

The Campaign to End Statelessness and  
Perfect Citizenship in Lebanon



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## I. Introduction

Lebanese law and policy deprives thousands of individuals of citizenship. As a result, these individuals face statelessness, a problem that is growing with the influx of hundreds of thousands of migrants primarily, but not exclusively, from Syria. In order to address the dire consequences of deprivation of citizenship and potential statelessness, civil society, the United Nations (UN) bodies, Lebanese activists, and other concerned actors have been calling on Lebanon to urgently implement legal and policy changes to comply with its domestic and international law obligations. Among the urgently-needed changes are ensuring gender equality in citizenship law and fair and accessible civil registration for all.

This report provides background information on statelessness in Lebanon, examines legal and policy barriers to obtaining and perfecting citizenship, proposes solutions, and discusses progress that has so far been made.<sup>1</sup> The report incorporates research and fieldwork conducted over the course of a year from stakeholders, non-governmental organizations (NGOs), and other experts about the key issues affecting statelessness and the risk of persons becoming stateless in Lebanon. The report maps the main issues, laws and policies affecting stateless persons and those vulnerable to statelessness; provides information on strategies being pursued to address the problems; and identifies additional strategies that might assist in the reduction of statelessness.

## II. Problem Statement

Lebanon is not a party to the international treaties that define and require states to provide protection to refugees who are stateless or to stateless persons *per se*, nor does it have domestic legislation that ensures protection to persons who are stateless, at risk of or vulnerable to similar consequences as those of stateless persons. At the same time, Lebanon fails to provide a non-discriminatory and accessible process for civil registration, in violation of the State's obligations

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<sup>1</sup> "Perfecting citizenship" is the term used by stakeholders to describe the process of acquiring identity documents for Lebanese who, for whatever reason, are unable to obtain identity documents to prove their Lebanese citizenship, and are therefore effectively denied citizenship status. This term is commonly used in conjunction with Lebanon's discriminatory system of civil registration, which leaves many Lebanese unable to register their citizenship. All legal/specialized terms are defined in the glossary (*see* Annex I) and explained in detail in later sections. For a full list of stakeholders and government agencies, *see* Annex II.

under international and regional treaties as well as its own domestic laws. Lebanon's patrilineal citizenship law also fails to conform to the State's obligations under both international and regional treaties. These gaps in legal obligations and failure to conform to obligations that do exist contribute to the proliferation of statelessness in Lebanon. This report sets out proposals advanced by stakeholders that address the legal and policy gaps, and offers structural legal remedies for the main populations facing statelessness in Lebanon.

Because the causes of statelessness in Lebanon are so diverse, identifying affected populations is often difficult. The populations vulnerable to statelessness in Lebanon can be categorized as: (1) Lebanese nationals who are unregistered with the State because they or their parents could not obtain identification documents or otherwise perfect their citizenship; (2) stateless individuals, of Lebanese or other national origin, including children born in Lebanon to unknown parents, children born to a Lebanese mother and a father who is unknown, stateless, or of irregular status, and Palestinian refugees; and (3) individuals at risk of statelessness, including Syrian refugees (including Syrian children born in Lebanon or those born in Syria and displaced to Lebanon before being registered in Syria) and other migrants. These three distinct categories share some of the same barriers to citizenship or nationality, including lack of or impaired access to identity documents, gender-discriminatory citizenship laws, and problems with ensuring birth registration. Lack of access to documents proving citizenship or nationality status has acute and inter-generational consequences, including inability to move freely both inside and outside the country; lack of access to employment in the regular economy; deprivation of family unity; lack of access to health care and other services for which such individuals would otherwise be eligible; and over the long term, lack of durable solutions as either stateless persons or stateless migrants.

### **III. Methodology**

This report relies on legal and factual research gathered from roundtable discussions with partners and stakeholders at three workshops and interviews with Lebanon-based civil society organizations and legal service providers (non-governmental organizations or NGOs), international non-governmental organizations (INGOs), and United Nations (UN) organizations. The authors, a team of students and supervisor from the International Human Rights Clinic (IHRC) at Boston University School of Law, carried out extensive research on the applicable legal

frameworks and relevant policies, and analyzed reports from local and international human rights and UN organizations in order to understand the specific problems of statelessness and nationality facing Lebanon.

The first two workshops took place in fall 2018 in Boston and Beirut.<sup>2</sup> While in Beirut for the second workshop, the IHRC team conducted fieldwork consisting of interviews with fourteen stakeholders, including UN organizations and local and international NGOs. The work of the organizational informants includes protecting migrants' rights in Lebanon, assisting Lebanese in perfecting their citizenship, advancing women's rights in the context of citizenship, and advocating for greater access to rights for Palestinians in Lebanon. A third workshop with stakeholders was held in Beirut on June 10, 2019, and drew together stakeholders to discuss how to advance the key identified issues concerning statelessness and citizenship deprivation in Lebanon; how to link the statelessness/citizenship problems of Lebanon to similar issues across the Middle East; and what lessons could be learned from strategies and comparative work done by other regional networks on statelessness.

#### **IV. Background and Context of Citizenship and Statelessness in Lebanon**

Under international law, a stateless person is one who is “not recognized as a national by any state under the operation of its law.”<sup>3</sup> Often, statelessness forces individuals or even entire groups to overcome substantial legal and administrative hurdles just to access basic human rights and services. This makes stateless persons vulnerable to long-term, inter-generational marginalization. This is a problem of serious magnitude – in 2017, there were an estimated ten to fifteen million stateless individuals across the globe.<sup>4</sup> It is important to note that it is not just

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<sup>2</sup> The first workshop, held at the Boston University Pardee School of Global Studies on November 12, 2018, was a roundtable discussion with primarily academic partners to present existing and new research and discuss a proposed collaboration on statelessness with organizations in Lebanon. The second workshop on November 19, 2018 was hosted by the Issam Fares Institute (IFI) for Public Policy and International Affairs at the American University in Beirut and was geared towards stakeholder discussions on citizenship issues and on the various laws and policies affecting statelessness in Lebanon. This workshop established what the populations of concern should be for purposes of joint focus and subsequent research.

<sup>3</sup> Convention relating to the Status of Stateless Persons art. 1, Sept. 28, 1954, 360 U.N.T.S. 117; *Ending Statelessness*, UNHCR, <https://www.unhcr.org/en-us/stateless-people.html> (last visited May 13, 2019).

<sup>4</sup> *UNHCR Global Trends 2017*, UNHCR (June 25, 2018), <https://www.unhcr.org/globaltrends2017/>; *What is statelessness*, Inst. on Statelessness and Inclusion, <https://www.institutesi.org/what-is-statelessness> (last visited Oct. 14, 2019).

stateless individuals falling under the international definition who struggle to access basic rights and services and are vulnerable to marginalization. Lebanese nationals who lack the identity documents to prove their citizenship face deprivations similar to those faced by migrants and refugees. Although the 1954 Convention relating to the Status of Stateless Persons (1954 Convention) was drafted to protect stateless individuals by guaranteeing certain rights, only ninety-one countries have ratified the 1954 Convention to date.<sup>5</sup> Moreover, even in those countries that are Parties to the Convention and are bound to its provisions, basic rights often go unimplemented or unenforced.

In 2014, in response to growing problems of statelessness across the world, the UN Refugee Agency (UNHCR) launched the iBELONG Campaign to End Statelessness by 2024.<sup>6</sup> The Campaign seeks to resolve existing statelessness and prevent the creation of future stateless populations by mobilizing governments and civil society to better identify and protect stateless populations. Several regions in the world have already embraced this strategy and have mobilized to form statelessness networks.<sup>7</sup> Specifically, the iBELONG Campaign aims to end statelessness by ensuring that no child is born stateless, eliminating gender-discriminatory citizenship laws, protecting stateless refugees, ensuring birth registration, and issuing identity documents to those entitled to them.<sup>8</sup>

The problem of statelessness affects many different populations across the globe, and Lebanon hosts a number of such populations. Root causes of statelessness in Lebanon affecting particular populations can be traced to its modern history and demographic makeup. After Greater Lebanon was carved out of the French Mandate in 1920, but before the creation of the modern

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<sup>5</sup> *Chapter V: Refugees and Stateless Persons, 3. Convention relating to the Status of Stateless Persons*, U.N. TREATY COLLECTION, [https://treaties.un.org/Pages/ViewDetailsII.aspx?src=TREATY&mtdsg\\_no=V-3&chapter=5&Temp=mtdsg2&clang=en](https://treaties.un.org/Pages/ViewDetailsII.aspx?src=TREATY&mtdsg_no=V-3&chapter=5&Temp=mtdsg2&clang=en) (last visited May 14, 2019). The rights guaranteed to stateless persons by the Convention include the right to gainful employment, housing and public education, and freedom of movement and identity documents. Convention relating to the Status of Stateless Persons, *supra* note 3, arts. 17, 18, 19, 21, 22, 26, 27, 28. The 1954 Convention furthermore obliges States Parties to “as far as possible facilitate the assimilation and naturalization of stateless persons.” *Id.* at art. 32.

