to the above, the National Commission for Lebanese Women sent a second memorandum to the Ministry of Interior and Municipalities – Directorate of Personal Status requesting that it be provided with the statistical data available to it on marriages between Lebanese and foreigners, regardless of their dates. To date, however, the National Commission for Lebanese Women has not received any response from the Directorate General for Personal Status, which is an indication of the following:

- Absence of any clear desire or intention on the part of the Directorate General of Personal Status to provide any figures or statistics on marriages between Lebanese and foreigners may be for political reasons and because the interests of the Ministry do not intersect with the draft law on Lebanese women passing on their citizenship to their children prepared and submitted by the said body.
- Failure of the Directorate of Personal Status to hand over to the National Commission for Lebanese Women the figures and statistics available to it on marriages concluded between Lebanese and foreigners violates the principle of transparency and the right of access to information.
- Lack of digitization in the Directorate of Personal Status except for recent years and in the absence of accurate statistics and figures on marriages between Lebanese and foreigners prompts us to question the basis on which prior decisions and concerns of a segment of politicians and decision-makers regarding Lebanese women passing on their citizenship to their children.

Numbers and statistics

The National Commission for Lebanese Women sent official requests to the following national institutions:

Ministry of Interior and Municipalities - Directorate of Personal Status and Directorate of Refugee Affairs, aimed at obtaining

- Number of marriages concluded in Lebanon between Lebanese women and foreigners registered with the Directorate General of Personal Status from 1995 to date by regions, indicating the nationality of spouses – their denomination and sect, denomination and sect of the wife, and the reference for conducting marriage contracts.
- Number of marriages concluded between Lebanese women and foreigners outside Lebanese territory and registered at the Directorate General of Personal Status and/or the Directorate General of Political Affairs and Refugees in Lebanon, whether religious or civil marriage with mentioning: the country where the marriage was concluded, the

Ministry of Foreign Affairs and Expatriates, to obtain

- Number of marriages concluded between Lebanese and non-Lebanese registered with Lebanese embassies and consulates abroad since 1995 to date including:
 - Nationalities of spouses.
 - Denomination and sect of both spouses.
 - Reference and country of the procedure for contracting the marriage.
- Number of births of a Lebanese mother and foreign father registered with Lebanese embassies and consulates abroad.
- Number of marriage contracts concluded between Lebanese women and non-Lebanese transferred by diplomatic pouch to the Directorate of Personal Status in Lebanon or the Directorate General of Political Affairs and Refugees.
- Number of marriage contracts still pending at embassies or consulates abroad to complete some documents or other.

The National Commission has received an oral reply that no statistics are available from the Ministry of Foreign Affairs and Expatriates.

Ministry of Health, to obtain

- Number of children of Lebanese women and non-registered Lebanese women "Maktoumi al-Qaid" who are married to non-Lebanese or non-registered persons, who benefit from various health services and provisions, including chronic medicines.
- Any procedures and/or strategies adopted by the Ministry of Health to provide and secure health protection for Lebanese children of Lebanese and non-registered Lebanese women "Maktoumi al-Qaid" who are married to non-Lebanese or non-registered person.

However, more than two months after the memo was sent, the National Commission for Lebanese Women has not received any answer to its memo.

Ministry of Health to obtain

- Number of children of Lebanese women (and non-registered Lebanese women "Maktoumi al-Qaid" who are married to foreigners, attending public schools and institutes in Lebanon – by region and by schedule (before and afternoon).
- Any strategies or policies adopted by the Ministry of Education and Higher Education to prevent school drop-outs from Lebanese children of Lebanese women married to non-Lebanese or non-registered person.
- Number of children of a Lebanese woman married to a foreigner or to a non-registered person enrolled and annually takes official exams. (By region – if possible).

- Number of Lebanese children married to foreigners or non-registered persons who are unable to take official exams or pursue their studies due to incomplete personal papers such as residency or identification cards (according to the father's nationality and, if possible, the regions).

