

# **Predicament of Lebanese Women Married to Non-Lebanese**

**Field Analytical Study**

**Dr. Fahima Charafeddine**

## **Abstract**

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**Dr. Fahima Charafeddine**



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## The United Nations Development Program (UNDP)

The Nationality law in Lebanon does not grant women the right to pass their nationality to their husbands and children on an equal basis with men. This violates a fundamental right of women. It also breaches the principle of equality with men, constituting an infringement upon their rights as citizens. This pushed several civil society organizations in Lebanon to demand the amendment of the Nationality Law to promote women's rights and enhance citizenship and the role of women in public life. This demand not only conforms to the Lebanese Constitution, which acknowledges the principle of equality in rights, but also to international conventions, namely the Charter of Human Rights.

Within the framework of its program to promote women's rights, UNDP supports this cause through working closely and in partnership with the National Committee For the Follow up on Women's Issues to implement the "Lebanese Women's Rights and the Nationality Project". It undertakes many activities to mobilize the necessary support and establish broad national dialogue to amend the Nationality Law to grant women equal rights with men. Since the first task is to determine the scope of the problem, a team of researchers was assigned to conduct this study. This study is aimed at highlighting the number of Lebanese women married to non-Lebanese, their children, and their distribution from a statistical point of view. It also seeks to shed light on the social and economic conditions of women and their husbands, the main problems facing their families, particularly their children. We based our study on figures available between 1995-2008 from 31 sources of information, namely the Ministry of Interior and Municipalities, as well as the Islamic and Christian religious courts concerned with civil status in Lebanon and in marriage records.

The study adopted the methodology of in-depth interviews with 34 women from various regions of Lebanon to examine their conditions and provide a social file covering the major problems that they encounter under the present Nationality Law. We hope that our study, which we put at the disposal of the civil society, the government and the Lebanese legislature, will secure the necessary mobilization to amend the law in order to achieve equality between women and men in Lebanon.

In conclusion, we rely on our partnership with civil society, especially women's and human rights organizations. We would also like to thank the National Committee for the Follow up on Women's Issues and all the organizations contributing to the Project Board. Special thanks also go to the chief researcher, Dr. Fahima Charaffedine, and the Statistics and Documentation Bureau, namely Mr. Kamal Feghali for their efforts. Our thanks are also extended to all of those who participated in the debates, preparations, interviews and comments necessary to make this study a success.

We hope this study will serve as the main pillar in the process of change for the sake of equality of rights between men and women in Lebanon, and for the development, improvement and progress of this country.

**Marta Ruedas**  
  
**UNDP Resident Representative**

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## National Committee for the Follow up on Women's Issues

Since its inception, the National Committee for the Follow up on Women's Issues has given special attention to the elimination of all forms of discrimination against women, especially in the laws of Lebanon. It commenced working in this field since its foundation in 1996 by preparing consecutive campaigns to raise the awareness vis-a-vis different forms of legal discrimination against women in cities, rural areas and among diverse social categories. These campaigns were conducted in cooperation with local institutions, such as the Bar Association, judges and experts in law, and with civil society organizations involved in human rights, as well as some international institutions. These meetings took place over the past 10 years and discussed the Labor Code, the Social Benefits Law, the Penal Code and the Civil Status Law, particularly the Nationality Law, based on legal studies prepared by professionals.

This study completes these efforts, especially those efforts which focused on the Nationality Law since 2007. During that year, the National Committee for Follow up on Women's Issues undertook two campaigns relevant to the Nationality Law, one of which was in northern Lebanon, under the slogan **"My Mother's home is my home"**. The second was carried out in southern Lebanon, under the title of **"My nationality is a right for my husband and children"**. These two campaigns presented valuable information regarding the problems of Lebanese women married to non-Lebanese men, but they were not enough to understand the predicament of women all over Lebanon. Hence, in 2008, and with UNDP's support, we established a project, entitled **"Lebanese women's rights and the Nationality Law"**. The project is aimed at providing better knowledge of the predicament of Lebanese women married to non-Lebanese men in all Lebanese governorates. This task was not easy given all the obstacles that we encountered in a country like Lebanon, where numbers are inaccessible. Moreover, due to the complications of the confessional and political system, access to figures was also very complicated. Going to courts was a very difficult task, since one has to obtain permission at the beginning and then work with manual records since writing is still the prevalent form of registration.

This study was based on three elements:

- 1- Revision of all the studies, researches, training and mobilization completed so far.
- 2- Wide field survey that included the period from 1995 to 2008, i.e. over 14 years, in order to know the approximate number of Lebanese women married to non-Lebanese men and the families which have been affected. This survey managed to give us an approximate picture of the reality of Lebanese women married to non-Lebanese men.
- 3- Identification of the family problems which Lebanese women married to non-Lebanese men suffer from via in-depth interviews with 34 women from all social classes, various Lebanese sects and governorates.



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The results proved that the Lebanese Nationality Law negatively affects not only women but rather the whole family. Many problems also arose, such as access to education, social and health services, as well as the problems of residency, work and inheritance. Finally this study highlighted the national obstacles which prevented any significant progress with women's rights, in general, and the Nationality Law, in particular. The study also proved that denying women the right to pass their nationality to their husbands and children does not only deprive them their fundamental rights as citizens, but also deprive their children from their fundamental rights to live as human beings. Moreover, denying the children their right to citizenship would prevent them from residing in Lebanon, hence leading to the dismantlement and separation of the family.

Through this project, we aspire to communicate with the government officials, civil society, and other stakeholders in order to work together to abolish the injustice women face, to pave the way for equality between men and women.

The National Committee for the Follow up on Women's Issues would like to thank the researcher Dr. Fahimah Sharafeddine for conducting this valuable study; Mr. Kamal Feghali for his efforts in the field survey; Project Manager Mrs. Nayla Madi Masri; and all of those who contributed and worked hard with perseverance to complete and issue this study.

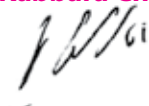
Our great appreciation goes to the continuous financial and technical support of UNDP, namely Ms. Marta Ruedas - UNDP Resident Representative in Lebanon, Mr. Hassan Krayem UNDP Governance Programme Manager, and Ms. Mirna Sabbagh UNDP Programme Officer, who did not spare any efforts to fully support this project, with the hope that we would be able to amend the current Nationality Law..