<sup>6</sup> *iBelong Campaign to End Statelessness*, UNHCR, <https://www.unhcr.org/ibelong-campaign-to-end-statelessness.html> (last visited May 13, 2019).

<sup>7</sup> See e.g., *Red de las Américas sobre Nacionalidad y Apatridia*, (Red ANA) AMERICAS NETWORK ON NATIONALITY AND STATELESSNESS, [www.americasns.org](http://www.americasns.org) (last visited May 13, 2019); EUROPEAN NETWORK ON STATELESSNESS, [www.statelessness.eu](http://www.statelessness.eu) (last visited May 13, 2019); STATELESSNESS NETWORK ASIA PACIFIC, [www.statelessnessnetworkasiapacific.org/](http://www.statelessnessnetworkasiapacific.org/) (last visited May 13, 2019); CITIZEN RIGHTS IN AFRICA INITIATIVE, <http://citizenshiprightsfric.org/> (last visited May 13, 2019).

<sup>8</sup> *iBelong Campaign to End Statelessness*, UNHCR, *supra* note 6.

Lebanese state, the country's first and only census was taken in 1932.<sup>9</sup> This census established roughly half of the population as Muslim and roughly half as Christian; for every six Christians, the census counted five Muslims.<sup>10</sup> Subsequent governments' unwillingness to conduct a new census stems from the desire to maintain that fragile sectarian balance.<sup>11</sup> However, large numbers of predominantly Muslim refugees, first Palestinians in the 1940s and again in the 1960s, and now Syrians fleeing civil war, are seen as threatening to upset this religious balance.<sup>12</sup>

Today, among the major causes of potential statelessness in Lebanon affecting both those who are entitled to Lebanese citizenship as well as stateless refugees is a lack of identity documents, which can only be obtained through a complex civil registration process. Although the civil registration process as it exists now is problematic in and of itself, and will be discussed further below, the problem began with the first Lebanese census in 1932. Certain Lebanese who should have, by law, been registered in the 1932 census were in fact excluded from the census.<sup>13</sup> These uncounted Lebanese nationals were left in a legal gray area because they lacked the identity documents to prove their citizenship. Nowadays, the descendants of those uncounted Lebanese are referred to as Lebanese who are unable to "perfect" their citizenship.<sup>14</sup> Lebanese children who are not registered according to Lebanon's birth registration procedure also fall into this category of "un-perfected" citizenship because the Lebanese state recognizes children as citizens only after they have been registered through an onerous three-step birth registration process (*infra* section VIII).<sup>15</sup> Furthermore, Lebanese citizenship law is patrilineal, that is, it cannot be transmitted

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<sup>9</sup> *The 1932 Census and the Making of Today's Lebanon*, CRTD-A (Jan. 15, 2003), <https://crtda.org.lb/node/14464>.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> Joseph Bahout, *The Unraveling of Lebanon's Taif Agreement: Limits of Sect-Based Power Sharing*, CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE (May 16, 2016), <https://carnegieendowment.org/2016/05/16/unraveling-of-lebanon-s-taif-agreement-limits-of-sect-based-power-sharing-pub-63571>.

<sup>13</sup> Officially, all those who were resident in Lebanon on August 30, 1924, or who emigrated to Lebanon after that date, were registered in the 1932 census. However, some "undesirable" individuals who were resident in Lebanon on August 30, 1924 were excluded from the census. These individuals include Muslims living in "frontier areas, i.e. areas bordering on Palestine under British Mandate and Syria under French Mandate," Kurds coming from Turkey, and bedouin nomads living near the Syrian border. Rania Maktabi, *The Lebanese Census of 1932 Revisited. Who are the Lebanese?*, 26 BRITISH J. MIDDLE EASTERN STUD. 219, 226-27 (1999). Bedouins, who have inhabited parts of Lebanon since the 13<sup>th</sup> century, face enduring problems as a result of their exclusion and remain extremely vulnerable because of their lack of citizenship and inability to access basic rights and services, such as land ownership, education, and health care. Dawn Chatty, Nisrine Mansour & Nasser Yassin, *Bedouin in Lebanon: Social discrimination, political exclusion, and compromised health care*, 82 SOC. SCIENCE & MED. 43, 44 (2013).

<sup>14</sup> INST. ON STATELESSNESS AND INCLUSION, THE WORLD'S STATELESS 108 (2017).

<sup>15</sup> *Q&A on birth registration for Syrian refugees in Lebanon* (Dec. 2017), [https://www.refugees-lebanon.org/uploads/poster/poster\\_151438292946.pdf](https://www.refugees-lebanon.org/uploads/poster/poster_151438292946.pdf).

through a mother to her children. So, when a child born in Lebanon is unable to acquire the father's citizenship, that child also becomes stateless. One of Lebanon's main justifications for this law is to prevent children born to Lebanese mothers and Palestinian fathers from acquiring Lebanese citizenship.<sup>16</sup>

Lebanon also has a large population of refugees and migrants who are either stateless or at risk of becoming stateless. This population includes Kurds who fled to Lebanon as early as the first half of the 20<sup>th</sup> century after being stripped of their Turkish or Syrian citizenship, but were not able to acquire Lebanese citizenship; Iraqis and Syrians fleeing the civil war between opposition groups and the Assad regime and the conflict with the Islamic State; and Palestinians who are considered stateless under international law, many of whom have been displaced in Lebanon for decades.<sup>17</sup> Because of the numbers of Syrian refugees currently facing statelessness in Lebanon and the unique problems faced by Palestinian refugees, this report will focus on those two groups of the stateless refugee populations in the country. Since 2011, the war in Syria has displaced over 1.5 million Syrians to Lebanon.<sup>18</sup> Many of these Syrians lost their identity documents when they fled and remain in limbo in Lebanon without proof of citizenship.<sup>19</sup> Those who have their original identity documents must register with UNHCR in Lebanon to be recognized by the Lebanese government as displaced persons and to be given the one year residency permit that will allow them to stay in Lebanon temporarily.<sup>20</sup> Often, however, families forced to flee Syria shortly after the birth of a child, arrive in Lebanon without the child having been registered in Syria. Because the child was not born in Lebanon, s/he cannot be registered

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<sup>16</sup> ZAHRA ALBARAZI, REGIONAL REPORT ON CITIZENSHIP: THE MIDDLE EAST AND NORTH AFRICA 5 (2017).

<sup>17</sup> Guita G. Hourani, *The Kurds of Lebanon: Socioeconomic Mobility and Political Participation via Naturalization*, LERC Research Paper Series 1/2011, at 26-29 (Nov. 2011).

<sup>18</sup> *Lebanon*, UNHCR, <http://reporting.unhcr.org/node/2520> (last visited May 13, 2019).

<sup>19</sup> AMNESTY INTERNATIONAL, PUSHED TO THE EDGE: SYRIAN REFUGEES FACE INCREASED RESTRICTIONS IN LEBANON 5 (2015).