However, more than two months after the memo was sent, the National Commission for Lebanese Women has not received any answer to its memo.

Directorate of Internal Security Forces to obtain

- Number of arrested and convicted persons of a Lebanese mother and/or non-registered Lebanese women "Maktoumi al-Qaid" married to foreigners.
- Number of non-registered Lebanese women "Maktoumi al-Qaid" in Lebanon.

However, more than two months after the memo was sent, the National Commission for Lebanese Women has not received any answer to its memo.

Directorate of General Security to obtain

- Number of residency permits granted (courtesy and work residencies) to the spouses and children of Lebanese women married to non-Lebanese, broken down by regions, nationality, denomination and sect of spouses, and the place the marriage was officiated.
- Occupation of foreign spouses and children of Lebanese woman married to foreigners who benefit from a courtesy and/or work residencies.
- Number of passports issued in the interest of children of Lebanese woman married to a non-registered foreigner "Maktoumi al-Qaid" and/or foreign.
- Number of laissez-passers issued to the interest of non-registered Lebanese women "Maktoumi al-Qaid".

Indeed, the Directorate of the Public Security Forces replied that the number of courtesy residences granted to spouses and children of Lebanese women married to non-Lebanese was 502,204 and that the number of laissez-passers issued to non-registered Lebanese women "Maktoumi al-Qaid" was 1,119.

The reply sent by the Directorate of General Security included a table of the number of courtesy residences granted to the spouses and children of Lebanese women married to non-Lebanese according to the application centres, as follows:

**Number of courtesy residencies granted to spouses and children of Lebanese women
according to the application submission centres**

Application centre	Number	Application centre	Number
Al Koura Centre	6159	Department of Arabs and Foreigners	1955
Marjeyoun Centre	962	Baabda Centre	8401
Joya Centre	2004	Tyre Centre	10304
Kobayat Centre	5670	Investigation and action	8
Foreign Centre	2	Becharri Centre	96
Dhour El Choueir Centre	3665	Bwarij Centre	5054
Shebaa	478	Jebaa Centre	783
Zahle Centre	30051	Zgharta Centre	3813
Batroun Centre	2710	Saida Centre	14455
Damour Centre	2716	Mashghara	2098
Al Rayyak Centre	1876	Qortaba Centre	79
Shmstar Centre	3265	Methat Hajj Centre	51488
Jib Jenin Centre	15311	Metn Centre	3621
Benin	1042	Halba Centre	12772
Bint Jbeil Centre	2108	Ghobeiry Centre	9687
Tripoli Centre	59394	Jezzine Centre	601
Qana	338	Aley Centre	8202
Zahrani Centre	6495	Denniyeh Centre	4573
El Teebeh	276	Baalbek Centre	24933
Ghazeer Centre	2398	Hasbaya Centre	1132
Liban Post	59	Rayfoun Centre	1977
Nabatieh Centre	11153	Labwe Centre	6160
Keserwan Centre	5463	Nabi Sheet Centre	877
Beirut Centre	59280	Hermel Centre	2766
Rachaya Centre	4181	Tibnin Centre	2938
Public Relations Centre	8031	Jbeil Centre	3782
Choueifat Centre	27113	Iqlim al-Kharroub Centre	10192
Minieh Centre	4696	Chouf Centre	5011
Beino Centre	714	Hammna Centre	3327
Deir Al-Ahmar Centre	287	Meshmesh Centre	534
Total		502204	

This table does not specify the period covered by these figures, whether they are numbers for one, three, five years or more. The distribution of these figures is not detailed by region, nationality, denomination and sect of spouses, and the place of the marriage contract, nor does it address the distribution of these figures between courtesy residences granted to the husband of the Lebanese woman and those granted to her children.

The same also applies to the number of the laissez-passer issued to non-registered Lebanese women "Maktoumi al-Qaid", as it does not specify the time period covered by these figures.