Without doubt it is not enough to eliminate injustice towards women by amending this law only and we have to amend all laws that are unfair to women.

We hope that the information presented in the study will help to raise interest among government officials and political parties in proposed draft law that we will submit to them and to raise awareness of the Lebanese government about the problems which families of Lebanese women married to non-Lebanese men face.

In conclusion, the study states that equality is a sacred right for all Lebanese. It is a right that is still incomplete and women should be granted this right.

**Dr. Aman Kabbara Chaarani**



**President of The National Committee  
for the Follow up on Women's Issues**



## Part I

# The Lebanese Women Movement and Development of Women's Demands

The Lebanese women movement is one of the Arab women movements that started in the beginning of the 20th century. This means it has existed for around 100 years or perhaps a bit less (The first women' union was founded in 1921). This renders the question about the achievements of the Lebanese women's movement. The question is justified because the "achievements" of these movements could not make the quantum leap for Lebanese women from the private field to the public one. They did not exceed the "practical needs", i.e. education, health and work. Even if these needs were pivotal for women's empowerment, they have not helped yet in completing that quantum leap towards what Caroline Mozar called "Strategic needs", i.e. changing women's status in society and taking her out from the private domain and giving her the chance to accomplish her independent personality and existence inside Lebanese society. It is enough to look around and see who has what and who does what? Then, we will deduce that the Lebanese woman, just like other Arab women, is still remote from equality with men and are far from receiving it.

### **Why did the development variables slow down in a country like Lebanon?**

### **Why couldn't Lebanese women's organizations, which are the pioneers among Arab women's movements, fulfill their promises to change women's status in a way that is adequate to their potentials and capacities?**

It would be useful to point out three stages that the Lebanese women's movement passed through. The 1<sup>st</sup> stage is that of beginnings, when the vision was progressing in a clear intersection with the Lebanese independent movements which covered the first half of the 20<sup>th</sup> century.

The second stage is the one **that was greatly influenced by the Lebanese Civil War that lasted for 15 years and which introduced many changes to the interests and priorities of women's movements.** Maintaining life and helping in **alleviating** the pain **drove the women's movement back to pastoral functions which it had already begun to relinquish.** The third stage, which is the most important, was marked by the end of the Lebanese war and the beginning of peace.

We cannot look at the third phase without considering the qualitative changes that accompanied the shift from an internationalized world to a globalized one. **This gave women's organizations an importance in view of the anticipated expectations in a changing world, and provided them with representative legitimacy that constituted the basis for the new attempts adopted by the Lebanese women's movement.**

The announcement of the Beijing conference was the most prominent event regarding these changes. However, the importance of this conference is not attributed only to the serious objectives which it defined for itself but in the preparations accompanying the conference. These preparations managed to put women's issues, particularly those of participation and empowerment, in the spotlight. They

also provided a very convenient atmosphere for a radical reconsideration of how women see themselves and of what the society expects from them. They also contributed to developing the types of alliances which began to form inside the women's movement.

### **Lebanese women movement's efforts to eliminate discrimination against women in laws and the status of the Nationality Law vis-à-vis these efforts**

The Beijing Conference is of special importance to the Lebanese women's movement. It is the first conference for which preparations are made at the national level. The Beijing Declaration defined 12 platforms of action to enhance women's conditions and adjust their status in society, paving the way for equality between men and women. That was at the world level. As for the Lebanese women's movements, old and new, they selected specific fields in the Beijing Declaration, which were until that time lacking in these associations' work. Political participation, the fruit of the Lebanese women's movements' efforts in the 1950's (1953 was the year in which the Women's Right to Participation in Political Life became law), was not effectively implemented over 50 years. In light of the invitations for women's participation in decision-making, such participation topped the agenda of women's movements. Moreover, these movements focused on the laws discriminating against women in all fields and gave special importance to issues of violence against women. Furthermore, they focused on equality as a strategic objective for society as a whole and not only women. Hence, old and modern women movements (such as the Lebanese Women's network, the National Committee for the Follow-Up on Women's Issues, KAFA organization, the Lebanese Association for Combating Violence Against Women, Collective for Research and Training on Development Action, etc...) have launched national campaigns aimed at eliminating discrimination against women in laws (Penal Code, Nationality Law, etc...).

**However, the problem has not been resolved yet.**

**Why hasn't it been resolved? What are the main excuses that some Lebanese politicians and legal experts give to prevent any amendment of laws, namely the current Nationality Law?**

**What are civil society organizations reactions to that?**

Under a sectarian political system that is established on the distribution of spoils between confessions, numbers play a major role in determining these spoils and their future trends. All the Lebanese people, men and women, know that the absence of new statistics about the population in Lebanon is merely a manifestation of such concern accompanying the demographic changes which have been taking place in Lebanon since its establishment.

The strictness revealed by politicians and even legal experts when it comes to considering the Nationality Law is only a result of these confessional ideologies.

This is how the Nationality Law has become one of the doors which confessions insist on keeping closed. So far, the recent studious attempts which we highlighted and which were led by civil organizations and women's associations have not succeeded in opening it.

If the patriarchal Lebanese social system has set the foundations of discrimination against women in Lebanese laws early, i.e. since its

establishment, the sectarian political system has thwarted any possibility to amend these laws until now.

These excuses given to the advocates (men and women) of amending the Nationality Law were not based on any realistic and objective knowledge of what is taking place in society. Governments and non-governmental organizations (NGOs) do not have any data or statistics on the general trends of Lebanese women's marriages to non-Lebanese men, and if there is any real deliberate focus on a certain nationality.

One of the manifestations of this knowledge deficit is obvious in the politicians' responses to the issuance of correct verdicts in cases relevant to the Nationality Law and discrimination against women in this law.

These issues and many others prompted the National Committee for the Follow-Up on Women's Issues, which experienced such problems in the South and North, that showed the extent and depth of the problem, to propose an integrated project on **"Lebanese women's rights and the Nationality Law."**

This project, technically and financially supported by UNDP, is under implementation.