<sup>20</sup> Several different terms are used in this report to refer to individuals who fall under the umbrella of migrants in Lebanon. The term "forced migrants" is a lay term that will be used to refer to any individuals who have been forced to leave their country due to conflict or persecution. The term "refugee" will be used to refer to individuals who meet the definition of "refugee" within the meaning of the 1951 Convention relating to the Status of Refugees, regardless of whether they enjoy the status of refugee in the state in question (for an explanation of this definition and of how Palestinians fit into the international refugee framework, see *infra* section IV). The term "displaced persons" will be used to refer to individuals who, while meeting the definition of refugee within the meaning of the 1951 Convention, are registered in Lebanon as displaced persons as opposed to refugees because of Lebanon's lack of a refugee determination in its legal framework.



there, and s/he becomes stateless.<sup>21</sup> Syrian refugees with children born in Lebanon must go through the same birth registration process as Lebanese, but must also take the additional step of registering at the foreign ministry and the Syrian embassy—a process fraught with risk for those fleeing the civil conflict.<sup>22</sup> For a Syrian family living in poverty in Lebanon, often unaware of the registration process and facing increasing xenophobia, the birth registration process is very burdensome, especially given that they are unfamiliar with the Lebanese system of civil registration.<sup>23</sup>

Lebanon also hosts a large number of Palestinian refugees who fall under the auspices of the UN Relief and Works Agency (UNRWA).<sup>24</sup> Lebanon hosts about 31,000 displaced Palestinian refugees registered with UNRWA in Syria (Palestinian refugees from Syria, “PRS”).<sup>25</sup> PRS arrived in Lebanon starting in 2011 with the Syria crisis. They join about 270,000 Palestinian refugees registered with the Directorate of Political Affairs and Refugees (DPAR) and with UNRWA in Lebanon (Palestinian refugees in Lebanon, “PRL”).<sup>26</sup> There are also a number of Palestinian refugees who are unregistered with UNRWA, but are registered with the DPAR (“non-registered Palestinians”).<sup>27</sup> Finally, there are between 3,000 and 5,000 Palestinians who are neither registered with UNRWA nor the Lebanese government (“non-ID Palestinians”).<sup>28</sup> Under the international definition of statelessness, each distinct group of Palestinian refugees included in this report is stateless, because Israeli citizenship laws do not recognize them as citizens of Israel and they are not recognized as citizens under the laws of any other state.<sup>29</sup> However, Lebanon lacks a statelessness status determination under its law, and does not recognize Palestinian refugees as

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<sup>21</sup> Interview with Yasmine Chawaf, policy and advocacy specialist for the Danish Refugee Council, in Beirut, Lebanon (Nov. 17, 2018).

<sup>22</sup> NORWEGIAN REFUGEE COUNCIL, BIRTH REGISTRATION UPDATE: THE CHALLENGES OF BIRTH REGISTRATION IN LEBANON FOR REFUGEES FROM SYRIA 6 (2015).

<sup>23</sup> ZAHRA ALBARAZI & LAURA VAN WAAS, UNDERSTANDING STATELESSNESS IN THE SYRIA REFUGEE CONTEXT 30-32 (2016).

<sup>24</sup> As of 1949, UNRWA is the agency in charge of administering relief and assistance to Palestinian refugees. Its mandate does not include finding durable solutions to Palestinian statelessness. G.A. Res. 302 (IV), art. 7 (Dec. 8, 1949). In accordance with the 1951 Convention relating to the Status of Refugees, Palestinian refugees were placed in a special regime and considered to be conditionally excluded from the Convention and 1967 Protocol while they were being provided assistance from UNRWA. Convention relating to the Status of Refugees art. 1D, July 28, 1951, 189 U.N.T.S. 137. Palestinians were consequently excluded from UNHCR’s mandate, which encompasses refugees as defined under art. 1(A)(2) of the 1951 Convention, and the 1954 Convention relating to the Status of Stateless Persons. Convention relating to the Status of Stateless Persons, *supra* note 3, art. 1(2).

<sup>25</sup> *Syria Crisis*, UNRWA, <https://www.unrwa.org/syria-crisis> (last visited May 13, 2019).

<sup>26</sup> *Protection in Lebanon*, UNRWA, <https://www.unrwa.org/activity/protection-lebanon> (last visited May 13, 2019).

<sup>27</sup> UNHCR, THE SITUATION OF PALESTINIAN REFUGEES IN LEBANON 10 (2016).

<sup>28</sup> *Id.*

<sup>29</sup> Nationality Law, 5712-1952, (1952) 6 LSI 50 [Israel].

stateless.<sup>30</sup> Instead, Lebanon’s recognition of Palestinians as having Palestine nationality means that it emphasizes Palestinians’ right to return to Palestine, while denying any obligation to grant Palestinians more permanent status in Lebanon. As a result, Palestinians in Lebanon face a number of unique, complex problems regarding both refugee registration and, for children born in Lebanon to Palestinian parents, civil registration (see *infra* section VIII).

## V. Legal Background

Lebanon has obligations under international, regional, and domestic law to protect the populations of concern identified in this report by safeguarding their rights. Lebanese domestic legislation does not fully incorporate Lebanon’s international and regional obligations, which are laid out below.

### A. Domestic Law

Lebanon’s domestic laws bearing on citizenship and statelessness include Article 6 of the Lebanese Constitution of 1926 (Constitution);<sup>31</sup> the 1925 Decree No. 15 on Lebanese Nationality (amended in 1934, 1939, 1960) (Nationality Law);<sup>32</sup> and the 1951 Law on Documenting Personal Status (Personal Status Law).<sup>33</sup>

The Nationality Law of 1925 issued by the French High Commissioner long before Lebanon gained independence in 1943, remains the governing legislation for acquisition and retention of citizenship today.<sup>34</sup> Under the Nationality Law, citizenship may be transmitted to a child by the father.<sup>35</sup> The Nationality Law gives foundlings (children who are born on Lebanese territory to unknown parents) the right to Lebanese citizenship in order to prevent statelessness at birth.<sup>36</sup> The Nationality Law is gender-discriminatory, however, because it prevents women from

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<sup>30</sup> Susan Akram, *The Search for Protection for Stateless Refugees in the Middle East: Palestinians and Kurds in Lebanon and Jordan*, 3 INT’L J. REFUGEE L. 407, 414 (2018).

<sup>31</sup> LEBANESE CONSTITUTION May 23, 1926, art. 6 (“The Lebanese nationality and the manner in which it is acquired, retained and lost, shall be determined according to the law.”).

<sup>32</sup> Decree No. 15 on Lebanese Nationality art. 1(1), Jan. 19, 1925 [Lebanon].

<sup>33</sup> Law on Documenting Personal Status, Dec. 7, 1951 [Lebanon].

<sup>34</sup> ALBARAZI, REGIONAL REPORT ON CITIZENSHIP: THE MIDDLE EAST AND NORTH AFRICA, *supra* note 16, at 6.

<sup>35</sup> Interview with Samira Trad, Berna Habib & Muhannad Mahfouz, Frontiers Ruwad, in Beirut, Lebanon (Nov. 17, 2018).

<sup>36</sup> *Id.*

being able to transmit their citizenship to their children. While Article 1 of the Nationality Law provides safeguards against statelessness at birth, it does not cover children born to a Lebanese mother and a foreign or stateless father. The only way a woman can transmit her Lebanese citizenship to her child is if she can prove to the court that the father is dead or missing.<sup>37</sup>

Under the Lebanese Constitution, Article 6 asserts that Lebanese citizenship and the manner in which it is acquired, retained, and lost, shall be determined in accordance with the law.<sup>38</sup> The Personal Status Law codifies this constitutional provision, and regulates the registration of all major life events: birth, death, marriage, and divorce.<sup>39</sup> These events must be registered in the place where they occurred. Under this law, all births must be registered within one year, and if that deadline passes, parents must file a special court petition for permission to file for late registration.<sup>40</sup> Lebanon has also established five *ad-hoc* policies that interpret the laws on residence, citizenship, and statelessness affecting birth registration. The first policy circular, issued in 2011, gave the husbands and children of Lebanese women the right to free “courtesy” residence permits, valid for one to three years, depending on their passport expiration date.<sup>41</sup> In 2015, more than three years after Syrians started fleeing to Lebanon *en masse*, the government issued another circular that allowed Syrians to obtain residency permits.<sup>42</sup> In October 2017, the government distributed a circular allowing Syrians and PRS the alternative of registering vital events with the local Lebanese *nofous*, instead of having to register such events with the Syrian Embassy and Ministry of Foreign Affairs.<sup>43</sup> As of February 2018, Syrians who were registered with UNHCR may renew their registration status for free.<sup>44</sup> Finally, in March 2018, the government issued a

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<sup>37</sup> Interview with Brigitte Chelebian, Director of Justice Without Frontiers, in Beirut, Lebanon (Nov. 21, 2018).

<sup>38</sup> LEBANESE CONSTITUTION, *supra* note 31, art. 6. The Lebanese Constitution was passed one year after the 1925 Law on Lebanese Nationality.

<sup>39</sup> *Unequal and Unprotected: Women’s Rights Under Lebanese Personal Status Laws*, HUMAN RIGHTS WATCH (Jan. 19, 2015), <https://reliefweb.int/report/lebanon/unequal-and-unprotected-women-s-rights-under-lebanese-personal-status-laws>.

<sup>40</sup> Law on Documenting Personal Status, Dec. 7, 1951 [Lebanon].

<sup>41</sup> *Lebanon: Discriminatory Nationality Law: Grant Lebanese Women’s Children, Spouses Citizenship Rights*, HUMAN RIGHTS WATCH (Oct. 3, 2018), <https://www.hrw.org/news/2018/10/03/lebanon-discriminatory-nationality-law>; Interview with Brigitte Chelebian, Director of Justice Without Frontiers, in Beirut, Lebanon (Nov. 21, 2018).