Recommendations

At the conclusion of this study, we propose the following recommendations:

First: At the individual level

- Adopt a national programme to raise awareness in the community about the right of married Lebanese women to pass on their nationality to their children.
- Provide legal advice either directly or through partner community-based organizations, which helps to document legal needs and legal loopholes.
- Legal representation of Lebanese women married to foreigners before the judiciary to claim their rights to pass on their nationality to their children, based on the Lebanese Nationality Law — where possible — and the Bill of Human Rights, International Conventions, the National Action Plan for Security Council Resolution 1325, and the Lebanese Constitution. This recommendation aims to create a condition in the judiciary to compel it to exercise jurisprudence and apply justice and fairness principles.
- Document and use women's stories in advocacy campaigns, as well as involve women and their children in these campaigns.
- Organize appropriate advocacy campaigns at the individual level.

Second: At the social level

- Hold round tables with judges and law enforcement agencies and build their capacities on various issues related to the rights of Lebanese women to confer on their Lebanese nationality to their children, including international conventions related to this right, directly and indirectly.
- Exchange experiences with regional and/or international judges and encourage Lebanese judges to breach the Nationality Law and establish a new statutory norm found on diligence on the right of Lebanese women to confer their Lebanese nationality to their children, relying on the principles of justice and fairness, especially since the customary law and the natural law which is grounded on justice and fairness are a component of the legal norm.
- Build the capacity of lawyers to plead and defend Lebanese women married to foreigners and claim their right to pass on

their nationality to their children [Strategic Litigation].

- File a hundred or more lawsuits before the judiciary all over the Lebanese territory to demand the right of Lebanese women to pass on their nationality to their children, and to cooperate with the Bar Association in Beirut and the North and some lawyers specialized in this field.
- Partner with some local associations to cooperate in enforcing some of these activities.
- Organize appropriate advocacy campaigns at the social level.

Third: At the institutional level

- Create an application to document marriages concluded by Lebanese women abroad, and invite those abroad, in particular, who have not registered their marriage contracts at Lebanese embassies to fill in the information as specified in this application.
- Establish a data bank in Lebanon to document all information concerning Lebanese women married to foreigners, their children, and the non-registered women "Maktoumi al-Qaid" in addition to the violations against them and their families and the relevant court rulings. The underlying purpose for this bank is to utilize it as a source for advocacy campaigns, to gather information and indicators, and to serve in developing programmes and identifying needs.
- Observe trials, especially those concerned with allowing Lebanese women to pass on their citizenship to their children.
- Propose a draft law on the digitization of all data in the Directorate of Personal Status and the Directorate of Refugee Affairs of the Ministry of Interior and the digitization of marriage contracts and birth and death certificates registered in Lebanese embassies abroad. [This project can be implemented with funding from the United Nations and/or the European Union].
- Run campaigns to approve Lebanese mothers married to foreigners to pass on their nationalities to their children and not only focus action on the political level but also invite the stakeholders to participate in such campaigns and civil society institutions.
- Organize panels, meetings and advocacy campaigns to urge and/or promote trade unions and federations to open membership to the children and spouses of Lebanese women who have been married for at least a year to have equal status with Lebanese citizens pending the amendment to the Nationality Law by the House of Representatives.
- Organize advocacy campaigns and meetings to get the Lebanese Ministry of Health and the National Social Security Fund to allow children of Lebanese women married to foreigners to benefit from all health-care services that are equally available to other Lebanese citizens.
- Amend the Social Security Law and adopt laws similar to Law 128/2010 and enable foreign spouses and children of Lebanese women to obtain the Social Security Fund benefits.

- Lift reservations to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and accede to its Optional Protocol.
- Rely not only on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in advocacy and awareness-raising campaigns but also on all conventions that deal with women's rights, particularly those concerning their right to pass their nationality to their children.
- Organize appropriate advocacy campaigns at the institutional level.