**What is this project about? What are its objectives and means?**



## **Part II**

# **Lebanese Women's Rights and the Nationality Law Project**

**The project on “Lebanese Women’s Rights and the Nationality Law” is a joint one between civil society and UNDP, aimed at achieving equality between men and women in the Nationality Law. This project does not claim to be the starting point in raising the issue of discrimination in the Nationality Law in Lebanon, but it can be considered as a one that proposes a new methodology to deal with this problem. This methodology is based on three pillars:**

- The **first pillar** is the socio-legal study of the condition of households of Lebanese women married to non-Lebanese men. The study includes two main levels: **the quantitative** and **the qualitative**.
- The **second pillar** is the one relevant to reinforcing the capacities of women's associations and other civil society organizations through providing them with the necessary knowledge (results of the study) and the networking and advocacy skills needed to continue the journey towards the amendment of the current Nationality Law. This was done via publishing a training manual on advocacy and lobbying in addition to conducting training sessions across Lebanese regions.
- The **third pillar** is the media campaign: A public awareness campaign that enhances the idea of amending the current Nationality Law was prepared and will be launched to raise awareness vis-à-vis this discriminatory law and disseminate the information that the study reached through articles, publications, the press and meetings with the media. The campaign will also concretely depict the negative impacts the current Nationality Law has on the households of women married to non-Lebanese men. The objective is to build favorable public opinion to amend the law that is founded on objective facts which reveal the negative impacts and the tragic consequences of the current Nationality Law.

**We believe it is high time to refute the allegations of those opposing the principle of equality between men and women in the Nationality Law. The current Nationality Law, as everybody acknowledges, is the best manifestation of discrimination against women in Lebanon. In addition to violating the basic principles on which the Lebanese Constitution was founded, namely the principles of freedom and equality, this law is not based on any religious reference. Contrary to the Civil Status laws which are strongly opposed by clergymen, opposition to changing this law is considered material for political blackmail, via rhetoric that links between the law and equilibrium inside sectarian groups on one hand and between the national and regional (problem of the Palestinians' settlement) on another hand.**

## **2-1 Study: Its objectives, methodology, sources and findings**

As we can see, huge efforts have been deployed to abolish discrimination against women in Lebanon. These efforts bred success in different fields. However, some of these laws, among which is the Nationality Law, remain resistant to that. The women's movement did not have a lot of quantitative and qualitative data to push this topic towards a successful conclusion, i.e. the amendment of the existing law.

### **2-1-1 Objective of the study:**

- Produce quantitative and qualitative knowledge about the size and extent of the problem in a diverse country that is open to the world, and about the negative impact the current Nationality Law has on children's rights and households in general.
- Set this knowledge and data at the disposal of government officials and at that of civil society organizations involved in the elimination of discrimination in laws and advocacy for equality.

### **2-1-2 Methodology of the study**

We wanted this study to be complete, where it is not restricted to surveying the number of women married to non-Lebanese men via a field census. It tries rather, via comparison, to unveil the **subjective and objective elements** in this problem, i.e. unveil the conditions which women and their households are living on personal and general levels.

This is why a deliberate sample of households was selected. The sample has the following four criteria:

- **Geographical criterion** from different areas of Lebanon in order to detect the impact of geography on the selection of the spouse and to what extent local communities impact the status of households.
- **Confessional criterion** (Muslim and Christian women) in order to better know the different nationalities recurrent with every religion.



- **Social criterion**, where we considered 500,000 Lebanese Pounds as a standard to determine the social categories in terms of the minimum wage. This criterion is very important to examine the deprivation households suffer from, whether on the financial level (low social class) or the moral/psychological levels (middle and upper classes).

- **Criterion of the spouse's nationality** (Arab and non-Arab). This standard is also very significant to understand the different trends resulting from religious and cultural influences on these options.

**2-1-3 Sources of the study**

This study relies on a field survey that covered 31 institutions, which can be summed up as follows:

- **Ministry of Interior and Municipalities and its directorates:**

General Directorate for Political Affairs and Refugees, General Directorate of General Security, and the Directorate of Civil Status

- **Islamic religious courts:** Sunni, Shiite and Druze

- **Archbishopries and Christian churches-UNRWA**

**How are marriages to non-Lebanese men distributed among religions?**

**Are these the real percentages of different marriages?**

**Are these percentages sufficient to deny the Lebanese women's rights to their full citizenship?**

**2-1-4 Study's field survey**

**Sample of Quantitative research**

The sample covered 31 institutions from different religions and areas. This survey was conducted over 14 years, i.e. from 1995 to 2008. This period was selected since it comes straight after the nationalization decree, as many similar problems were resolved by this decree.

The survey produced an enormous quantity of data (reaching 679 pages) which included information on:

Spouse's age group, spouse's sect, brief on spouse's sect, spouse's religion, spouse's country, spouse's continent, spouse's affiliation, wife's birth, wife's age group, wife's sect, brief on wife's sect, wife's religion, date of marriage contract, and number.

**2-2 Results of the study's field survey**

**Around 18,000 marriages were contracted between Lebanese women and non-Lebanese men during 14 years (1995-2008).**

The number of marriage contracts between Lebanese women and non-Lebanese men was estimated at 18,000, based on the marriage contracts which were surveyed at religious authorities and civil status directorates.

8.2% of Muslim women married non-Lebanese men and 2% of Christian women married non-Lebanese men. Around 87.5% of the marriage contracts between Lebanese women and non-Lebanese men are registered with respect to the Muslims and 12.5% are registered with respect to the Christians.

**Chart (1) Estimate of marriages between Lebanese women and non-Lebanese men according to religion**

Religion	Number	Number of registered marriages to non-Lebanese men	Percentage according to religion	Percentage according to marriages
Muslim women	191,483	15,635	8.2	87.5
Christian women	108,932	2,225	2.0	12.5
Total	300.415	17.860	5.9	100

### Estimated number of men and women harmed by the current Nationality Law

The number of men and women negatively affected by the current Nationality Law, which does not grant a woman the right to pass her nationality to her children and non-Lebanese husband, reached 77,400 individuals.