<sup>42</sup> Interview with Brigitte Chelebian, Director of Justice Without Frontiers, in Beirut, Lebanon (Nov. 21, 2018). Circulars are often used by the Lebanese government to enact policy changes without going through the legislative process. While circulars are temporary by their very nature, they are often used in place of amending or enacting permanent laws.

<sup>43</sup> *Id.*

<sup>44</sup> Interview with Yasmine Chawaf, policy and advocacy specialist for the Danish Refugee Council, in Beirut, Lebanon (Nov. 17, 2018).

decree allowing Syrians and PRS to retroactively register children born between January 1, 2011 and February 8, 2018 without having to go through a court petition process.<sup>45</sup>

Lebanon has no domestic framework for refugee protection. The 1962 Law Regulating the Entry and Stay of Foreigners in Lebanon and their Exit from the Country (Foreigners' Law) contains provisions regulating the right to seek asylum.<sup>46</sup> However, the language of the Foreigners' Law indicates that it only applies to political exiles.<sup>47</sup> Furthermore, the Foreigners' Law lacks a definition of a refugee and no information is available about how often it has been invoked in the past, if ever.<sup>48</sup>

### ***B. International Law***

Lebanon has no binding legal commitment to prevent or eradicate statelessness under international treaties. Lebanon is not a party to the 1954 Convention or the 1961 Convention on the Reduction of Statelessness (1961 Convention). The 1954 Convention spells out the minimum rights and protections that states must afford stateless persons in a non-discriminatory manner, including access to courts, education, housing, employment, and documentation.<sup>49</sup> The 1961 Convention requires States Parties to take measures to reduce situations of statelessness.<sup>50</sup> Furthermore, Lebanon is not a party to the 1951 Convention Relating to the Status of Refugees (1951 Convention) or to the 1967 Protocol Relating to the Status of Refugees.<sup>51</sup> The 1951 Convention also ensures non-discriminatory access to courts, education, housing, employment, and documentation for refugees, including for refugees who are stateless.<sup>52</sup> Despite not having

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<sup>45</sup> Interview with Brigitte Chelebian, Director of Justice Without Frontiers, in Beirut, Lebanon (Nov. 21, 2018).

<sup>46</sup> Law Regulating the Entry and Stay of Foreigners in Lebanon and their Exit from the Country arts. 26-31, Aug. 2, 1962 [Lebanon].

<sup>47</sup> *Id.* at art. 26 (“Tout étranger faisant l'objet d'une poursuite ou d'une condamnation de la part d'une autorité non libanaise pour cause d'un crime politique, ou dont la vie ou la liberté est menacée, également pour des causes politiques, peut demander le droit d'asile politique au Liban.”) (official translation unavailable; unofficial translation: “Any foreigner who is the subject of a prosecution or conviction by a non-Lebanese authority for a political crime, or whose life or freedom is threatened, also for political reasons, may request the right of political asylum in Lebanon.”).

<sup>48</sup> FRONTIERS RUWAD, LEGALITY VS. LEGITIMACY: DETENTION OF REFUGEES AND ASYLUM SEEKERS IN LEBANON 6, 9 (2006).

<sup>49</sup> Convention relating to the Status of Stateless Persons, *supra* note 3, arts. 16, 17, 18, 19, 21, 22, 26, 27, 28.

<sup>50</sup> Convention on the Reduction of Statelessness, Aug. 30, 1961, 989 U.N.T.S. 175.

<sup>51</sup> Convention Relating to the Status of Refugees, *supra* note 24; Protocol Relating to the Status of Refugees, Jan. 31, 1967, 606 U.N.T.S. 267.

<sup>52</sup> Convention relating to the Status of Refugees, *supra* note 24, arts. 3, 16, 17, 22, 27.

ratified any of these treaties on refugees and stateless persons, Lebanon is bound under customary international law by several of their core obligations, including the obligation of *non-refoulement*—that is, not to return any refugee to a country where his or her life may be in danger.<sup>53</sup> This obligation applies regardless of status; it applies even though Lebanon does not have a comprehensive domestic framework for accepting asylum-seekers or regulating the treatment of refugees.<sup>54</sup>

Lebanon is a party to three human rights treaties that explicitly refer to non-discrimination in granting citizenship, recognizing or conferring nationality, which also guarantee certain rights that flow from citizenship status. These are the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and the Convention on the Rights of the Child (CRC). Articles 12, 13, 23 and 24 of the ICCPR govern the right to liberty and the right to freedom of movement,<sup>55</sup> the right to due process when an alien is expelled from a territory,<sup>56</sup> the right to equality of rights and responsibilities during and at the dissolution of marriage,<sup>57</sup> and finally, a child's right to be free of discrimination and to be registered with a nationality at birth, or to acquire the citizenship of a state.<sup>58</sup> Article 9, Section 1 of CEDAW requires states to grant women the right to acquire, change,

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<sup>53</sup> *The principle of non-refoulement under international human rights law*, UNHCR, <https://www.ohchr.org/Documents/Issues/Migration/GlobalCompactMigration/ThePrincipleNon-RefoulementUnderInternationalHumanRightsLaw.pdf> (last visited May 17, 2019).

<sup>54</sup> *Id.*

<sup>55</sup> International Covenant on Civil and Political Rights art. 12, Dec. 16, 1966, S. Treaty Doc. No. 95-20, 6 I.L.M. 368, 999 U.N.T.S. 171 (“1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence. 2. Everyone shall be free to leave any country, including his own. 3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Covenant. 4. No one shall be arbitrarily deprived of the right to enter his own country.”).

<sup>56</sup> *Id.* at art. 13 (“An alien lawfully in the territory of a State Party to the present Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority.”).

<sup>57</sup> *Id.* at art. 23 (“4. States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.”).

<sup>58</sup> *Id.* at art. 24 (“1. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State. 2. Every child shall be registered immediately after birth and shall have a name. 3. Every child has the right to acquire a nationality.”).

and retain their nationality,<sup>59</sup> while Section 2 requires states to grant women and men equal rights in conferring nationality to their children.<sup>60</sup> However, Lebanon has exercised its prerogative to reserve from Article 9, Section 2 of CEDAW.<sup>61</sup> The CEDAW Committee considers reservations to Article 9 to be contrary to the object and the purpose of the treaty.<sup>62</sup> Pursuant to its CEDAW reservation and Lebanon's Nationality Law, Lebanese women do not have equal rights with respect to transmitting their citizenship to their children. Among the provisions in the CRC that are relevant are Articles 7 and 8, which establish a child's right to be registered immediately after birth with a name and nationality<sup>63</sup> and require states to re-establish a child's national identity if the child is deprived of it.<sup>64</sup>

### ***C. Regional Law***

Lebanon is also bound by three regional treaties: the Arab Charter on Human Rights (Arab Charter), the Covenant on the Rights of the Child in Islam (Covenant), and the Casablanca Protocol. Lebanon is also a member of The League of Arab States (LAS), the regional Arab body that issues resolutions and facilitates the passing of binding agreements, such as the Arab Charter,

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<sup>59</sup> Convention on the Elimination of All Forms of Discrimination Against Women art. 9, ¶ 1, Dec. 18, 1979, 1249 U.N.T.S. 13 (“1. States 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.”). In the context of international treaties such as the CRC, “nationality” refers to membership in a State. Under Lebanese domestic law, this concept of “nationality” refers to citizenship, that is, recognition by Lebanon as a citizen under its domestic laws and the full enjoyment of civil and political rights.

<sup>60</sup> *Id.* at art. 9, ¶ 2 (“2. States Parties shall grant women equal rights with men with respect to the nationality of their children.”).

<sup>61</sup> *Chapter IV: Human Rights, 8. Convention on the Elimination of All Forms of Discrimination against Women*, U.N. TREATY COLLECTION, [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-8&chapter=4&clang=en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&clang=en) (last visited Aug. 22, 2019).

<sup>62</sup> Nineteen states have reserved to Article 9, and the CEDAW Committee consequently issued a General Recommendation to address the importance of Article 9 to the object and purpose of CEDAW. Rep. of the Comm. on the Elimination of Discrimination against Women, Rep. on the Work of Its Eighteenth and Nineteenth Sessions, U.N. Doc. A/53/38/Rev.1, at 47 (1998).

<sup>63</sup> Convention on the Rights of the Child art. 7, Nov. 20, 1989, 1577 U.N.T.S. 3 (“1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents. 2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.”).

