



BOSTON CONSORTIUM *for*
ARAB REGION STUDIES

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Citizenship in Context: Lebanon

Throughout 2019 and 2020, the Boston Consortium for Arab Region Studies will release a series of bulletins examining how citizenship is located at the nexus of several overlapping issues related to displacement, human rights, and the role of civil society in the Arab Region.

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Millions of citizens across the Arab Region are increasingly excluded from exercising their basic human and civil rights, whether they remain in their national home or are seeking refuge outside their state borders.

As part of this “Citizenship in Context” series, the BCARS Bulletin will examine how the crisis of citizenship is located at the nexus of several overlapping issues related to displacement, human rights,

and the role of civil society in states where citizenship rights are in jeopardy.

BCARS is utilizing citizenship as a lens through which to assess these issues, deepening the understanding of the current situation for individuals whose citizenship rights are threatened.

While our focus is on the Arab Region, these issues and questions are global in nature.

I.

Citizenship in Context: Lebanon



Lebanon is a place where plurality abounds. The struggle to unite so many people with different national origins, religious backgrounds, and political leanings has come to define the country over time.

In this context, those who are lacking citizenship rights, classified as “stateless” people in Lebanon, and those at risk of statelessness, are among the most vulnerable and marginalized people in the country, facing a range of restric-

tions on their access to basic rights and services.¹ Stateless Lebanese, Palestinians residing in Lebanon, refugees, migrants, trafficked individuals, and children all experience statelessness, placing their citizenship rights in jeopardy.

UNHCR cites three main causes of statelessness in Lebanon: **1)** historical (exclusion from Lebanon’s 1932 national census); **2)** legislative (gaps in legal framework which deny nationality to some),

and **3)** administrative (inability to provide proof of right to citizenship).²

These causes are discussed in greater detail below, and impact the diverse populations within Lebanon in complex and intersecting ways, resulting in vulnerabilities that stem directly from statelessness status and imperfect citizenship.

¹ Van Waas, Lauren (2014). “Statelessness and the Numbers Game in Lebanon.”

² “Stateless Persons,” *UNHCR Lebanon*. <https://www.unhcr.org/lb/stateless-persons>.

I.

Citizenship in Context: Lebanon

What is statelessness? How do we conceptualize it, and who is affected?

“The existence of statelessness in the 21st century is an indictment of the effectiveness of international human rights law, and a challenge to those working to promote, protect, respect and fulfill human rights at national, regional and international levels.

Statelessness is the most acute violation of the right to a nationality; a well-entrenched principle of international human rights law. Furthermore, the stateless are vulnerable to discriminatory and unequal treatment in accessing and enjoying all other rights they are entitled to, from the rights to education and healthcare; to the freedom of association and expression; the right to liberty and security of the person and the freedom of movement.

The human rights impact of statelessness on individuals, families and entire communities is well documented, but remains largely unaddressed.³”

This Bulletin will place issues of citizenship and statelessness in Lebanon in context by exploring:

- Which populations are at risk of statelessness in Lebanon? Which are the populations unable to perfect citizenship?
- What are the consequences of stateless status? What vulnerabilities do stateless and at-risk of statelessness populations face in Lebanon?

- How do laws and policies in Lebanon perpetuate these vulnerabilities?

- How, if at all, are these issues being addressed?

Insights for this Bulletin are largely a result of the Statelessness and Refugees in Lebanon Workshop, held in November 2018 in Beirut, Lebanon through collaboration between BCARS, Boston

University’s [International Human Rights Clinic](#), and the American University of Beirut’s [Issam Fares Institute](#).

The workshop included representatives from local organizations in Beirut and across Lebanon, as well as leading international organizations, working on issues of statelessness and deprivation of citizenship rights in Lebanon.

³ “What Is Statelessness?” *Institute on Statelessness and Inclusion*. <http://www.institutesi.org/world/whatis.php>.

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The causes of statelessness in Lebanon include, but are not limited to: gender discriminatory nationality laws (denying women the right to confer Lebanese nationality to their children and spouses); a complex civil registration system (placing significant barriers to birth and marriage registration for mixed Lebanese and non-Lebanese families); discriminatory legislation affecting historical groups of stateless people (i.e., those who became stateless when Lebanon became independent); and policies and practices preventing refugee and migrant populations from perfecting citizenship and escaping the statelessness cycle.

Gender Discrimination: Perpetuating Stateless Status

Lebanon's nationality law contributes to the reproduction of statelessness based on gender, and also discriminates against women as citizens. The law clearly states that a Lebanese child is Lebanese when the child is born to a Lebanese father. Challenges around establishing proof of lineage and marriages

that occur between Lebanese men and non-Lebanese women contribute to perpetuating statelessness amongst Lebanese and children of mixed marriages.

Furthermore, the husbands and children of Lebanese women must regularly register for legal residency, work permits, and passports, which can be costly and complex.⁴

In Lebanon's current political climate, there is significant antagonism toward human rights reform, particularly on women's rights and personal freedom.