ANNEX

First: Lebanon's Commitment to International Conventions on the Right of Lebanese Women to Pass on Their Nationality to Their Children

Lebanon has participated in many international efforts on human rights and development issues, including those that addressed the issue of the Right to Nationality, Elimination of Discrimination against Women and Equality of rights between men and women before the law, as follows:

- In 1972, Lebanon acceded to the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights. (ICESCR) These Covenants guarantee the **equal rights of women and men without any discrimination based on gender, religion or race,**⁷⁰ such as **the right to acquire a nationality,**⁷¹ **the principle of equality before the law without discrimination**⁷² and **the equal right of men and women to the enjoyment of all economic, social and cultural rights.**⁷³
- In 1991, Lebanon acceded to the International Convention on the Elimination of All Forms of Racial Discrimination, which defined "racial discrimination" as any distinction, exclusion, restriction, or preference based on race, colour, descent, or national or ethnic origin, which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.⁷⁴ Paragraph 3 of Article 5 (d) of this convention deals with the issue of states' obligations to eliminate racial discrimination in matters related to nationality.
- In 1996, Lebanon **ratified the Convention on the Elimination of All Forms of Discrimination against Women under Law 592, which entered into force on 1 August 1996. It made reservations regarding Article 9 (2) relating to nationality, and Article 6 (c), (d), (f) and (g) regarding personal status, in addition to the reservation to Article 29 of this Convention.**

This Convention defines "discrimination against women" as any distinction, exclusion or restriction made on the basis of sex that has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise of human rights and fundamental freedoms by women in the political, economic, social, cultural, civil or any other field, irrespective of their marital status on the basis of equality between men and women.

The CEDAW Commission recommended that national laws be reformed to enable women to pass on their nationality to their children and to foreign husbands on an equal footing with male nationals. In 2017, a regional meeting resulted in a statement endorsed by the Secretary-General of the Arab League, calling on the Member States of the League of Arab States to protect equal nationality rights of all citizens, regardless of gender, and to strengthen the process of lifting reservations on nationality in the CEDAW Convention. The Arab League issued the Arab Declaration on Belonging and Legal Identity as a ministerial declaration in

2018. It calls for gender equality in nationality rights in all Member States and for children in all Member States to enjoy their right to a legal identity.⁷⁵

- The Convention on the Rights of the Child⁷⁶ stipulates that the child **shall be registered immediately after birth and shall have the right from birth** to acquire a nationality, and States Parties shall ensure the implementation of these rights in accordance with their legal, national and international obligations, in particular where the child would otherwise be stateless on failure to do that.⁷⁷
- At the Arab level, Lebanon has acceded to the Arab Charter on Human Rights (ACHR)⁷⁸ that ensures **the right to enjoy equality without distinction on the grounds of race, colour, sex, language, religious belief, opinion, thought, national or social origin, wealth, birth or physical or mental disability and obliges States Parties to guarantee effective equality in the enjoyment of all the rights and freedoms in order to ensure protection against all forms of discrimination.**⁷⁹ The Arab Charter also provides that **all persons are equal before the law and have the right to enjoy its protection without discrimination.**⁸⁰ It also stipulates that the State and society shall ensure the protection of the family, the strengthening of family ties, the protection of its members and the prohibition of all forms of violence or abuse in the relations among its members, and particularly against women and children, and stipulate that States parties shall take all necessary legislative, administrative and judicial measures to guarantee the protection, survival, development and well-being of the child in an atmosphere of freedom and dignity and shall ensure, in all cases, that the child's best interests are the basic criterion for all measures taken in his regard, whether the child is at risk of delinquency or is a juvenile offender.⁸¹
- Member States participating in the ESCWA Committee on Women adopted "**the Muscat Declaration: Towards the Achievement of Gender Justice in the Arab Region**". The Declaration expressed that despite significant progress towards achieving gender equality, there remains a considerable degree of discrimination against women because of fragmented approaches to achieving gender justice that overlook many elements of this broad concept. **The Declaration acknowledges the need to adopt a comprehensive approach to gender justice, with two principal components: (1) ensuring accountability by determining effective national accountability mechanisms that limit discriminatory measures; and (2) achieving equality by eliminating all forms of discrimination between men and women.** Participants in the seventh session of the ESCWA Committee on Women confirmed their commitment to implement measures and procedures to achieve gender justice in its broadest form, including ensuring gender equality and accountability; take appropriate measures to implement international treaties on equality and eliminating discrimination that member States have ratified, especially CEDAW; harmonize national legislation with international and regional commitments ratified by the Member States,