<sup>64</sup> *Id.* at art. 8 (“1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference. 2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.”).

which Lebanon ratified in 2011.<sup>65</sup> The Arab Charter guarantees the right to seek political asylum in order to escape persecution,<sup>66</sup> the right not to be arbitrarily deprived of one's nationality, and the right not to be barred from acquiring nationality without a legally valid reason.<sup>67</sup> The Covenant directly references provisions in the CRC that govern every child's right to nationality. Under the Covenant, States Parties must guarantee all children, including foundlings, the right to a name, to be registered with authorities, and to have a nationality.<sup>68</sup>

Of particular importance is the Casablanca Protocol, a LAS agreement intended to 'regularize' the status of Palestinians across the Arab world. The members of the LAS adopted the Casablanca Protocol in 1965 to ensure that Palestinians retain their Palestinian nationality while living in other Arab states and have access to basic rights on equal terms as citizens of LAS member states.<sup>69</sup> Lebanon signed the Casablanca Protocol in 1966 but reserved from or modified several of its provisions. As a result of its reservations, the Lebanese government does not issue Palestinians travel documents,<sup>70</sup> restricts Palestinians' right to employment,<sup>71</sup> and dictates that

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<sup>65</sup> *Civic Freedom Monitor: League of Arab States*, INT'L CTR. FOR NOT-FOR-PROFIT LAW, <http://www.icnl.org/research/monitor/las.html#members> (last updated Jan. 29, 2018). Syria and Palestine, the countries of origin for most displaced persons currently in Lebanon, are also signatories to the Arab Charter; League of Arab States, *Arab Charter on Human Rights*, May 22, 2004.

<sup>66</sup> Arab Charter on Human Rights, *supra* note 65, art. 28 ("Everyone has the right to seek political asylum in another country in order to escape persecution. This right may not be invoked by persons facing prosecution for an offence under ordinary law. Political refugees may not be extradited.").

<sup>67</sup> *Id.* at art. 29 ("1. Everyone has the right to nationality. No one shall be arbitrarily or unlawfully deprived of his nationality. 2. States Parties shall take such measures as they deem appropriate, in accordance with their domestic laws on nationality, to allow a child to acquire the mother's nationality, having due regard, in all cases, to the best interests of the child. 3. No one shall be denied the right to acquire another nationality, having due regard for the domestic legal procedures in his country.").

<sup>68</sup> Organisation of the Islamic Conference, *Covenant on the Rights of the Child in Islam* art. 7, June 2005 ("1. A child shall from birth, have right to a good name, to be registered with authorities concerned, to have his nationality determined and to know his/her parents, all his/her relatives and foster mother. 2. States Parties to the Covenant shall safeguard the elements of the child's identity, including his/her name, nationality and family relations in accordance with their domestic laws and shall make every effort to resolve the issue of statelessness for any child born on their territories or to any of their citizens outside their territory. 3. The child of unknown descent or who is legally assimilated to this status shall have the right to guardianship and care but without adoption. He shall have a right to a name, title and nationality.").

<sup>69</sup> *Protocol for the Treatment of Palestinians in Arab States ("Casablanca Protocol")*, REFWORLD, <https://www.refworld.org/docid/460a2b252.html> (last visited May 14, 2019).

<sup>70</sup> *Id.* at art. 4 ("Palestinians who are at the moment in ....., as well as those who were residing and left to the Diaspora, are given, upon request, valid travel documents. The concerned authorities must, wherever they be, issue these documents or renew them without delay."), art. 5 ("Bearers of these travel documents residing in LAS states receive the same treatment as all other LAS state citizens, regarding visa, and residency applications.").

<sup>71</sup> *Id.* at art. 1 ("Palestinians residing at the moment in Lebanon are granted the right of employment, together with the right of keeping their Palestinian nationality, in accordance with prevailing social and economic conditions in the Republic of Lebanon.").

Palestinians' right to enter, remain in, and leave Lebanon is conditioned on Lebanese law.<sup>72</sup> In 1991, the LAS adopted Resolution 5093 of 1991, which recommends that the Casablanca Protocol be implemented in accordance with domestic laws.<sup>73</sup> Lebanon, along with other LAS member states, interpreted Resolution 5093 as abrogating the Casablanca Protocol, thereby providing support for Lebanon's modifications and reservations. However, under normative treaty interpretation rules, a resolution cannot revoke a treaty, so Lebanon remains bound by the terms of the Casablanca Protocol to which it has not submitted valid reservations.<sup>74</sup> The LAS has also adopted a number of non-binding resolutions that govern the treatment of Palestinian refugees in LAS member states, including Lebanon. LAS Resolution 714 provides for the issuance of travel documents to Palestinian refugees,<sup>75</sup> LAS Resolution 8 requires that states treat Palestinian bearers of travel documents on equal terms with citizens of the issuing state,<sup>76</sup> and LAS Resolution 2600 established the right to dual citizenship for Palestinians.<sup>77</sup>

## VI. Gaps in Lebanon's Legal Framework

Lebanon does not fully incorporate its international and regional obligations into domestic law, and its domestic law is inconsistently and inadequately implemented across geographic regions and populations. These inconsistencies and gaps in Lebanon's legal obligations can only be remedied through the Lebanese legislature and more oversight and cooperation between the relevant authorities and departments.

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<sup>72</sup> *Id.* at art. 2 ("That the phrase: 'on equal terms with the Lebanese citizens and in accordance with the laws and regulations in operation' be added."), art. 3 ("that the phrases 'whenever their interests demand it' and 'allowing Palestinians into Lebanon is conditional upon their obtaining an entry visa issued by the concerned Lebanese authorities' be added.").

<sup>73</sup> League of Arab States Res 5093, Sept. 12, 1991.

<sup>74</sup> Vienna Convention on the Law of Treaties (VCLT) arts. 54, 56-59, May 23, 1969, 1155 U.N.T.S. 331.

<sup>75</sup> League of Arab States Res. 714, Jan. 27, 1954, (reprinted in English), cited in ABBAS SHIBLAK, *THE LEAGUE OF ARAB STATES AND PALESTINIAN REFUGEES' RESIDENCY RIGHTS* 17-18 (1998).

<sup>76</sup> *Special Resolution on the Treatment of Palestinians in the Arab Countries*, LASCAMI Res 8 (15 December 1982), cited in SHIBLAK, *THE LEAGUE OF ARAB STATES AND PALESTINIAN REFUGEES' RESIDENCY RIGHTS*, at 66.

<sup>77</sup> LAS Res 2600, 11 March 1970; Resolutions are reprinted, respectively, in English translation in SHIBLAK, *THE LEAGUE OF ARAB STATES AND PALESTINIAN REFUGEES' RESIDENCY RIGHTS*, at 38-40, 43.



### ***A. Obligations under International Law***

Article 7 of Lebanon's Constitution states that international law is supreme when there is a conflict between domestic and international law.<sup>78</sup> The Nationality Law clearly conflicts with Lebanon's obligations under the CRC to ensure that all children, even those born to Lebanese mothers and foreign or stateless fathers, are registered and have citizenship. Under Article 7, the CRC's provisions on citizenship and statelessness should supersede the Nationality Law, but in practice this is not the case.<sup>79</sup> Moreover, Lebanon's domestic laws regarding the rights of children do not reflect its obligations under the Covenant and the ICCPR to ensure that every child be registered with a nationality, or Lebanese citizenship, at birth.

It is important to note that the provisions of the international treaties and the regional treaties Lebanon has ratified concerning the nationality rights of children are not identical. For example, the Covenant on the Rights of the Child in Islam guarantees to all children "the right to a good name, to be registered with the authorities concerned, to have his nationality determined..." Further, it places on States Parties the obligation to "safeguard... the child's identity, including his/her name, nationality...and to make every effort to resolve the issue of statelessness for any child born on their territories..." It guarantees that every child shall have a "right to a name, title and nationality."<sup>80</sup> Finally, it requires States Parties to ensure all of its rights to "refugee children, or those legally assimilated to (refugee status)."<sup>81</sup> Neither the Covenant nor the Arab Charter provisions appear to create a specific obligation on the state in whose territory the child is born to grant nationality to that child, or to grant nationality to children whose parents are not citizens if the child would otherwise be stateless, or to foundlings whose citizenship is unknown. The provisions in these two treaties are subject to domestic law, and States Parties are only required to "make every effort" to address the status of stateless children. In contrast, the Convention on the Rights of the Child clearly places the obligation on States Parties to "ensure implementation of these rights" under their laws, "in particular where the child would otherwise be stateless."<sup>82</sup> Although the CRC provision does not resolve which state is responsible for granting nationality to

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<sup>78</sup> LEBANESE CONSTITUTION, *supra* note 31, art. 7 ("All Lebanese shall be equal before the law. They shall equally enjoy civil and political rights and shall equally be bound by public obligations and duties without any distinction.").

