

Global Campaign for Equal Nationality Rights

Submission to the Human Rights Council at the
23rd Session of the Universal Periodic Review

Lebanon

“Human Rights Violations in Lebanon Due to Gender Discriminatory Nationality Law”

1. The Global Campaign for Equal Nationality Rights makes this submission to the Universal Periodic Review (UPR) in relation to Lebanon.
2. The [Global Campaign for Equal Nationality Rights](#) (the Global Campaign) is a coalition of international and national organizations that promotes gender equality in nationality laws, so that women and men can confer, acquire, change and retain their nationality on an equal basis. The Campaign includes a Steering Committee of Equality Now, Equal Rights Trust, the Institute on Statelessness and Inclusion, UNHCR, UN Women and Women’s Refugee Commission. The Campaign was launched in June 2014 at a Side Event at the 26th Session of the Human Rights Council in Geneva, and has conducted several international advocacy activities to encourage states that still maintain gender discriminatory nationality laws, to reform their laws and bring them into compliance with international human rights standards.
3. This submission focuses on continued violations of women’s nationality rights and subsequent violations of the rights of children in Lebanon in violation of the state’s human rights obligations and commitments to uphold international human rights treaties, including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention on the Rights of the Child (CRC), the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

Universal Periodic Review of Lebanon under the First Cycle

4. Lebanon was first subject to the Universal Periodic Review at Session 9 of the First Cycle, in November 2010. Multiple recommendations were made to Lebanon regarding enacting legal reforms to guarantee women equal rights to confer nationality to children, regardless of the nationality of the father, and to guarantee equal rights to confer nationality to foreign spouses. Lebanon did not accept the following recommendations:

Recommendation	Recommending Country
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Amend the law on citizenship in such a way that ensures that all Lebanese women, regardless of the nationality of their husband, can pass on their citizenship to their children and husbands	Netherlands
That the proposed draft law which would allow Lebanese women to pass on their nationality to their children and foreign spouses be adopted as soon as possible	Norway
Enact legislation to grant Lebanese nationality to the spouses and children of Lebanese women	United Kingdom
Amend its law on nationality to enable Lebanese women to confer their nationality to their children	Canada

5. A number of additional recommendations were made with respect to the advancement of gender equality and women’s equal rights, which were accepted by Lebanon. These include:

Recommendation	Recommending Country
Develop a comprehensive policy at the national level, consistent with the provisions of the Convention on the Elimination of All Forms of Discrimination against Women, with the view to achieving gender equality and to combat gender violence	Spain
Strengthen its efforts to eliminate discrimination against women in law and practice	Norway
Further strengthen the protection of rights of vulnerable groups, like children, women, migrant workers and persons with disabilities	Bangladesh
Establish laws and cultivate processes and institutions to protect women’s rights, foster women’s political participation, and ensure equitable representation of their interests and concerns	United States

6. Despite the state’s acknowledgement of the need to advance gender equality and women’s equal rights, it reported that “society was still divided on the conditions to grant citizenship, due to the unique composition of Lebanese society,” which it stated “made it difficult to withdraw the relevant reservation to CEDAW.” Lebanon’s subsequent failure to amend gender discriminatory citizenship law has had significant negative impact on a significant number of Lebanese women, their children and spouses.

Gender discriminatory laws violate Lebanon's international obligations

7. Lebanon has expressed its commitment to uphold the Universal Declaration of Human Rights, which states that all human beings are born equal in dignity and rights, without distinction of any kind, including the right to nationality, and that all children, whether born in or out of wedlock, shall enjoy the same protection, and have the right to education.
8. As a party to CEDAW, Lebanon has obligations to ensure that women enjoy equality in the area of nationality. Article 9 states, "States Parties shall grant women equal rights with men to acquire, change or retain their nationality" and "States Parties shall grant women equal rights with men with respect to the nationality of their children." In its recent General Comment No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, the Committee confirmed that Article 9 extends an obligation to ensure equality between men and women in the ability to confer their nationality to their spouse.
9. Lebanon has placed a reservation against Article 9(2). However, we share the view of the CEDAW Committee that Article 9 among other articles is "central to the object and purpose of the Convention and that the reservations impact negatively on the enjoyment by women of their rights." Furthermore, we believe that the maintenance of nationality laws which discriminate on the basis of gender are themselves in conflict with the object and purpose of CEDAW and with the general obligation of all state parties to "agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women."
10. Decree No15 on Lebanese Nationality discriminates against women in denying Lebanese women the right to pass citizenship to their children, unless the father is unknown or is stateless, while allowing automatic citizenship to children of male citizens. The law also provides a pathway to citizenship for foreign spouses of Lebanese men, without providing these same rights for foreign spouses of Lebanese women.
11. This discrimination has resulted in severe hardship for the families concerned. Women have expressed anxiety about being separated from their children on any disagreement with their foreign husbands and families have suffered through lack of access to social services, including education and healthcare, and equal economic opportunities, including the right of foreign spouses to work. Such distinctions in the transmission of citizenship violate the right to equality, and constitute discrimination on the basis of sex in breach of international law. As stated above, while Lebanon has placed a reservation against Article 9 of CEDAW, we consider this reservation to be contrary to the object and purpose of the Convention, and are also of the view that the provisions of Decree

