

Gender discrimination with regard to the right to nationality, and the risk of statelessness

Overview of concerns

Decree No. 15 of 1925 on Lebanese Nationality does not allow Lebanese women to confer their nationality to their children. The Decree violates the Lebanese Constitution which in Article 7 states that all Lebanese citizens are equal before the law without discrimination and enjoy the same civil and political rights.

However, Lebanese women do not have the right to transfer their nationality to their foreign spouse or to their children, with the exception of children born out of wedlock and where the father is unknown. Such children and spouses are considered to be foreigners, which leads to many negative impacts in their lives. In situations where Lebanese women are married to stateless men, the children inherit the statelessness of their fathers. Without citizenship, they lack the basic rights to live in dignity, which includes but is not limited to the right to open a bank account or own property, the right to vote, or the right to secure residence permits of their own accord.

According to Decree N.134/59 amended by law 686/1998, children born into mixed nationality families cannot access free public education in public schools and universities, and have to pay fees at the same rate as foreigners, despite their mother having Lebanese citizenship.

Access to healthcare is limited in a similar way – the only access is to private health care centres, which are too expensive for most families.

It should be noted however that some Ministries are taking ad hoc measures to ensure the access to services of children of Lebanese women married to stateless men. The Ministry of Education is issuing circulars to ensure that some such children can be registered in public schools, and the Ministry of Public Health exceptionally covers the hospitalization of stateless children born to Lebanese women, but on a case by case basis and upon individual special authorization. The Ministry of Social Affairs treats such children in the same way as those of Lebanese fathers for many of its services, unless the service is explicitly limited to Lebanese nations only.

For those who are considered foreigners, the right to freedom of movement and the right to work are closely connected to obtaining a residence permit issued by the General Director of the Lebanese General Security (art.1 law 7/10/1962) and a work permit issued by the Ministry of Labor. These must be renewed annually and the fees for this are exorbitant and beyond the reach of most families. However, if these permits are not issued, the individual concerned is considered illegal and is at risk of arrest. Stateless children born to a Lebanese mother cannot obtain a residence permit or a work permit.

Children are at particular risk of becoming stateless due to the current legal structures and nationality laws. Children born to non-Lebanese fathers have to have a new residence permit every three years until they are 18, and then they must renew it every year.

Concerning the right to inherit or own property, those who are considered to be foreigners cannot enjoy this right particularly if the property exceeds 3000 square meters which requires a license from council of ministers.

In addition, the family of a Lebanese women is not considered Lebanese in any way. For example, during Covid-19 repatriation such families stranded outside Lebanon were not considered when the government sought to repatriate Lebanese citizens home.

The violations outlined above have led to many children being illiterate and undocumented and foreign spouses being illegal and unemployed. In turn they have less possibility for social integration and are at greater risk of being placed in dangerous social situations including through exploitation. Many are stateless or at high risk of becoming stateless due to these barriers to full legal and social inclusion.

Follow-up to the 2nd UPR of Lebanon in 2015

During the 2nd UPR of Lebanon in 2015, two recommendations were made to Lebanon with respect to gender discrimination in the nationality laws:

“Amend its legislation so that it treats equally all women and men with respect to marriage, divorce and inheritance rights as well as conferring citizenship to their children and spouses (Czech Republic, 132.30)”;

Reform the nationality law to give women the capacity to acquire, retain and transfer citizenship on an equal basis with men and to bring the law into compliance with international human rights standards (Kenya, 132.32)”

Several other recommendations called upon Lebanon to ensure the elimination of discrimination against women.

The recommendation with respect to the nationality law, which was also made during the first UPR of Lebanon in 2010, has been made by the Committee on the Elimination of Discrimination against Women in 2015¹. According to Lebanon’s State Party report to CEDAW at that time, a ministerial committee had been formed in March 2012 by the Cabinet to discuss amendment of the nationality law. The Committee recommended against granting Lebanese women the possibility of passing their nationality to their children and spouses. In November 2012 it decided instead, according to the State Party’s report, to

¹ 16. The Committee calls upon the State party: (a) To withdraw its reservation made upon accession to the Convention regarding article 9 (2), repeal Decree No. 15 of 1925 on Lebanese Nationality and adopt legislation to ensure women equal rights with men to pass on their nationality to their foreign spouses and children;

grant civil rights to children and spouses of Lebanese women in relation to access to work, health care, and residency permits (CEDAW/C/LBN/4-5). However, except for the provision of courtesy three-year residency permits, these civil rights have not yet been implemented.

On 5 May 2016, the Minister of Foreign Affairs and Emigrants announced the beginning of the implementation of citizenship law for Lebanese diaspora, however, the law would grant the right to apply for citizenship only to descendants of paternal grandfathers of Lebanese origins but not grandchildren of maternal grandmothers of Lebanese origins to apply for citizenship.

In 2017, the Committee on the Rights of the Child recommended that Lebanon “Intensify discussions with the relevant religious authorities and other relevant stakeholders with a view to amending Decree No. 15 on Lebanese Nationality of 1925 to grant Lebanese women equal rights with Lebanese men with regard to transmission of their nationality to their children and to provide adequate safeguards to ensure the conferral of citizenship to children who would otherwise be stateless”

Some ministries are taking ad hoc measures to ensure the access to services of children of Lebanese women married to stateless men. The Ministry of Education is issuing circulars Campaigns across the middle east over the last 20 years have led to the partial or complete reform of nationality laws in most Arab countries, but Lebanon has not made such reforms.

Regrettably, there is a continued strong resistance against changing the nationality law in Lebanon both because of the traditional patriarchal culture within society, as well as regional and national issues such including the high number of Palestinians in the country who have been born to Lebanese mothers.

Recommendation:

We urge the Lebanese government to repeal Decree No. 15 of 1925 on Lebanese Nationality and reform nationality laws to grant Lebanese women equal rights with Lebanese men with regard to transmission of their nationality to their children and to provide adequate safeguards to ensure the conferral of citizenship, particularly to children who would otherwise be stateless.

About the partner organisations

The World Council of Churches, which was created in 1948, is a fellowship of 350 member churches who together represent more than half a billion Christians around the world. The WCC acts through both its member churches and other religious and social organizations to coordinate ecumenical, evangelical, and social action.

The Anglican Consultative Council, a non-governmental organisation in consultative status with the Economic and Social Council since 1985, is the legislative and policy-making arm of the worldwide Anglican Communion's 85 million members across over 160 countries.