<sup>79</sup> Interview with Brigitte Chelebian, Director of Justice Without Frontiers, in Beirut, Lebanon (Nov. 21, 2018).

<sup>80</sup> Covenant on the Rights of the Child in Islam, *supra* note 68, art. 7.

<sup>81</sup> *Id.* at art. 21.

<sup>82</sup> Convention on the Rights of the Child, *supra* note 63, art. 7.

a child in these situations in the case of conflict of laws, the language of the provision clearly places the obligation on the state where the child is born to provide birth registration, a name, and *guarantee* the child a nationality. Lebanon is bound to respect both its domestic and its international legal obligations. As a matter of treaty law, therefore, if two treaties address the same principle, Lebanon must conform to the higher, or more protective, principle.<sup>83</sup> The ambiguity in the regional treaties must, then, be resolved in favor of the greater obligation—that is, for Lebanon to grant nationality to children born in Lebanon in any of the situations recognized in the provisions who would otherwise be left stateless.

Lebanon’s substantial reservations to the Casablanca Protocol mean that Palestinians are not afforded the right to travel freely, and experience significant restrictions on their social and economic rights.<sup>84</sup> Furthermore, the Casablanca Protocol provisions that Lebanon has signed on to without reservation are not reflected in Lebanon’s domestic laws and policies, which is required without regard to LAS Resolution 5093.<sup>85</sup> Instead, Lebanon has chosen to interpret Resolution 5093 as abrogating the Casablanca Protocol entirely.<sup>86</sup>

Lebanon’s reservation to Article 9(2) of CEDAW, guaranteeing gender equality with regard to nationality, is reflected in the Nationality Law, which is gender-discriminatory. Lebanon’s reservation to Article 9(2) is inconsistent with the object and purpose of CEDAW, and essentially undermines Lebanon’s ratification of the treaty.<sup>87</sup> CEDAW defines discrimination against women as

...any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality

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<sup>83</sup> States Parties to successive treaties governing the same subject must comply with the provisions of both and interpret them consistently. This means the more rights-protective version of the normative principle must prevail. See VCLT, *supra* note 74, arts. 26, 27, 30.

<sup>84</sup> Interview with Ghassan Abdallah, Director of Palestinian Human Rights Organization, in Beirut, Lebanon (Nov. 22, 2018).

<sup>85</sup> *Id.*

<sup>86</sup> Akram, *The Search for Protection for Stateless Refugees in the Middle East: Palestinians and Kurds in Lebanon and Jordan*, *supra* note 30, at 436.

<sup>87</sup> Human Rights Comm., Rep. of the Working Group on the Universal Periodic Review – Lebanon, U.N. Doc. A/HRC/31/5, at 14 (2015).

of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.<sup>88</sup>

While Lebanon is not bound by articles to which it has made reservations, according to Article 19 of the Vienna Convention on the Law of Treaties, a state may not make reservations to a treaty that are “incompatible with the object and purpose of the treaty.”<sup>89</sup> Article 28 of CEDAW also explicitly prohibits such incompatible reservations.<sup>90</sup> Accordingly, as a State Party, Lebanon is bound by Article 9(2) despite its reservation.

### ***B. Obligations under Domestic Law***

Lebanon’s laws and policies relevant to nationality, civil registration, and migrants are often *ad-hoc* and, for reasons detailed below, are often implemented inadequately and inconsistently, creating gaps between the apparent intent of the legislators and policy makers and the operation of the policies on the ground. These gaps are especially apparent in the implementation of the Nationality Law and in the areas of civil registration and refugee registration.

#### **1. Civil Registration**

The birth registration procedure, as established by the Personal Status Law, modified and interpreted through numerous policies and circulars, can be a complex and onerous process that leaves many individuals vulnerable, especially those in poorer and marginalized communities. Birth registration itself is a three-step process and must be completed before the child is one year old.<sup>91</sup> The first step is to obtain a notification, a document issued by the birth attendant, either a hospital employee or a certified midwife, attesting to the birth.<sup>92</sup> Second, a *mukhtar*, a local elected official, must issue the child a birth certificate. This step requires the birth notification document,

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<sup>88</sup> Convention on the Elimination of All Forms of Discrimination Against Women, *supra* note 59, art. 1.

<sup>89</sup> VCLT, *supra* note 74, art. 19.

<sup>90</sup> Convention on the Elimination of All Forms of Discrimination Against Women, *supra* note 59, art. 28.

<sup>91</sup> For the purposes of this report, registration that is completed within the one-year deadline will be referred to as “regular” registration, and registration that is completed or sought after the one-year deadline will be referred to as “late” registration.

<sup>92</sup> NORWEGIAN REFUGEE COUNCIL, BIRTH REGISTRATION UPDATE, *supra* note 22, at 22.

the parents' identity documents in the form of either the family booklet,<sup>93</sup> the family extract,<sup>94</sup> or valid identification cards, the marriage certificate, and a fee of up to LBP 30,000. The third step requires the certificate to be registered at a *nofous*, a local government registry office, closest to the place of birth.<sup>95</sup> Unfortunately, local *mukhtars* and *nofous* administrators often implement the process in varying and inconsistent ways, leading to misinformation and complicating the regular registration process.<sup>96</sup>

The regular registration process is more complicated for single mothers or mothers who give birth at home. Mothers who give birth at home must get the birth notification from a certified midwife. This requires a trip to the registry of midwives, located in Beirut, to get confirmation of their midwife's certification.<sup>97</sup> Traveling all the way to Beirut to obtain this certification is an impossible hurdle for many because of the distance and travel costs. This is an added burden for many mothers who are giving birth at home precisely because they do not have access to hospitals and medical care facilities—either these are too far away or the mothers do not have insurance and cannot pay the hospital costs.<sup>98</sup> Further, because Lebanese citizenship may only be passed on to the child through the father, the father must be present and registered himself in order to register the child.<sup>99</sup> This can be very hard on poor families, especially when birth registration will require travel—time that could cost the father, often the sole breadwinner, a day or more in wages.<sup>100</sup> For single mothers, this is even more complicated. In order to register their child, single mothers have to prove that they either do not know who the father is or that they do not know where he is

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<sup>93</sup> “The family booklet is a document issued by the Government of Syria that records all the members of a family and is evidence of both parental identity and marital status for displaced families,” that must be updated whenever there is a change to the family's composition – such as the birth of a child. NORWEGIAN REFUGEE COUNCIL, SYRIAN REFUGEES' RIGHT TO LEGAL IDENTITY: IMPLICATIONS FOR RETURN 1 (Briefing Note Jan. 2017).

<sup>94</sup> “A family extract contains the name, last name and place and date of birth of all the members of the family.” *Id.* at 3.

<sup>95</sup> Law on Documenting Personal Status, Dec. 7, 1951 [Lebanon]; Interview with Samira Trad, Berna Habib & Muhannad Mahfouz, Frontiers Ruwad, in Beirut, Lebanon (Nov. 17, 2018); NORWEGIAN REFUGEE COUNCIL, BIRTH REGISTRATION UPDATE, *supra* note 22, at 13.

<sup>96</sup> NORWEGIAN REFUGEE COUNCIL, BIRTH REGISTRATION UPDATE, *supra* note 22, at 22.

<sup>97</sup> Interview with Samira Trad, Berna Habib & Muhannad Mahfouz, Frontiers Ruwad, in Beirut, Lebanon (Nov. 17, 2018).

<sup>98</sup> *Id.*

<sup>99</sup> *Id.*

<sup>100</sup> *Gender Data Portal: Lebanon*, WORLD BANK, <http://datatopics.worldbank.org/gender/country/lebanon> (last visited May 14, 2019).