Calls for amending the law have been heard, but not effectively acted upon, despite the fact that the law as currently written violates both international law and Lebanon's own constitution, which guarantees all Lebanese equality before the law. As Lebanon is also party to international human rights treaties that prohibit discrimination against women conferring nationality,⁵ the impetus to change this law is strong.

Additionally, with the arrival and protracted stay of refugees and migrants in Lebanon, mixed marriages and children of mixed national origin are more and more frequent, making the necessity of changing the gender-discriminatory measures set forth in Lebanon's nationality law more urgent.

Barriers to Marriage & Birth Registrations

The complex civil registration system presents a challenge to citizenship rights for both Lebanese and people of other nationalities residing in Lebanon. A lack of awareness about registration procedures and requirements, a lack of transparency and consistency throughout these processes, and corruption make the successful registration of births and marriages, amongst Lebanese and non-Lebanese in Lebanon difficult.

The inability of Lebanese and non-Lebanese to adhere to registration requirements contributes to intergenerational statelessness, a cycle that is difficult to reverse

⁴ "Lebanon: Discriminatory Nationality Law," *Human Rights Watch*. <https://www.hrw.org/news/2018/10/03/lebanon-discriminatory-nationality-law>

⁵ Ibid.

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due to the labyrinthine costly legal processes required to change an individual's status.

Currently, birth declarations must be submitted to a Civil Status Officer at the place of a child's birth within 30 days. Submissions made after 30 days are subject to a fine, and a birth declaration that is delayed for more than a year requires filing a voluntary lawsuit to obtain a judicial decision to execute the registration. Failure to register children means nationality and legal status will not be passed down, and the child will become stateless and deprived of many basic and fundamental rights.

Stateless children who remain stateless and then marry also will not be able to register a future marriage, and thus will be unable to register his or her own children, further perpetuating the statelessness cycle.⁶

Discriminatory Legislation Affecting Historically Stateless People

Lebanon's delicate demographic balance, and formal denial of how that balance has shifted over the years due to a lack of a national census since 1932,⁷ makes strategy formation and coalition building on the issue of statelessness uniquely complex.

Some have acquired their stateless status from their ancestors, who failed to register in the 1932 census, and thus perpetuate the cycle. Others who fled persecution in neighboring countries to Lebanon and registered as *Qayd ad Dars* (Under Study) also lack citizenship rights and are considered stateless.⁸

In these cases, the cost and lengthy judicial proceedings required to obtain citizenship and register with the state prevent many from going to courts, perpetuating cycles of statelessness within these populations.

Lack of Protections for Refugee and Migrant Populations

Lebanon is home to several different refugee and migrant populations of myriad nationalities. Palestinians in Lebanon lack protection of their basic rights due to their complex status as both refugees and stateless persons within Lebanon.

Despite the fact that many Palestinians have been residing in Lebanon for decades, they are still considered *de facto* foreigners and as a result are deprived of any positive benefits that would attach from formal nationality or refugee status recognition.

Furthermore, the rights afforded to Palestinian refugees in Lebanon under the mandate of UNRWA—the UN agency in charge of Palestinian refugees—are not equivalent to those afforded to refugees protected by UNHCR under the

⁶ "Birth Registration Procedures in Lebanon," *Frontiers Ruwad Association*. https://frontiersruwad.files.wordpress.com/2015/03/birth-registration-manual_english.pdf.

⁷ "The Lebanese Demographic Reality," *Lebanese Information Center*. <https://www.lstatic.org/PDF/demographenglish.pdf>.

⁸ "Statelessness in Lebanon," *Frontiers Ruwad Association*. https://frontiersruwad.files.wordpress.com/2015/03/upr-lebanon-2015_frontiers-association-submission-on-statelessness_f.pdf.

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1951 Refugee Convention. This divided mandate, with UNRWA responsible for Palestinian refugees and UNHCR for all other refugees, has created differential treatment between Palestinians and refugees from different countries, leaving Palestinians with significant gaps in protection.

Palestinians in Lebanon have borne the harsh consequences of this political positioning in a wide range of ways, from being denied rights to work, to own property, to access higher education, to travel, to family unity, and to personal security both in and outside of crowded camps in which the majority are confined to live. The debate around whether Palestinians in Lebanon are in fact stateless remains unresolved, and the problem of a lack of any defined legal status results in ongoing deprivation of their basic human rights.

For Syrian refugees in Lebanon, they must formalize births and deaths through both local and state procedures, so those who are unable

or unwilling to access Syrian government authorities to register births or marriages face risk of statelessness. Syrian children born in Lebanon who do not register with the Lebanese state (many do not for reasons outlined later in this report) will be both stateless in Lebanon *and* stateless if and when they return to Syria in the future.

Moreover, Syrian Kurds who were unable to obtain citizenship prior to becoming refugees due to discriminatory legislation in Syria, remain stateless in Lebanon (and other states of refuge), and statelessness is perpetuated for their children born in exile for a combination of the reasons affecting their parents and others facing barriers to status.