No15 on Lebanese Nationality which distinguish between men and women in respect of their ability to confer nationality contravene the general obligation to eliminate all forms of discrimination against women which arises under Article 2 of CEDAW.

12. In Lebanon's 2008 response to the CEDAW Committee's List of Issues, the government stated that there has been no opportunity for the achievement of any official progress in terms of granting right of nationality to the children of Lebanese women married to non-Lebanese due to the critical political situation in Lebanon since the war of July 2006 and the repercussions of that war. We note the Committee's urging however that Lebanon "recognize the negative impact of its nationality law on Lebanese women married to foreigners and on the children of these women and, accordingly revise its nationality law and remove its reservation to Article 9 of CEDAW. We note with appreciation government indications in 2012 that it would grant civil rights to children of Lebanese women in relation to access to work, health care, and residency permits, but our information suggests this largely remains to be implemented and we call on the State Party to implement all such measures without delay as a stepping stone to amending the nationality law to allow for full equality in nationality rights between men and women.
13. As a party to CRC, Lebanon has obligations to ensure that all children have the right to acquire a nationality; the right to the enjoyment of the highest attainable standard of health; the right to free primary education and the accessibility of secondary and higher education. Children of Lebanese women who are denied citizenship face significant discrimination, including in regards to the provision of social services such as access to public education and health services.¹ Despite the fact that Decree No15 on Lebanese Nationality permits mothers to confer nationality when the father is unknown or stateless, anecdotal information suggests that even in these instances, Lebanese women have not been able successfully to obtain citizenship for their otherwise entitled children.
14. As a party to ICCPR, Lebanon has obligations to ensure that all persons are equal before the law and are entitled without any discrimination to the equal protection of the law; and to ensure that every child has the right to acquire a nationality. Decree No15 on Lebanese Nationality denies women equal protection of the law. As also referenced above, despite provisions intended to prevent statelessness, numerous cases have been documented under which the children of Lebanese mothers and unknown or stateless fathers were unable to obtain citizenship.

¹ United Nations, Committee on the Rights of the Child, 42nd Session, Concluding Observations: Lebanon, Paragraph 27, CRC/C/LBN/CO/3 (8 June 2006), available from http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fLBN%2fCO%2f3&Lang=en

15. As a party to ICESCR, Lebanon has obligations to ensure the widest possible protection and assistance should be accorded to the family; protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions; the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, in particular in regards to the healthy development of the child and the creation of conditions which would assure to all medical service and medical attention; the right to free primary education, the accessibility of secondary and higher education; and the right to work. Families of Lebanese women, whose children and spouses are denied Lebanese citizenship, face significant hardships and human rights violations due to gender discrimination in the country's nationality law. Children and spouses are denied equal access to social services, including access to education and health services, and are denied equal economic opportunities.

Recommendations

16. Based on the significant human rights violations resulting from gender discrimination in Lebanon's nationality law, in violation of commitments to multiple international human rights treaties, the following recommendations are made:
- I. Fully promote, respect, protect and fulfil its obligations under international human rights law. In particular, ensure that its national laws, policies and practices fully comply with CEDAW and CRC, and with general principles of equality and non-discrimination enshrined in international treaties.
 - II. Recognize the fundamental human right of all human beings to a nationality, without discrimination. Recognise also that right to a nationality is not subject to the unfettered discretion of administrative authorities, but instead should be protected by the state, which has an obligation to implement court decisions in this regard.
 - III. Take immediate steps to amend/repeal all discriminatory provisions that prevent women from acquiring, retaining and transferring citizenship on an equal basis with men and ensure the effective implementation of the law.
 - IV. Recognise the independent right of each parent to provide citizenship based on lineal descent to their children, and the right of both women and men to confer citizenship to their foreign spouse on equal terms.

- V. Address patriarchal and discriminatory societal attitudes that prejudice public decision making and undermine the equality and dignity of Lebanese women.
- VI. Ratify the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.