(whether he may be dead or missing).<sup>101</sup> When single mothers seek to register their children, the General Security Office (GSO) also carries out an investigation to prove parentage.<sup>102</sup> Single mothers face the further problem of societal stigma regarding their unmarried status with children born out of wedlock, which is often reflected in discriminatory and sometimes humiliating treatment by the *mukhtars* and *nofous* administrators.<sup>103</sup>

Children of PRL, PRS, and Syrian forced migrants born in Lebanon are subject to the same birth and marriage registration procedures as Lebanese.<sup>104</sup> However, PRL and non-registered Palestinians must register births with the DPAR instead of a *mukhtar* and *nofous*.<sup>105</sup> In addition to registering with a *mukhtar* and *nofous*, PRS (and Syrian refugees, discussed below) must register births with the Ministry of the Interior and the Syrian embassy.<sup>106</sup> This is problematic because many PRS and Syrian refugees fled Syria due to threats and are therefore unwilling to go to the Syrian embassy for any reason, as they fear coming to the authorities' attention by disclosing their whereabouts. PRL and PRS also face additional hurdles regarding mobility, as parents often lack documentation (or have insufficient documentation or documentation that is unfamiliar to local authorities) to pass through checkpoints in order to get from the rural areas where they live to the urban areas where the *nofous* and ministerial departments are located.<sup>107</sup> Palestinian refugees with documentation proving their identity often face additional difficulties because Lebanese officials are not always familiar with Palestinians' documentation and sometimes refuse to recognize their

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<sup>101</sup> Interview with Yasmine Chawaf, policy and advocacy specialist for the Danish Refugee Council, in Beirut, Lebanon (Nov. 17, 2018); Interview with Brigitte Chelebian, Director of Justice Without Frontiers, in Beirut, Lebanon (Nov. 21, 2018).

<sup>102</sup> Interview with Yasmine Chawaf, policy and advocacy specialist for the Danish Refugee Council, in Beirut, Lebanon (Nov. 17, 2018); Interview with Brigitte Chelebian, Director of Justice Without Frontiers, in Beirut, Lebanon (Nov. 21, 2018).

<sup>103</sup> Interview with Yasmine Chawaf, policy and advocacy specialist for the Danish Refugee Council, in Beirut, Lebanon (Nov. 17, 2018); Interview with Brigitte Chelebian, Director of Justice Without Frontiers, in Beirut, Lebanon (Nov. 21, 2018).

<sup>104</sup> A July 2017 circular allowed PRS and Syrian refugees to renew residency for free for 6 months. An October 2017 circular allowed Syrian refugees (later also PRS) to register vital events without needing to show residency. The circular included an assurance that registration information would not be linked to residency. A March 2018 circular allowed Syrian refugees and PRS access to simplified birth registration for children over 1 year old born between 2011-2018, eliminating the court process for these children. These circulars are all temporary and depend upon the administration for continued enforcement. Therefore, there are issues with awareness, both among officials and target populations. *Country Policy and Information Note, Lebanon: Palestinians*, Home Office UK, at 5, 59 (June 2018), <https://www.justice.gov/eoir/page/file/1075906/download>.

<sup>105</sup> *Id.* at 15.

<sup>106</sup> *Id.* at 33.

<sup>107</sup> *Id.* at 62.

documentation.<sup>108</sup> Non-ID Palestinians lack any kind of documentation proving their legal stay in Lebanon and are unable to complete the final step of registering with the DPAR. Furthermore, they are often deterred from completing even the first three basic steps, both because of the difficulties of moving through checkpoints without valid ID and the fear that attempting to register their children will have an impact on their ability to stay in Lebanon.<sup>109</sup> Therefore, any children born to non-ID Palestinians, and other migrants without documentation proving their valid stay in Lebanon, are at much greater risk of becoming stateless.<sup>110</sup>

Syrian refugees must also register with the Ministry of the Interior and the Syrian Embassy. In addition to the above mobility problems, Syrian refugees face other hurdles regarding birth registration. Syrian children who are born in Lebanon but are unregistered will face difficulties when eventually returning to Syria. Although Syrian refugees returning to Syria should by law be checked at the border for their identity documents, in practice this is often not done.<sup>111</sup> If the documentation of the family of an unregistered Syrian child born in Lebanon is not checked on exit and entry, the child and his family may return to Syria without ever having their identity or time out of Syria documented.<sup>112</sup> The child will then face difficulties getting identity documentation in Syria and will have to prove paternity in order to do so. Given the precarious situation of many migrant families, this can be an insurmountable hurdle. Civil registration presents additional problems related to resettlement, because if a refugee family does not have the documentation to prove parentage, they will be unable to register their children for resettlement, or take them with them when they are resettled.<sup>113</sup> A related issue arises for a Syrian child born in Syria whose birth could not be registered before the family fled to Lebanon. Because the child was not born in Lebanon, she or he cannot be registered there, and becomes undocumented in both Syria and Lebanon.<sup>114</sup> Differences between the process for birth registration in Lebanon and Syria cause Syrian refugees additional difficulties.<sup>115</sup> For example, the first and second steps required in

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<sup>108</sup> *Id.*

<sup>109</sup> NORWEGIAN REFUGEE COUNCIL, BIRTH REGISTRATION UPDATE, *supra* note 22, at 23.

<sup>110</sup> *Id.*

<sup>111</sup> Interview with Yasmine Chawaf, policy and advocacy specialist for the Danish Refugee Council, in Beirut, Lebanon (Nov. 17, 2018).

<sup>112</sup> *Id.*

<sup>113</sup> Interview with Zahra Albarazi, independent consultant on statelessness (Sept. 13, 2019).

<sup>114</sup> *Id.*

<sup>115</sup> NORWEGIAN REFUGEE COUNCIL, BIRTH REGISTRATION UPDATE, *supra* note 22, at 22.

Lebanon are not required in Syria when the birth takes place in a government hospital; in Syria parents are only required to bring the family booklet to the *nofous* in order to register their child's birth.<sup>116</sup> This results in confusion when Syrian families arrive in Lebanon about whether and how to complete the first two steps, and about the role of the *mukhtar*.<sup>117</sup>

The birth registration procedure is even more complicated for any child born in Lebanon if the child is not registered before his/her first birthday, regardless of the parents' citizenship. There are many reasons why the birth registration procedure might not be completed before the child's first birthday, including cost, mobility (reaching the *mukhtar* and *nofous* may be difficult), awareness of the procedure itself, and the fact that the parents may not have a marriage certificate.<sup>118</sup> If the procedure is not completed before the child's first birthday, the parents are forced to undergo the "late" registration procedure, which involves additional steps, detailed below, and gives authorities much more discretion at each stage of the process. In late registration cases, the GSO carries out an investigation to prove parentage, usually involving a DNA test that can cost up to \$200.<sup>119</sup> GSO investigators are generally unqualified to carry out such investigations, often asking inadequate or irrelevant questions and demanding documents that are not legally required and difficult to obtain.<sup>120</sup> Registration can then be effected only through a costly court process (costing each family between 1000-2000 USD), requiring additional documentation.<sup>121</sup> Not only is this cost prohibitive for many, but in practice the judge often

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<sup>116</sup> *Id.*

<sup>117</sup> Interview with Yasmine Chawaf, policy and advocacy specialist for the Danish Refugee Council, in Beirut, Lebanon (Nov. 17, 2018).

<sup>118</sup> NORWEGIAN REFUGEE COUNCIL, BIRTH REGISTRATION UPDATE, *supra* note 22, at 13. The marriage procedure is similar, involving a marriage contract by relevant religious authority, requiring family booklet, medical tests and reports, and two witnesses; a marriage certificate by local *Mukhtar*, requiring marriage contract and approximately LBP 20,000-30,000; registration of the certificate at the *Nofous* closest to place of marriage. For foreigners, marriage must also be registered at Lebanese Ministry of Foreign Affairs, requiring official marriage certificate and IDs, and for Syrians also registered at Syrian Embassy, requiring certified marriage certificate. Interview with Samira Trad, Berna Habib & Muhannad Mahfouz, Frontiers Ruwad, in Beirut, Lebanon (Nov. 17, 2018).

<sup>119</sup> Interview with Brigitte Chelebian, Director of Justice Without Frontiers, in Beirut, Lebanon (Nov. 21, 2018).

<sup>120</sup> Interview with Samira Trad, Berna Habib & Muhannad Mahfouz, Frontiers Ruwad, in Beirut, Lebanon (Nov. 17, 2018); Interview with Lea Baroudi, founding member and President of MARCH, in Beirut, Lebanon (Nov. 18, 2018).

<sup>121</sup> Interview with Samira Trad, Berna Habib & Muhannad Mahfouz, Frontiers Ruwad, in Beirut, Lebanon (Nov. 17, 2018).

declines to register the child.<sup>122</sup> Given the difficulties that regular registration presents for the populations of concern, late registration is often an insurmountable hurdle.

