

## **Status of Human Rights in Lebanon for the 2020 Universal Periodic Review**

1. The European Center for Law and Justice (ECLJ) is an international, non-governmental organisation dedicated to promoting and protecting human rights around the world. The ECLJ holds Special Consultative Status before the United Nations Economic and Social Council. The purpose of this report is raise concerns regarding the status of human rights, including rights of women and children in Lebanon for the purpose of the 2020 Universal Periodic Review (UPR).

### **Background**

2. Lebanon is home to 6.1 million people, and is a majority Muslim nation, with over 61% of its population practicing some form of Islam. Christians are estimated to make up just under 34% of the population<sup>1</sup>, and in recent years, “[m]any Christians persecuted elsewhere in the region have fled to Lebanon”<sup>2</sup>.

3. Lebanon’s previous UPR review was held on 2 November 2015. During that review, numerous countries raised concern over the treatment of women within Lebanon and urged Lebanon to allow women to pass on their Lebanese citizenship to their children. Member states also recommended that Lebanon “[a]dopt laws to eliminate child, early and forced marriage”<sup>3</sup>. Further recommendations were made that Lebanon remove its reservation to article 9 of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)<sup>4</sup>. Lebanon merely “noted” these recommendations and the concerns they raised.

### **Legal Framework Regarding Citizenship**

4. Article 7 of the Lebanese Constitution states, “All Lebanese are equal before the law. They equally enjoy civil and political rights, and assume obligations and public duties without any distinction among them”<sup>5</sup>. However, in practice women are not afforded equal rights. For instance, under Lebanese law, Lebanese women who marry a foreigner are not permitted to pass their Lebanese citizenship on to their children<sup>6</sup>.

5. According to an unofficial translation, Article 1 of the Lebanese Nationality law states:

Is considered Lebanese:

(a) Every person born of a Lebanese father.

(b) Every person in the Greater Lebanon territory and did not acquire a foreign nationality.

(c) Every person born in the Greater Lebanon territory of unknown parents or parents of unknown nationality<sup>7</sup>.

6. Thus, under this law, a child born to a Lebanese mother and a foreign father, even if born within Lebanon, will not be granted citizenship if the foreign citizenship of the father is passed down to the child. This means that in order to live and work within Lebanon the child is required to routinely reapply for Lebanese residency as well as acquire a valid work

permit<sup>8</sup>. On the other hand, any child born to a Lebanese man is given Lebanese citizenship, even if the mother is a foreigner, and the child is not born in Lebanon.

7. This law is discriminatory against women on its face because it explicitly grants a right to male Lebanese citizens that it does not equally grant to female Lebanese citizens. Lebanon has signed and ratified the CEDAW, but has placed reservations on key sections. For example, Lebanon holds reservations to Article 16 (1) (c) (d) (f) and (g). The relevant sections of Article 16 state:

(1) State Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

(c) The same rights and responsibilities during marriage and its dissolution;

(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship, and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;<sup>9</sup>

8. Furthermore, Article 9 of the CEDAW states:

1. State Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

2. State parties shall grant women equal rights with men with respect to the nationality of their children<sup>10</sup>.

However, according to Lebanon's reservation to the CEDAW, it considers itself not bound to adhere to the protections granted in Article 9.

## **Legal Framework Regarding Child Marriages**

9. During the previous UPR cycle, numerous countries also recommended that Lebanon ban the practice of child and forced marriages. Lebanese law currently does not establish a minimum age for marriage, and as result, girls under the age of 18 are being forced into marriages<sup>11</sup>.

10. Lebanon has signed and ratified the International Convention on Civil and Political Rights (ICCPR). Section 3 of Article 23 of the ICCPR states that "no marriage shall be entered into without the free and full consent of the intending spouses"<sup>12</sup>. Additionally,

Article 16 (1)(a)(b) of the CEDAW states that:

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

(a) The same right to enter into marriage;

(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;<sup>13</sup>

11. Notably, Lebanon has made reservations regarding Article 16 (1) sections (c), (d), (f), and (g) of the CEDAW. While Lebanon does not consider itself bound to those sections, it is still required to adhere to the principles and protections provided in sections (a) and (b).

12. Moreover, Lebanon has ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) which states that “[m]arriage must be entered into with the free consent of the intending spouses”<sup>14</sup>.

13. However, in Lebanon, there is no government control over marriage and divorce; instead, religious groups are in charge of overseeing marriages and divorces<sup>15</sup>. As a result, some religious groups permit girls younger than 15 to be married<sup>16</sup>.

14. A 2016 report by the United Nations Children Fund (UNICEF) found that between 2008 and 2014 approximately 1% of women between the ages of 20 and 24 were married by the time they were 15, and 6% of women between the same age were married by the age of 18<sup>17</sup>.

15. In 2017, members of the Lebanese parliament introduced a law that established 18 as the minimum age for marriage. However, the bill was only briefly discussed by parliamentary committees before being dismissed<sup>18</sup>.