so as to ensure the repeal of all discriminatory laws; include the concept of gender equality in the justice chain to ensure women's access to justice; provide statistics, data and indicators disaggregated by sex to support monitoring and evaluation processes, and offer the necessary financial and human resources in that regard.⁸²

- Lebanon has not acceded to the Convention on the Rights of Persons with Disabilities (CRPD, which provides for the freedom to choose their residence and to a nationality, on an equal basis with others, and that children with disabilities shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality.⁸³ Lebanon is also not a party to both the 1954 Convention on the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

Second: National Action Plan for the Implementation of Security Council Resolution 1325 on Women, Security and Peace:

- Security Council Resolution 1325 and the comprehensive Women, Peace and Security Agenda (WPS) seek to ensure gender equality and strengthen women's participation, protection, and rights in peace-making and reconstruction. The Agenda calls on UN Member States to strengthen their responses to gender equality, peace and security and recommends that these measures be implemented through ad hoc national action plans. **WPS aims to ensure that gender equality remains a key priority in efforts for the prevention and resolution of conflicts, mediation for peace, relief and recovery, reconstruction, and programme design.**⁸⁴
- In a statement issued on the fifteenth anniversary of the adoption of Resolution 1325 (2000) on women, peace and security, the Committee on the Elimination of Discrimination

against Women stressed that sustainable peace requires an integrated approach based on coherent interlinkages between political and security measures, development and the agendas for development and human rights, including gender equality and the rule of law.

Within the same framework, and in accordance with the Beijing Declaration and Platform for Action, peace is inextricably linked to equality between women and men and the advancement of women. The Beijing Declaration and Platform for Action aims to eliminate all barriers that impede women's active and effective participation in all areas of public and private life by obtaining their full and equitable share in economic, social, cultural and political decision-making. This means that the principle of shared power and responsibility should be established between women and men at home, in the workplace and the wider national and international communities. **Equality between women and men is a matter of human rights and a condition for equality, development and peace. A transformed partnership based on equality between women and men is a condition for people-centred sustainable development.**⁸⁵

The 2030 Agenda for Sustainable Development, adopted in New York in 2015, includes 17 Sustainable Development Goals and 169 targets on poverty eradication, food security, improved nutrition, gender equality and justice for all.⁸⁶ Discussions on the United Nations development agenda beyond 2015 concluded that the new development framework must promote not only sustainability and poverty reduction but also peaceful societies, justice and good governance. States also agreed that **eliminating all forms of discrimination against women and girls was not only a basic human right but also a crucial factor in accelerating sustainable development and achieving all goals and objectives.**⁸⁷