This number was calculated based on the fertility rate in Lebanon which is 2.3%<sup>(1)</sup>. Hence, the number of the men and women involved during the period 1995 and 2008 was:

**Parents: 18,000 x 2= 36,000**

**Children: 18,000 x 2.3= 41,400**

**Total: 77,400 men and women harmed (father, mother and children)**

**77,400 individuals are members of households to whom the current Nationality Law has been unjust. 41,400 individuals are children of a Lebanese mother, who is a Lebanese citizen, whose obligations are accurately defined by the Constitution in times of peace and war. She has the right to select and elect her representatives. According to the Constitution, she is qualified to defend her country when duty calls. She proved her skills in that domain. She fulfills her fiscal obligations just like other citizens, if not more. Yet, she lives in her country as a stranger. She is forced to wait in long queues, just like strangers, to obtain residency permits for her children. She is also forced to resort to "men of power" in order to obtain a work permit for her husband so that she makes sure he remains by her and children's side.**

### 2-2-1 Estimated number of marriages between Lebanese women and non-Lebanese men according to the sect

If we look at the sect variable, we would be dealing with other unexpected information. Statistics proved that:

The largest percentage of marriages between

Chart (1) depicts the scale of the problem as a result of the current Nationality Law. The problem as estimated by statisticians affects 77,400 individuals. This figure becomes significant when we remember that the population in Lebanon does not exceed 4 million people.

Those individuals live in Lebanon, and they are members of the households which reached 18,000 households in a short period of time between 1995 and 2008, i.e. in 14 years.

Lebanese women and non-Lebanese men is among the Sunnis, constituting 11.1% of the total Sunnis. This is followed by the Shiites with 6.9%. More than half of the marriages between Lebanese women and non-Lebanese women are registered within the Sunni sect with 51.5%, followed by the Shiites with 33.6%, and the Orthodox with 5.6%.

**Chart (2) Estimated Number of Marriages between Lebanese women and non-Lebanese men**

Sect	Number of marriages registered in civil status directorates	Estimated number of marriages between Lebanese women & non-Lebanese men	Percentage according to sects	Percentage according to marriages
Sunni	82,647	9,200	11.1	51.5
Shiite	87,276	6,000	6.9	33.6
Druze	19,857	400	2.0	2.2
Alawite	1,703	35	2.1	0.2
Orthodox	19,964	1,000	5.0	5.6
Maronite	67,993	700	1.0	3.9
Catholic	12,334	250	2.0	1.4
Armenian	5,091	150	2.9	0.8
Christian Minorities	3,550	125	3.5	0.7
Total	300,415	17,860	5.9	100.0

(1) The fertility rate in Lebanon reached 2.3% in 2005 according to UNDP/POGAR. For more details, see: [www.undp-pogar.org](http://www.undp-pogar.org).

### How were these percentages calculated? Calculation method and sample projection on the national level

When examining the marriage contracts, the total contracts were counted as were the contracts between Lebanese women and non-Lebanese men. These contracts were regarded as a sample, and they were projected in the same percentage on the total contracts of the registered sect during the same period at civil status directorates.

**Example:** 63,060 marriage contracts were examined within the Sunni sect, out of which there were 7,018 registered marriages between Lebanese women and non-Lebanese men, i.e. 11.1%. This means that the approximate number of marriages between Lebanese women and non-Lebanese men among the Sunnis on the national level is calculated by considering the same percentage out of the total marriages for the same period of time, i.e.  $82,647 \times 11.2/100$ . The same rule was applied to all sects.

### 2-2-2 Distribution of spouse's nationalities (according to the area<sup>(1)</sup>) according to the religion of the marriage contract authorities

In another distribution that takes the area into account, we will see that:

78.1% of Muslim women married Arab citizens, while 50.3% of Christians married Arabs. Moreover, 25.7% of Christians married Europeans, as opposed to 9.3% of Muslims. 16.2% of Christians married Americans, compared to 6.3% of Muslims.

**The chart also shows the total number of Lebanese women married to non-Lebanese according to the area. The percentage of Lebanese women married to Arabs pegged at 74.7%, followed by 11.4% to Europeans and 7.5% to Americans. This translates Lebanon's status as an Arab country in the Arab world. It also illustrates the reality of confessions living in Lebanon and their relations with their surroundings and abroad.**

**Chart (3) Distribution of spouses' nationalities (according to the area) according to the religion of marriage contract authorities**

Spouse's nationality	Muslims	Christians	Total
Arab	78.1	50.3	74.7
Europe	9.3	25.7	11.4
America	6.3	16.2	7.5
Oceania	3.0	5.0	3.2
Asia (non-Arabs)	2.9	0.6	2.6
Africa (non-Arabs)	0.3	1.0	0.4
Undefined	0.0	1.2	0.2
Total	100.0	100.0	100.0

The importance of charts and quantitative statistics lies in the fact that that **they dissipate the political opposition by government authorities and the society as well to amend the current Nationality Law.** Chart (3) presents figures to dispel these illusions. If the rate of Muslims who married Arabs was 78.1%, that of Christians is 50.3%. This rate

is balanced with Europeans, as the percentage of marriages between Christians and European nationalities reached 25.7%. As for Muslims, it did not exceed 9.3%.

(1) The continents were not taken into consideration because Arab countries are distributed between two continents and because many marriages are related to citizens of Arab countries.

So is the case with the Americans, where the rate among Christian women is 16.2%, while it stands at 6.3% among Muslims.

If the disparities are clear in the percentage of marriages to non-Lebanese between Lebanese Muslim women and Lebanese Christian women, almost the same percentage is shown when counting the marriages registered in religious governmental institutions, international ones and UNRWA, during the same period.

**The Nationality Law which discriminates against women was adopted in 19/1/1925. However, the Palestinian refugees came to Lebanon in 1948. This proves that the law is discriminatory in its origin and has nothing to do with the concerns and fears of Palestinian settlement.**

**2-2-3 Distribution of spouses according to the sects of wives**

Sunnis: 38.8% of women married to non-Lebanese men are married to Palestinians, 19.2% to Syrians and 8.0% to Egyptians.

Christians: 30.5% of women married to non-Lebanese men are married to Syrians, 10.9% to Americans, 9.9% to French, 7.8% to Egyptians and 6.9% to Palestinians.

Shiites: 22.7% of women married to non-Lebanese men are married to Syrians, 21.6% to Iraqis and 9.0% to Egyptians.