## Conclusion

16. We ask that Lebanon adopt measures to ensure that women be treated equally under the law. Specifically, that they also be allowed to pass on citizenship to their children. No child born within Lebanon should be denied the citizenship of their parents. This is especially true when, under the law, citizenship is granted in all instances when the father is a Lebanese citizen, yet that same right is not given to all Lebanese mothers. Being granted citizenship is crucial to ensure that children born to a Lebanese parent are able to freely live in Lebanon, work, and enjoy the rights granted to all other Lebanese citizens.

17. Additionally, the Lebanese government must do more to counter the culture and practice of forced and child marriages. By signing and ratifying the CEDAW, the ICESCR, and the ICCPR, Lebanon has committed to ensuring that no child marriage has any legal effect, and that all women have the right to freely choose their spouse. Lebanon must work to adopt legal measures that regulate the minimum age for marriage to ensure the appropriate and legal consent of both spouses.

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- <sup>1</sup> 2018 Report on International Religious Freedom: Lebanon, U.S. DEP'T OF STATE (21 June 2019), <https://www.state.gov/reports/2018-report-on-international-religious-freedom/lebanon/>.
- <sup>2</sup> Carl Anderson, *A Mass Christian Exodus from the Middle East Would be a Catastrophe*, NEW YORK POST (15 Nov. 2019, 2:48 PM), <https://nypost.com/2019/11/15/a-mass-christian-exodus-from-the-middle-east-would-be-a-catastrophe/>
- <sup>3</sup> Database of Recommendations – Lebanon, UPR-INFO, [https://www.upr-info.org/database/index.php?limit=0&f\\_SUR=9&f\\_SMR=All&order=&orderDir=ASC&orderP=true&f\\_Issue=All&searchReco=&resultMax=300&response=&action\\_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly](https://www.upr-info.org/database/index.php?limit=0&f_SUR=9&f_SMR=All&order=&orderDir=ASC&orderP=true&f_Issue=All&searchReco=&resultMax=300&response=&action_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly) (last visited 19 Mar. 2020).
- <sup>4</sup> *Id.*
- <sup>5</sup> Constitution of Lebanon Art. 7, available at [https://www.constituteproject.org/constitution/Lebanon\\_2004.pdf?lang=en](https://www.constituteproject.org/constitution/Lebanon_2004.pdf?lang=en).
- <sup>6</sup> *Lebanon: Discriminatory Nationality Law*, HUMAN RIGHTS WATCH, (3 Oct. 2018), <https://www.hrw.org/news/2018/10/03/lebanon-discriminatory-nationality-law>
- <sup>7</sup> Decree No15 on Lebanese Nationality, 19 January 1925, (unofficial translation) art. 1, available at <https://www.refworld.org/pdfid/44a24c6c4.pdf>.
- <sup>8</sup> *Lebanon: Discriminatory Nationality Law*, art. 1, unofficial translation, available at <https://www.refworld.org/pdfid/44a24c6c4.pdf>.
- <sup>9</sup> Convention on the Elimination of All Forms of Discrimination Against Women, Dec. 18, 1979 art 16.
- <sup>10</sup> Convention on the Elimination of All Forms of Discrimination Against Women, Dec. 18, 1979, art. 9.
- <sup>11</sup> *A Child Bride's Attempted Suicide in Lebanon*, HUMAN RIGHTS WATCH (19 Dec. 2018), available at <https://www.hrw.org/news/2018/12/19/child-brides-attempted-suicide-lebanon#>.
- <sup>12</sup> International Covenant on Civil and Political Rights, Dec. 16, 1966, S. Treaty Doc. No. 95-20, 6 I.L.M. 368 (1967), 999 U.N.T.S. 171 art. 23.
- <sup>13</sup> Convention on the Elimination of All Forms of Discrimination Against Women, Dec. 18, 1979 art. 16.
- <sup>14</sup> International Covenant on Economic, Social and Cultural Rights, Dec. 16, 1966, art. 10.
- <sup>15</sup> BUREAU OF DEMOCRACY, H.R. AND LAB., U.S. DEP'T OF STATE, LEBANON 2018 INTERNATIONAL RELIGIOUS FREEDOM REPORT (2018).
- <sup>16</sup> *A Child Bride's Attempted Suicide in Lebanon*, *supra* note 10.
- <sup>17</sup> The State of the World's Children 2016, (UNICEF), available at [https://www.unicef.org/publications/files/UNICEF\\_SOWC\\_2016.pdf](https://www.unicef.org/publications/files/UNICEF_SOWC_2016.pdf).
- <sup>18</sup> *Protestors Demand for Law to Ban Child Marriage in Lebanon*, NEW CHINA (3 Mar. 2019) [http://www.xinhuanet.com/english/2019-03/03/c\\_137863796.htm](http://www.xinhuanet.com/english/2019-03/03/c_137863796.htm).