ENDNOTES

- 1 <https://www.hrw.org/ar/news/2018/01/17/313796>.
- 2 <https://www.cc.gov.lb/node/2573>.
- 3 Lebanese Constitution, Article 6.
- 4 Lebanese Constitution, Articles 7 and 12.
- 5 Lebanese Constitution, Article 9.
- 6 <https://nclw.gov.lb/3733/الحوكمة-البلدية-تقر-خطة-العمل-الوط>.
- 7 <https://nclw.gov.lb/wp-content/uploads/2020/07/Workplan-NAP-1325-Ar-2021-1.pdf>.
- 8 Civil Court of Cassation - Third Chamber - Decision 27, dated 15 March 1972 - Journal of Justice 1972, p. 44.
- 9 Court of Cassation - First Chamber - Body 2 - Decision 23 - dated 8 February 1967, Journal of Justice, p. 343.
- 10 Lebanese Nationality Provisions - Dr. Okasha Mohammed Abdel-Al, 1999, p. 16.
- 11 Lebanese Court of Cassation, Final Decision 40, 20 May 1962 - Baz 1962, p. 135.
- 12 Majid Mazihim - Personal Status in Lebanese Laws and Comparison - Marriage Contract System - 2005 - Dar al-Kholoud, p. 182.
- 13 Lebanese Court of Cassation, Fifth Chamber, Resolution No. 25, 24 April 2001, Issued in Appeal - Civil Decisions - 2001, pp. 433 and 434.
- 14 Mount Lebanon Court of Appeal - Decision 188, 24 December 1971, Journal of Justice, p. 226.
- 15 Majid Mazihim - Personal Status in Lebanese Laws and Comparison - Marriage Contract System - 2005 - Dar al-Kholoud, p. 191.
- 16 Jamil Baz, Etude Sur La Nationalite, 2eme edition, p. 82.
- 17 Lebanese Court of Cassation, Fourth Chamber - Resolution No. 14-1 February 2011 - Issued in Appeal, Civil Decisions, Human Rights Publications Issued, Beirut, 2011, pp. 155 and 156.
- 18 Lebanese Court of Cassation, Fifth Chamber, Resolution 23, 24 February 1998, Baz 1998, p. 394.
- 19 Lebanese Court of Cassation - Chamber II - Final Decision 14 and 15 - 28 January 1964 - Baz 1964.
- 20 Lebanese Court of Cassation - Chamber 1 - Body 2 - Final Decision 40, 12 May 1970 - Baz 1970, p. 234.
- 21 Hatem collection - C87, p. 30.
- 22 Ibid.
- 23 Beirut Special Civil Court, Judgement 476, 22 December 1972, Hatem Collection part 147, p. 25, Lebanese Court of Cassation, Chamber 3, Decision 92 dated 4 July 1973 - Beirut Fifth Civil Court - Decision 476 dated 22 December 1972.
- 24 Lebanese Rules - Author Wadih Rahal - Chief Civil Officer, Baabda - 156.
- 25 Lebanese Court of Cassation, General Assembly Final Decision 6, 18 March 1971, Baz 1971, p. 182.
- 26 Lebanese Rules of Personal Status- Author Wadih Rahal - Chief Civil Officer, Baabda - 159.
- 27 https://al-akhbar.com/Archive_JuStice/128708#:~:text=%20ق,هذا%20السياق,%20كان%20مستغرباً,انجابها%20منه%20ولداً%20أو%20ولدين.
- 28 Lebanese Court of Cassation, Chamber 3, Decision 15, 21 December 1983/ Baz 1983, p. 356; Civil Court of Cassation - Decision 37 dated 24 November 1983 - published in General of Rules Personal Status — Lebanese Nationality Provisions - A. Wadih Rahal, p. 86.
- 29 Lebanese Court of Cassation, Chamber 3, Decision 6, 18 October 1984, Baz 1984, p. 353.