**The chart depicts that the total rate of Lebanese women married to Syrians reached 22.0% and to Palestinians 21.7%. They are very close percentages. These percentages confirm once again that the opposition to amend the Nationality Law is not based on real knowledge of the actual situation in the country.**

**Chart (4) Distribution of spouses’ nationalities according to wives’ confessions**

Husband’s country	Wife’s Confession				Total
	Sunni	Christian	Shiite	Druze	
Palestine	38.8	6.9	2.1	4.3	21.7
Syria	19.2	30.5	22.7	30.4	22.0
Egypt	8.0	7.8	9.0	0.0	8.0
Jordan	4.4	4.4	1.9	0.0	3.5
USA	2.7	10.9	4.9	34.8	5.2
KSA	4.2	0.0	2.4	0.0	3.0
Australia	3.1	4.9	1.8	17.4	3.2
Germany	3.1	1.7	3.9	0.0	3.1
Kuwait	3.2	0.1	5.3	0.0	3.4
Iraq	0.8	0.8	21.6	0.0	7.8
France	0.8	9.9	2.1	0.0	2.4
Canada	1.5	4.7	0.6	4.3	1.6
UK	0.7	3.3	1.0	0.0	1.1
UAE	1.1	0.1	1.3	0.0	1.1
Sweden	1.0	0.9	0.8	0.0	0.9
Denmark	1.0	0.3	0.3	0.0	0.7
Iran	0.1	0.2	5.8	0.0	2.0
Bahrain	0.3	0.0	4.4	0.0	1.6
Other	6.0	12.6	8.1	8.8	7.7
Total	100.0	100.0	100.0	100.0	100.0

### Hence, how were marriages between Lebanese women and Palestinians distributed according to the confession?

Chart (5) shows that the number of marriages between Sunni Lebanese women and Palestinians was 3,576, i.e. 91.6% of the total marriages contracted between 1995 and 2008.

**Chart (5) Distribution of marriages between Lebanese women and Palestinians according to confessions**

Confessions of a husband	Number	Percentage
Sunni	3576	91.6
Christians	183	4.7
Shiite	129	3.3
Druze	18	0.4
Total	3906	100

Chart (6) below, which was provided by the Ministry of Interior and Municipalities, illustrates that 63.7% of the marriages contracted during the same period reached 300,415, distributed according to confessions, were among Muslim women (Sunni, Shiite, Druze and Alawite) and 36.3% were among Christians (Maronite, Orthodox, Catholic, Armenian and minorities).

**Chart (6) Marriages distributed according to religions**

(the religion of males was adopted as per the mechanism of registration in civil status directorates)

Religion	Number	Percentage
Muslims	191,483	63.7
Christians	108,932	36.3
Total	300,415	100.0

In detail, it turns out that the percentage of Sunni Lebanese women who married Palestinians reached 38.8%, while only 22.7% of Shiite women got married to Syrians.

As for Lebanese Christian women who got married to non-Lebanese, Syrian spouses were ranked first with a rate of 30.5%. Moreover, 22.7% of Shiite Lebanese women got married to Syrians. These rates are of significance, as they reflect to a great extent the sectarian demographic distribution in Lebanon.

They also conform a lot to the percentages that were shown in the distribution of spouses' nationalities according to the marriage contract authorities. The rates show that 23.8% of Lebanese Muslims were married to Palestinians, while 30.5% of Christians got married to Syrians.

### 2-2-4 How were marriages distributed in Islamic courts?

Perhaps the detailed information illustrated in charts presented by different courts in charge of

**The men and women negatively affected by this law are not from one sect, and their families are distributed among all denominations. So do we have the right, under any circumstance, to deprive women from their right to be citizens who fully enjoy the rights secured by citizenship?**

**Reading the figures helps us change our judgments. The Palestinians or the Syrians are not from one denomination, just like the Lebanese. And we should not under any circumstance look at the demographic balance of confessions and groups as a political priority without examining the situation of individuals, as well as the social and psychological problems resulting from this unjust law.**

different sects helps us understand what is taking place. This makes us focus more and more on the injustice done to women, regardless of the group they belong to. It asserts once again that the alleged equilibrium is not a sufficient reason to prevent the amendment of the law.

#### a- Sunni religious courts

82.8% of the marriages between Lebanese women and non-Lebanese men at Sunni religious courts have been contracted to Arab citizens, and 17.16% to non-Arab citizens.

**Chart (7) Distribution of marriages between Lebanese women and non-Lebanese men in Sunni religious courts according to the national affiliation of the spouse**

National affiliation of the spouse	Number of marriages	Percentage
Arabs	5809	82.8
Non-Arabs	1204	17.16
Undefined	5	0.07
Total	7018	100.0

### b- Jaafari (Shiite) Courts

The chart below shows that 73.9% of marriages between Lebanese women and non-Lebanese men in Jaafari (Shiite) courts have been contracted with Arab men, while 26.1% of the marriages were contracted with non-Arabs.

**Chart (8) Distribution of marriages between Lebanese women and non-Lebanese men in Jaafari courts and Civil Status Directorates according to the national affiliation of the spouse**

National affiliation of the spouse	Number of marriages	Percentage
Arabs	658	73.9
Non-Arabs	232	26.1
Total	890	100.0

### 2-2-5 How were they distributed in archbishopries and Christian churches?

In an accurate reading of the figures, Chart (9) shows:

48.5% of the marriages between Lebanese women and non-Lebanese men in Christian churches have been contracted with non-Arabs, while 50.3% of Lebanese Christian women got married to Arabs.

**Chart (9) Distribution of marriages between Lebanese women and non-Lebanese men in Christian churches according to the national affiliation of the spouse**

National affiliation of the spouse	Number of marriages	Percentage
Non-Arabs	557	48.5
Arabs	578	50.3
Undefined	14	1.2
Total	1149	100.0

### 2-3 Impact of the current Nationality Law on children and households: Talk, tears and outrage!!

#### 2-3-1 Analysis of Interviews

Thirty-four women were chosen according to defined four standards: **confessional, regional, social and that of the spouse's nationality.**

Hence, 34 women were selected distributed as follows: 13 Sunnis, 9 Shiites, 4 Druze and 8 Christians. This option reflects the number of marriages shown by the census. The Sunnis are the most women married to non-Lebanese, followed by the Christians, Shiites and Druze.

The women spoke up. We can say that most of them started by talking and ended up crying and expressing outrage.

We should start with the right to choose, choose the spouse. They (women) chose their spouses without giving attention to their nationality. However, most of them did not know that they would not be able to pass their nationality to their children and husbands (the legal illiteracy is deeper and stronger than the illiteracy of letters).