While Syrian refugees are the focus of much humanitarian programming in Lebanon, they are just one of many vulnerable groups who face or are at risk of statelessness. Economic migrants, victims of trafficking, returned

ex-combatants, separated children, and unaccompanied minors also require protection. Stateless individuals within these groups are particularly vulnerable, and it is usually through humanitarian assistance or protection programming affecting various aspects of their livelihood, such as education, gender-based violence prevention, or health programming that stateless individuals' needs are identified, rather than through programs that specifically target the stateless.

Impact of Imperfect Citizenship: Why Status Matters

The vulnerabilities resulting from stateless status in Lebanon vary based on the demographics (Lebanese, Palestinian, refugee, child etc.) as well as with income level and gender. Stateless people without identity documents in Lebanon may be at risk of arrest as they move through checkpoints. At the very least, their ability to travel from town to town may be hindered.

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Children who are stateless face challenges in obtaining education and healthcare, and may be forced to join the child labor force, which proliferates in Lebanon.

Furthermore, some organizations have noted the connection between sectarian violence and stateless status, in the sense that ex-combatants who are stateless may perpetuate violence upon return to their homes due to a lack of access to services. Accessing healthcare in Lebanon without proper documentation is also challenging.

Those attempting to access the court system in Lebanon to address their stateless status are also vulnerable to financial exploitation.

Stateless Lebanese and others at risk of statelessness are also often relegated to the informal sector of the economy for their livelihoods, where they face exploitation, unsafe working conditions, and a range of other vulnerabilities.

The vulnerabilities and conditions that result from stateless status and denial of citizenship rights for both Lebanese and non-Lebanese in Lebanon are severe and will persist without interventions.

Therefore, understanding not only *who* is impacted and *how*, but how to address these conditions and the resulting challenges to human and citizenship rights is essential.

III.

Key Recommendations & Ways Forward

While the context surrounding statelessness and citizenship rights in Lebanon is complex, agreement on definitions of statelessness, exploring strategies to create change on local and national levels, increasing accountability and transparency within government agencies, and addressing gender discrimination as a perpetuator of statelessness all provide potential ways forward in combating the vulnerabilities resulting from statelessness and a lack of citizenship rights in Lebanon.

Agreeing on Key Definitions

Conceptions of statelessness vary across Lebanon, the Arab Region, and the world, depending on what international norms and domestic laws apply.

Moreover, legal definitions and the laws and policies used to combat statelessness do not always capture the nuances of how different populations are perceived in terms of their “right” to national status, and how they experience statelessness. Thus, an initial problem to be solved is agreement on applicable definitions of stateless persons,

persons at risk of statelessness, and persons entitled to, but unable to access, Lebanese citizenship.

Addressing Gender Discrimination as a Perpetuator of Statelessness

Lebanon’s nationality law discriminates against women, and women’s inability to pass on nationality to their children in most circumstances perpetuates statelessness.

Gender equality in nationality/citizenship laws is an advocacy approach that finds common ground among many, if not all, of the Lebanese organizations working on citizenship deprivation and stateless issues.

Moreover, mobilizing around the demand for equal gender rights in nationality has been successful in the Arab North African states, creating possibilities for political traction in other states of the Arab League, including Lebanon. Lebanon has a vibrant women’s rights movement that has been working on equal gender nationality rights for some time, which can provide a strong foundation to combat statelessness on this basis, as well as improve

access to human rights for women (and their children) in Lebanon.

Working Locally, Thinking Internationally

From working with midwives and *mukhtars* (village or neighborhood leaders), for birth and marriage registration, to advocating for legal reform and trans-regional strategizing, Lebanese organizations are implementing different short, medium, and long-term strategies on behalf of their constituent populations.

Finding common ground and identifying the most effective strategies for change for diverse advocates to mobilize around to help combat statelessness and deprivation of citizenship rights in Lebanon is critical. Raising awareness about this issue on a local level through grassroots efforts (working with midwives and *mukhtars*) and on an international level (working with governments and international NGOs who serve stateless populations) must both be pursued.

III.

Key Recommendations & Ways Forward



Increasing Government Accountability and Transparency

Lebanon's unique government structure with built-in sectarian representation means that progressive change on issues of statelessness is difficult at the federal level.

Although accessing government institutions and processes is essential for establishing citizenship statuses and creating new paths for reducing statelessness, in the Lebanese context, such change may be easier to initiate at the local level and

through alliances with sympathetic individuals on government ministry staff. Increasing government accountability and transparency is particularly problematic in this reality, so solutions must combine local advocacy for those encountering corruption or arbitrary denial of citizenship rights with national advocacy campaigns for changes to the laws and policies themselves.

BCARS will examine where inroads can be made to strengthen these efforts with its research and policy analysis. As always, we welcome your feedback and opportunities for collaboration.

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