- 30 Civil Court of Cassation - Decision 37 dated 24 November 1983 published in the Book of General Rules of Personal Status — Nationality Provisions — Professor Wadih Rahal, p. 86.
- 31 Lebanese Court of Cassation, Chamber 2, Decision 64, 30 November 2000, Baz Collection 2000 p. 563 and 564, Lebanese Court of Cassation Decision, Chamber 2, Decision 12/2002, 30 April 2002, p. 239 and beyond.
- 32 Third Civil Court of Cassation, Decision 28, 19 October 1983, Hatem, part 147, p. 23, Third Civil Court of Cassation, Decision 85, 25 June 1975, Hatem, Part 164, p. 412, North Lebanon Beginning Court, Judgement No. 254, 26/6/1975, Hatem- Part 164, p. 416; North Lebanon Court of First Instance - Decision 44 - dated 6 December 1972 - Hatem part 134, p. 31; Lebanese Court of Cassation - Decision 1 - dated 3 January 1973 Hatem part 134, p. 35; Civil Court of Cassation - Decision 11 - dated 6 April 1973, Hatem part 139, p. 15.
- 33 Mount Lebanon First Civil Court of Appeal Decision 332, 20 December 1974, Hatem, part 164, p. 413 et seq. the Fourth Beirut Civil Court, judgment issued on 4 March 1982 Hatem, part 177, p. 44 et seq. Lebanese Court of Cassation, Chamber 3, Decision 6, 14 July 1980, Hatem, part 177, p. 44 et seq. and the Civil Court of Cassation Decision, Chamber 3 No. 41, November 28, 1983, Hatem, part 182 p. 356 et seq.
- 34 First Civil Court of Cassation, Second Panel, Decision 57, 8 June 1970, Hatem C. 105 p. 27; Civil Court of Cassation - Chamber 1 - Second Panel - Final Decision 79, 21 October 1970, Baz 1970.
- 35 The Journey of a Lifetime to Lebanese Nationality - Judge John Qazzi.
- 36 General Rules of Personal Status - part 1 - Provisions of Lebanese Nationality - Mr. Wadih Rahal, p. 145.
- 37 Lebanese Court of Cassation - Chamber 2 - Final Decision 14, 27 February 1957, Baz Collection 1957, p. 161.
- 38 Lebanese Court of Cassation - Chamber 5 - Decision 66 - 23 March 2006 - Issued in the Court of Cassation - Civil Decisions, Human Rights Publications, Beirut 2006, p. 928. Lebanese Court of Cassation - Chamber 5 - No. 108 - 29 April 2006 - Human Rights Publications Issued, p. 993 and 994.
- 39 Lebanese Court of Cassation, Chamber 4, Decision 15/2010, February 2, 2010, Baz 2010, p. 703 and 704. Lebanese Court of Cassation, Chamber 4, Decision 1/2011, 4 January 2011, Baz 2011, p. 553 and 554.
- 40 Lebanese Court of Cassation, Chamber 2 - Final Decision 134, 23 December 1964 - Baz 1964, p. 237.
- 41 Lebanese Court of Cassation, Chamber 5, Decision 10, 29 January 2009, Issued in Cassation, Civil Decisions - Beirut 2009, p. 601-602. The Lebanese Court of Cassation, Chamber 4, Decision 15, 2 February 2010, issued in Cassation, Civil Decisions, Beirut 2010, p. 237 and 238, as well Decision of the mentioned Chamber 1, 4 January 2011, Issued in Cassation, Civil Decisions, Beirut 2011, p. 147 and 148. Decision of the same Chamber- 50 / 2011 date 31 May 2011, Baz 2011, p. 64 et seq.