#### 2-3-2 Problems encountered by Lebanese women married to non-Lebanese men

The interviews presented bountiful material about the suffering and problems endured by Lebanese women married to non-Lebanese.

We could classify these problems encountered by women into four categories that are organically interlinked. However, these categories have different and diverse impacts, varying from one family to another. The following are the categories:

- Problems in the residency of children and husband.
- Problems at work
- Problems in receiving health care and education
- Problems in inheritance
- Psychological problems

**Residency:**

The residency problems constitute a series of endless episodes. They are a nightmare for limited-income people. Even women who are of middle social class complain about the time they spend on this issue, and express their concern regarding appointments.

**Work:**

All the women interviewed face difficulties at work and all of them have concerns and fears regarding the future of their children. Their concern arises when thinking about the future, especially that of their children.

The cases are diverse and the problems recur. The Lebanese women married to non-Lebanese men are exposed to all sorts of exploitation. They are forced to give in to the conditions of the employer, while the husband is incapable of obtaining a work permit that enables him to conclude correct contracts.

**Education and health care:**

If the problems of families of good social class are limited to residency and work, the suffering of the remaining households having financial problems exceeds that. These families do not have access to either health care or education. Lebanese women who are married to non-Lebanese cannot enroll their children in public schools because they are treated as foreigners. In addition, they cannot benefit from public health care.

**Inheritance:**

All women expressed their concern vis-à-vis the inheritance issue. As per the Lebanese law foreigners can own a certain percentage of the land or property and this presents a problem to Lebanese women married to foreigners. The case is more complicated for those women married to Palestinians who are denied the right to own any property in Lebanon, thus their mother's cannot inherit them any property or land.

**Psychological problems:**

On the psychological level, most of these households do not have many problems due to cultural and historical openness in Lebanon. Moreover, children do not feel any inferiority on this level. They feel they belong to Lebanon more than their country of citizenship. However, the feeling of being estranged, social isolation and the incapacity of mingling because of the language i.e. suffering resulting from problems of social integration - accompanies some nationalities which are victims of international strategies.

**Numerous were the problems which women talked about. They are problems that people of different cultural, social levels and political orientations (Syrian, Palestinian, Iraqi...) encounter. They shed the light on the human rights of all citizens (men and women alike). If human rights guarantee to an individual the fundamental rights, i.e. right to work, health care, habitat and property, the rights of citizenship renders the optional matter a mandatory one. Women are citizens. Hence, where are their human rights?**

**There are further diverse problems emanating from the current Nationality Law, among which is the feel of non-belonging that accompanies lives of families and the deep concern going hand in hand with details of daily life. If the feeling of estrangement is the least urgent in a society that is as open as the Lebanese society, the children's worries regarding the future and for the future, which they get from their parents, turn misery into pains which mother voiced with some tears that accompanied their confession of ignoring this law and the resulting problems it brings to their families.**





## **Part III**

### **Towards full citizenship for women:**

### **Another Nationality Law that Achieves Full Citizenship for Women**

**The concept of citizenship requires a legal relationship between the individual and the state. It is a relationship that involves obligations and rights defined by legislations and legal procedures. Lebanon might be a perfect role-model to discuss legislation and legal procedures conflicting with constitutional principles, leading to blatant discrimination against women and undermining of their citizenship.**

### 3-1 How is citizenship embodied in the Constitution and legislations?

Perhaps it would be useful to point out that Lebanon has signed many conventions and bills, the most important of which may be the Universal Declaration of Human Rights of 1948, especially since Lebanon took part in drafting this instrument. Article 2 of the Declaration stipulated: *“Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind... namely sex”*.

Moreover, Lebanon’s conclusion of the Convention on the Elimination of All Forms of Discrimination Against Women in 1996 is regarded an objective foundation to abolish discrimination against women. However, the Lebanese government voiced its reservations regarding Articles 9, 16 and 29. Therefore, it tried to take back with the left hand what it gave with the right. Thus, things remained the same and women’s citizenship remained incomplete. Denying women their right to pass their nationality to their children breaches the principle of equality, rendering them citizens of the second degree.

**This law might be acceptable in an age that is gone, when a woman needed a custodian and when her capacities and potentials did not enable her always to make the right choices and decisions. However, today, in light of rates of female graduates of higher education exceeding those of males, and in light of capacities in administrative and political affairs which women have been in charge of, this unjust law should not persist.**

### 3-2 What should be done? How should the Nationality Law be amended?

#### Draft Bill Gender Equality in Nationality Law

#### Determining Grounds

Whereas Article 7 of the Lebanese Constitution provides that all Lebanese are equal before the law, enjoy their civil and political rights and must comply with their public obligations without discrimination;

Whereas the preamble of the same Constitution confirms Lebanon compliance with the United Nations treaties and the Universal Declaration of Human Rights;

Whereas by law n°572 of August 1, 1996, Lebanon has ratified the Convention on the Elimination of All Forms of Discrimination against Women adopted by the United Nations General Assembly on December 18, 1979, while State expresses reserves on some provisions mainly on Article 9 & 2 which grants women equal rights with men with respect to the nationality of their children;

Whereas these reservations are detrimental to the rights of the child, the man, the woman and the whole family and to human rights as well, being unjustly discriminatory against women, in addition to having created a conflicting situation at the social and human levels in Lebanon;

Whereas the nationality law in Lebanon (Order n°15 of 19 January 1925) was promulgated under the French mandate in 1925, before the declaration of the Greater Lebanon;

Whereas the Lebanese man has been given the right to grant the Lebanese nationality to his foreign wife, contrary to the situation of a Lebanese woman married to a foreigner denying the woman’s right to grant her nationality upon her child, such right being a privilege of the father;

Whereas the nationality law has become obsolete and does not satisfy anymore the ambitions and the needs of the Lebanese society;

Whereas this discrimination causes prejudice to the woman’s citizenship, has a negative impact on the family and denies children many rights in employment, associations, jobs, residence, social allowances, housing, acquisition of properties and other rights;

Whereas this long-standing issue, which is detrimental to the national and human conscience, must be dealt with from all aspects and dimensions: historical, legal and social;

Therefore,

This suggested amendment falls in the third

millennium of gender equality with respect to nationality issues, aiming at (a) recognizing the right of the child born from a Lebanese mother to acquire the Lebanese nationality by birth (*jus sanguinis*) and, (b) empowering the Lebanese woman married to a foreigner to grant upon him her own nationality on equal terms with men.

The determining grounds for the amendment of the law fall under two main sections:

1- First ground: This ground tackles the woman's right to grant upon her child what is equivalent, supplementary and linked to giving him birth, that is recognizing his right to the nationality of his mother; it is also the child's right by blood link to his father, that the same applies to his blood link to his mother in nationality matters, knowing that the nationality of the parents is the right of the child on both parents, jointly and separately.

2- The woman's right to bring her child to this world, to raise him and to guard him is concurrent to her right, even to her duty to confer nationality on him.

It is the mother who conceives and gives birth to her child; the consanguinity between the mother and her child is certain and unquestionable. Therefore, her nationality is not an accessory that is bestowed upon the child in exceptional cases provided for by the law, as in the case of a child born from an unknown father; it is rather a primary quality which can be bestowed upon any child born from her womb. All Lebanese mothers are equal and prejudicing the right of the Lebanese woman to her nationality only because she is married to an alien is unjust.

Depriving a mother from conferring her nationality upon her child shackles her as if her nationality would come to an end upon her death and as if her nationality is a right contingent upon not marrying an alien. Why would she need it as long as it terminates upon her death, whereas her fate is to survive through her siblings and the family she raises.

Depriving a child of the nationality of his or her Lebanese mother has negative repercussions on the family, on the society and on the human being for it is a crime against the child and the mother.

Depriving a child from his mother's nationality is a painful reality which makes the child born from a Lebanese mother and an alien father a stranger to his country and a burden on his society towards which he feels resentment, knowing that he

deserves the Lebanese citizenship and nationality as does a child born from a Lebanese father and a Lebanese mother, especially that he considers Lebanon to be his true and final country, his motherland.

Recognizing the nationality of a mother to her child is an obligation imposed upon her and the society before being a right. The right of a child to the nationality of his mother is not a favor but rather a sacred right and a natural and biological project.

3- Second ground: the right of women as human beings equal to men from the human and legal points of view to confer their Lebanese nationality on their alien husbands in application of the gender equality principle in citizenship.

Women in general, and particularly in Lebanon, have the right to live with dignity, to achieve education, even higher education and to enter the professional and working life, like men. Lebanese women have also the right to vote and to run for elections, to represent their country in Parliament, to practice their civil rights in commerce, to join syndicates, associations, political parties and to hold any function in the private sector or occupy any political, ministerial or administrative position. Women are equal to men in rights and obligations, not to mention that they are striving to improve their education and their professional competencies in order to participate in building their society.

Consequently, the Lebanese woman should have the right to bestow her nationality upon her husband who shares with her the Lebanese family life, preserving his destiny from being a permanent alien and a foreigner to the family spirit and to the society which he helped promoting.

Men and women are equal in founding and raising a family, and in all nationality matters.

Based upon the aforementioned,

The Order n°15 of 19 January 1925 (nationality law) and the law n°572 of August 1<sup>st</sup>, 1996 ordering Lebanon to adhere to the Convention on the Elimination of All Forms of Discrimination against Women should be amended.

Moreover, the new law to be issued should also avoid any discrimination against women to allow those stemming from a Lebanese origin to take back their Lebanese nationality.

## Amendment Order n°15 of 19 January 1925

Article	Current text	Proposed amendment
<b>Article 1:</b>	<p>“Is considered Lebanese:</p> <ul style="list-style-type: none"> <li>● Each person born from a Lebanese father</li> <li>● Each person born on the territory of the Greater Lebanon and it is not proven that he/she acquired a foreign nationality by parents and child relationships at birth.</li> <li>● Each person born on the territory of the Greater Lebanon from unknown parents or parents of unknown nationality.”</li> </ul>	<p>“Is considered Lebanese:</p> <p>Each person born from <b>a Lebanese father or a Lebanese mother.</b></p> <p>Each person born on the Lebanese territory and it is not proven that he/she acquired a foreign nationality by parents and child relationships at birth.</p> <p>Each person born in Lebanon from unknown parents or parents of unknown nationality.”</p>
<b>Article 2:</b>	<p>“The illegitimate child whose parentage is proven while underage, acquires the Lebanese nationality if one of the parents to whom parentage was first proven is Lebanese. If the proof of parentage with the father or the mother results from a single contract or a single judgment, the child acquires the nationality of the father in case the father is Lebanese.”</p>	<p>“The illegitimate child whose parentage is proven while underage, acquires the Lebanese nationality if one of the parents to whom parentage was first proven is Lebanese. If the proof of parentage with the father or the mother results from a single contract or a single judgment, the child acquires <b>the nationality of either of his Lebanese parents even though the other party bestows his/her foreign nationality upon him.</b>”</p>
<b>Article 4:</b>	<p>“The woman married to an alien who acquired the Lebanese nationality, and the adult children born from the alien man who acquired the said nationality, may, upon their request, acquire the Lebanese nationality with the exclusion of the domiciliation condition, be it by virtue of the decision which grants the nationality to the husband, the father or the mother or by special decision. The same applies to underage children born from a father who acquired the Lebanese nationality or a mother who acquired the Lebanese nationality and survived the father, unless they renounce this nationality during the year that follows the attainment of their majority.”</p>	<p><b>“The man or woman married to an alien who acquired the Lebanese nationality, and the adult children born from the alien spouse who acquired the said nationality, may, upon their request, acquire the Lebanese nationality with the exclusion of the domiciliation condition, be it by virtue of the decision which grants the nationality to the husband, the father or the mother or by special decision. The same applies to underage children born from a father or a mother who acquired the Lebanese nationality, unless they renounce this nationality during the year that follows the attainment of their majority.”</b></p>
<b>Article 5:</b>	<p>“The alien woman who marries a Lebanese man becomes Lebanese, upon her request, one year after the marriage is registered with the census office.”</p>	<p><b>“In case one of the spouses is alien, he/she shall acquire upon his/her request the nationality of the Lebanese spouse one year after the marriage is registered with the census office.”</b></p>