- 42 State Consultative Council - Decision 484-2002-2003 dated 7 May 2003.
- 43 Modulating power because the category of non-registered "Maktoumi al-Qaid" does not require a Naturalization Decree but rather a reconsideration of their status as Lebanese and because the category of the seven villages, namely Terbikha, Abel El-Amih, Yusha, Qaws, Salha, Honin and Al-Mutleh, has extended to include persons of other villages, an extension involving the permanent settlement (Tawteen) of the persons it included and because the category of Wadi Khaled Arabs included persons who were not originally in this category and the fact that, in particular, it concerns some nationals of well-known Arab countries may be a prelude to the passage of real estate deals that would profoundly affect the principle of co-existence.
- 44 Decision issued by the State Consultative Council 484 dated 7 May 2003 and published in <http://bba.lebaneselaws.com/interalpage.aspx>.
- 45 Ibid.
- 46 Ibid.
- 47 Ibid.
- 48 Ibid.
- 49 Violation of Counselor Tarek Al-Majzoub on of Decision No. 682 / 2012-2013 dated 26 June 2013 Hussein and Hassan Melhem against the State Legal Agenda reference above.
- 50 Above is the report of Counsellor Tarek Al-Majzoub in review 17571/2011. Maurice Abu Ryahi and Ramzi Abu Riady against the State - ibid.
- 51 <https://www.almodon.com/society/2014/12/18/-مهيئة-المحاماة-ممنوعة-على-مجنيبي-1994>
- 52 <https://www.mahkama.net/?p=1507> published in The Court magazine, Issue 19 July 2017.
- 53 <https://archive.alahednews.com.lb/details.php?id=50980>.
- 54 Pioneers of Rights - Nationality under the Judiciary - Legal Research Study - 2019 Edition, p. 131.
- 55 <https://archive.alahednews.com.lb/details.php?id=50980>.
- 56 The Journey of a Lifetime to Nationality - Judge John Qazzi, p. 20-21.
- 57 <http://www.pcm.gov.lb/arabic/subpg.aspx?pageid=845>.
- 58 <http://www.pcm.gov.lb/arabic/subpg.aspx?pageid=3457>.
- 59 <http://www.khiyam.com/news/article.php?articleID=12368>.
- 60 <https://www.almodon.com/society/2014/12/18/-مهيئة-المحاماة-ممنوعة-على-مجنيبي-1994>
- 61 <http://orderofnurses.org.lb/ArchivePDF/law1655.pdf>.
- 62 Ibid.
- 63 <http://www.isf.gov.lb/files/law17.pdf>.
- 64 <https://www.lebarmy.gov.lb/ar/content/%D8%B4%D8%B1%D9%88%D8%B7-%D8%A7%D9%84%D8%A%D8%B7%D9%88%D8%B9>.
- 65 <https://www.hrw.org/ar/news/2018/10/03/322724>.
- 66 <http://legallaw.ul.edu.lb/LawView.aspx?opt=view&LawID=271942>.
- 67 <https://www.lp.gov.lb/ContentRecordDetails.aspx?id=13693&title=E-20-Rights-Refugees-Palestinians-In-Lebanon>.
- 68 Ibid.
- 69 Article 8 of the Inheritance Law for Non-Muhammadines.
- 70 Article 2 of the International Covenant on Civil and Political Rights.
- 71 Third paragraph of Article 24 of the International Covenant on Civil and Political Rights.
- 72 Article 26 of the International Covenant on Civil and Political Rights.
- 73 Article 3 of the International Covenant on Economic, Social and Cultural Rights.
- 74 Article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination.
- 75 Gender Justice & Equality before the Law: Analysis of Progress and Challenges in the Arab States Region, p. 41 Report on Justice. ESCWA-UNWOMEN-UNDP-UNFPA.
- 76 Lebanon acceded to the Convention on the Rights of the Child in 1991.
- 77 Article 7 of the Convention on the Rights of the Child.
- 78 Published in the Official Gazette - Issue no. 36 - 9 September 2008, the Conclusion of the Convention under Law No. 1 of 5 September 2008.
- 79 Article 3, paragraph 1 and 2, of the Arab Charter on Human Rights.
- 80 Article 11 of the Arab Charter on Human Rights.
- 81 Article 33 of the Arab Charter on Human Rights.
- 82 https://www.unescwa.org/sites/www.unescwa.org/files/ministerial_sessions/resolutions/muscat_declaration_gender_justice_ar.2015_0.pdf.
- 83 Article 18, paragraph 1 and 2, of the Convention on the Rights of Persons with Disabilities.
- 84 https://www.arabstates.undp.org/content/rbas/ar/home/library/Dem_Gov/gender-justice---equality-before-the-law.html.
- 85 <https://www.unescwa.org/sites/www.unescwa.org/files/publications/files/linkages-security-council-resolution-1325-women-arabic.pdf>.
- 86 Friends of UNSCR, Sustainable Development and the Women Peace and Security Agenda.
- 87 UNDP in the Arab States, Goal 5: Gender Equality.