Article	Current text	Proposed amendment
<b>Article 6:</b>	<p>“The Lebanese woman who marries an alien remains Lebanese until she asks for the deletion of her registration from the census records for acquiring the nationality of her husband.”</p>	<p><b>“The Lebanese woman who marries an alien remains Lebanese until she asks for the deletion of her registration from the census records for acquiring the nationality of her husband.”</b></p>
<b>Article 7 (paragraph 1):</b>	<p>“The woman who lost her Lebanese nationality by marriage to an alien can take it back after dissolution of the marriage upon her request. The Lebanese women married before the census of 1932 who lost their nationality by marriage and were not registered in the census records, can, after dissolution of the marriage be registered by judicial award if it is proven that on August 30, 1924 they were present on the Lebanese territory on the said date and can take their nationality back by virtue of Article 2 of the law of January 31, 1946.</p>	<p><b>“Any of the spouses who lost his/her Lebanese nationality by marriage to an alien can take it back upon his/her request.</b> The Lebanese women married before the census of 1932 who lost their nationality by marriage and were not registered in the census records, can be registered by judicial award, if it was proven that on August 30, 1924 they were present on the Lebanese territory; for those who were not present on the said date, they can take their Lebanese nationality back by virtue of Article 2 of the law of January 31, 1946.</p>
<b>Article 10:</b>	<p>“While reserving the right to choose provided for in the Treaty of Peace signed at Lausanne in 1923, is considered Lebanese every person born in the territory of the Greater Lebanon from a father who was also born there and who was holding the Ottoman nationality on November 1, 1914.</p>	<p>“While reserving the right to choose provided for in the Treaty of Peace signed at Lausanne in 1923, <b>is considered Lebanese every person born in Lebanon from a father or a mother who was also born there and who was holding the Ottoman nationality on November 1, 1914.</b></p>
<b>Article 11:</b>	<p>“Children and married women who acquired a foreign nationality by virtue of Article 36 of the Treaty of Peace signed at Lausanne can acquire the Lebanese nationality by presidential order after investigation and provided they reside in the Lebanese territory, upon submitting a declaration in this regard during the year that follows the attainment of their majority or the dissolution of the marriage.”</p>	<p>“Children and married women who acquired a foreign nationality by virtue of Article 36 of the Treaty of Peace signed at Lausanne can acquire the Lebanese nationality by presidential order after investigation and provided they reside in the Lebanese territory, upon submitting a declaration in this regard during the year that follows the attainment of the majority <b>in the case of the children.</b>”</p>

## Law 572 of August 1st, 1996

Article	Current text	Proposed amendment
<b>Article 1</b>	<p>The government is authorized to adhere to the Convention on the Elimination of All Forms of Discrimination against Women adopted by the United Nations General Assembly on December 18, 1979 and enclosed herewith provided that Lebanon enters a reservation that it is not bound by :</p> <p>Article 9(2) relating to granting women equal rights with men with respect to the nationality of their children</p> <p>Article 16 (1) (c) (d) (f) and (g) concerning:</p> <p>c- The same rights during marriage</p> <p>d- the same rights in matters relating to their children</p> <p>f- The same rights with regard to guardianship, wardship, trusteeship and adoption</p> <p>g- The same rights to choose a family name</p> <p>Article 29 (1) relating to referring any dispute between States concerning the interpretation or application of the Convention to the International Court of Justice.</p>	<p><b>Proposed amendment:</b></p> <p>The reserves expressed by Lebanon on Article 9 (2) from the Convention on the Elimination of All Forms of Discrimination against Women. Women are granted equal rights with men with respect to the nationality of their children and any provisions to the contrary shall be revoked.</p> <p>Shall be ratified the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.</p>

## Part IV

### Conclusions and Findings

The study informed us and all interested parties that families from a wide category of Lebanese women are suffering from diverse and numerous problems which have to do with fundamental human rights, i.e. the right to work, right of property, right of movement, right to have access to medical care and education. All of these problems conflict with the principle of equality guaranteed by the Constitution to all Lebanese. Added to that, are psychological problems that affect all members of the family, resulting in women feeling estranged in their own country. Obtaining a residency permit is not a normal act for a citizen (man/woman) living in his/her country. Moreover, there are problems of education and medical care which place Lebanese women married to non-Lebanese men at a dead end. Instability, a lack of both security and reassurance about the future manifest themselves as grief and pain in families, regardless of the social class they belong to.

#### Our conclusion

**The amendment of the current Lebanese Nationality Law towards equality between men and women has become a dire need for many households. It is a right which women insist on obtaining, as per the Lebanese Constitution. Women in Lebanon are just like men. The Constitution guarantees them the right to a decent life, right to education and higher education, right to enter vocational and practical life. Women also enjoy the same political rights as men. They may vote, run as candidates in elections, represent the nation in the Parliament. Moreover, women also have civil rights which enable them to trade and to be members of unions and associations. They are also entitled to take up any post in the public sector, or any administrative, political or ministerial post in the public and private sectors. Hence, do not these women have the right to decide who to marry? Don't they have the right to enjoy the same rights as men, in terms of selecting their spouses? Shall a woman be denied the right to pass her nationality to the person whom she chose as her life partner? Shall she be denied the right to pass her nationality to those who are part of her?**

What we have to underline here goes beyond the obligatory reasons stipulated by the Constitution, i.e. equality in rights and obligations between citizens (men and women). It has to do with the natural right of a blood tie between a mother and her child which is certain, unique and essential. The mother's nationality is not one of an emergency that is given to the newborn in an exceptional case defined by the law, as is the case with the child of an "unknown father". It is an authentic nationality that should be given to every child originating from her womb. All Lebanese, men and women, are equal in what they share. Hence, the right of a Lebanese woman to her nationality should not be undermined just because she is married to a foreigner.

**The political concerns obstructing a just and equal Nationality Law will impact the lives of many Lebanese women and their families. Should Lebanese women be the only ones to pay such a price? Aren't non-Lebanese women married to Lebanese men an element of weight in this political equation?**

This study aimed to highlight the complicated hardships of families of women married to non-Lebanese men. Isn't it time now to reconsider a law that discriminates against half of the population in a country that is considered to be ahead of others since it is seen as a beacon of civilization to the world?

Many countries are ahead of us in this domain; countries which open their borders and civilizations to others. Morocco is ahead, and so are Algeria and Egypt, and they are densely-populated countries with many groups.

**Isn't it time to introduce the concept of equality into politics?**

**The amendment of the current Lebanese Nationality can no longer be put off and women are aspiring to this amendment, not as a favor but as a right.**

# موجز الدراسة بالإنكليزية