## 2. Nationality Law

In addition to the problems with the Nationality Law provisions themselves (discussed *supra* section VI.A), the implementation of the Nationality Law creates two gaps. The first is that, even when the child's father is Lebanese, and the Nationality Law *should* therefore give his child citizenship, it may not so do due to the complexities of the registration process detailed above.<sup>123</sup> This is especially relevant for poor and rural parents, who may find it extremely difficult to fulfill the requirements for even regular registration, let alone late registration. Additionally, children born to Lebanese fathers who have died or simply left the family are at risk of statelessness because of the additional burden on single mothers, who will not be able to register their children.<sup>124</sup>

The second gap in the implementation of the Nationality Law relates to the provision that purports to safeguard foundlings from statelessness at birth.<sup>125</sup> Although this provision is intended to be a safeguard against child statelessness, in practice it is only applied where the foundling is or appears to be 30 days or younger.<sup>126</sup> Furthermore, child care institutions are often unaware of the procedure for registering foundlings.<sup>127</sup> When the provision is implemented, foundlings are registered in a special book in the Ministry of Social Affairs.<sup>128</sup> Complicating matters further, some judges classify foundlings as nationality rather than registration cases, meaning that they are viewed as foreigners rather than as unregistered Lebanese.<sup>129</sup> As a result of this inadequate implementation, many foundlings are left stateless, in direct contravention of the law.

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<sup>122</sup> Interview with Samira Trad, Berna Habib & Muhannad Mahfouz, Frontiers Ruwad, in Beirut, Lebanon (Nov. 17, 2018); Interview with Lea Baroudi, founding member and President of MARCH, in Beirut, Lebanon (Nov. 18, 2018).

<sup>123</sup> Decree No. 15 on Lebanese Nationality art. 1(1), Jan. 19, 1925 [Lebanon]. Interview with Samira Trad, Berna Habib & Muhannad Mahfouz, Frontiers Ruwad, in Beirut, Lebanon (Nov. 17, 2018); Interview with Yasmine Chawaf, policy and advocacy specialist for the Danish Refugee Council, in Beirut, Lebanon (Nov. 17, 2018).

<sup>124</sup> Interview with Yasmine Chawaf, policy and advocacy specialist for the Danish Refugee Council, in Beirut, Lebanon (Nov. 17, 2018).

<sup>125</sup> Decree No. 15 on Lebanese Nationality arts. 1(2), 1(3), Jan. 19, 1925 [Lebanon] (“Is considered Lebanese: 2. Every person born in the Greater Lebanon territory and did not acquire a foreign nationality, upon birth, by affiliation; 3. Every person born in the Greater Lebanon territory of unknown parents or parents of unknown nationality.”).

<sup>126</sup> FRONTIERS RUWAD, BIRTH REGISTRATION PROCEDURES IN LEBANON: PRACTICAL MANUAL 63 (2014).

<sup>127</sup> Interview with Yasmine Chawaf, policy and advocacy specialist for the Danish Refugee Council, in Beirut, Lebanon (Nov. 17, 2018); Interview with Samira Trad, Berna Habib & Muhannad Mahfouz, Frontiers Ruwad, in Beirut, Lebanon (Nov. 17, 2018).

<sup>128</sup> FRONTIERS RUWAD, BIRTH REGISTRATION PROCEDURES IN LEBANON: PRACTICAL MANUAL, *supra* note 126, at 62.

<sup>129</sup> *Id.* at 63.



### 3. Refugee and Stateless Persons Registration

Refugees in Lebanon, most of whom are Palestinian or Syrian, share the difficulties of civil registration in addition to the onerous process of registering as refugees, the latter of which presents a number of problems. Refugees have difficulty registering and accessing basic services and rights once they are registered. UNHCR and UNRWA are in charge of administering aid to refugees and Palestinian refugees in Lebanon respectively, and are the only organizations that have the capacity to officially register ‘refugees’ in Lebanon. However, because there is no legal framework for recognizing the status of persons as refugees under international law in Lebanon, UNHCR and UNRWA are limited in that capacity and may only register individuals as “displaced persons.” Although the Foreigners’ Law addresses means by which individuals may seek asylum in Lebanon, only one individual has ever been granted asylum in accordance with this law, and the law does not touch on registration of refugees nor does it regulate their rights once they have been registered with UNHCR or UNRWA.<sup>130</sup>

Refugees in Lebanon, except for Palestinian refugees, fall under UNHCR’s mandate. This means that, in order to be recognized as a displaced person by the Lebanese government and receive a one-year residency permit to remain in Lebanon legally, an individual *must* be registered with UNHCR. This registration process as well as the acquisition of the residency permit is governed in theory by a 2003 Memorandum of Understanding (MOU) between UNHCR and the government of Lebanon, which purports to allow UNHCR to register refugees for purposes of resettlement and grants registered refugees residency permits that are renewable for up to one year.<sup>131</sup> However, according to information from a UN source provided anonymously, the 2003 MOU has not been applied for many years now. Given the influx of persons displaced from Syria who have settled across Lebanon in informal communities, many end up living in Lebanon without ever being registered by UNHCR. This leads to problems with residency—Syrians who are unregistered with UNHCR are only able to legally stay in Lebanon through an economic migrant sponsorship program that is expensive and highly exploitative because it ties the unregistered refugee to his or her employer.<sup>132</sup> This problem is compounded by Lebanon’s policy since May 6,

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<sup>130</sup> FRONTIERS RUWAD, LEGALITY VS. LEGITIMACY, *supra* note 48, at 6, 9.

<sup>131</sup> Interview with Zahra Albarazi, independent consultant on statelessness (Sept. 13, 2019); UNHCR, COUNTRY OPERATIONS PLAN: LEBANON 1 (2004).

<sup>132</sup> Maja Janmyr & Lama Mourad, *Millions of Syrians’ lives depend on whether they’re registered as ‘refugees,’* WASH. POST (March 6, 2018), <https://www.washingtonpost.com/news/monkey-cage/wp/2018/03/06/why-it-matters->

2015, suspending UNHCR registration of Syrian refugees.<sup>133</sup> As a result, Syrian refugees who did not register with UNHCR before May 6, 2015 are also relegated to the economic migrant sponsorship program in order to stay in Lebanon legally. This categorization as economic migrant leaves them outside UNHCR's mandate and denies them what limited protection and aid UNHCR provides to displaced persons in Lebanon.

However, even Syrian refugees registered with UNHCR and recognized by the Lebanese government as displaced persons face difficulties. In addition to problems with civil registration and the resulting potential statelessness for children born to Syrian parents or a Syrian father in Lebanon, Syrian displaced persons face serious mobility issues. Syrians registered with UNHCR are given a certificate that should enable them to pass through checkpoints unhindered, however in practice government officials are often unaware of the legality of such certificates, and often refuse to accept them as a valid form of identification.<sup>134</sup> Furthermore, both registered Syrian displaced persons and Syrians who remain in Lebanon legally through the sponsorship program face serious abuses regarding their right to work. Because a substantial portion of the employment market in Lebanon is informal, many if not most, displaced persons or forced migrants are employed in jobs that provide no guarantees or protection under employment conditions and wage laws.<sup>135</sup> As a result, these individuals often face poor labor conditions and receive substandard and exploitative wages.<sup>136</sup>

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[what-we-call-syrian-refugees/?utm\\_term=.5304f7c5875d](https://www.jrnl.org/what-we-call-syrian-refugees/?utm_term=.5304f7c5875d) (this article is based on research compiled by Janmyr and Mourad and published in the Journal of Refugee Studies. Maja Janmyr & Lama Mourad, *Modes of Ordering: Labelling, Classification and Categorization in Lebanon's Refugee Response*, 31 J. Refugee Studies 544 (2018)); Interview with Yasmine Chawaf, policy and advocacy specialist for the Danish Refugee Council, in Beirut, Lebanon (Nov. 17, 2018).

<sup>133</sup> *Syria Regional Refugee Response: Lebanon*, UNHCR, <https://data2.unhcr.org/en/situations/syria/location/71> (last visited May 16, 2019).

<sup>134</sup> Interview with Yasmine Chawaf, policy and advocacy specialist for the Danish Refugee Council, in Beirut, Lebanon (Nov. 17, 2018). Military checkpoints are commonplace in Lebanon, especially around refugee camps throughout Lebanon and those in Beirut's suburbs. Rep. of the Working Group on the Universal Periodic Review – Lebanon, *supra* note 87, at 5.

<sup>135</sup> The exact percentage of the market made up by informal unemployment in Lebanon at the time of this report is unclear; however, it seems to hover around 40%. According to the DRC, 47% of the employment market is currently informal. The last figures provided by the World Bank are from 2007, and indicate that informal employment accounted for 32-33.4% of the market in Lebanon. Interview with Yasmine Chawaf, policy and advocacy specialist for the Danish Refugee Council, in Beirut, Lebanon (Nov. 17, 2018); Friedrich Schneider, Andreas Buehn & Claudio E. Montenegro, *Shadow Economies All over the World: Estimates for 162 Countries from 1999 to 2007* 19, 21, 26, 29, 46 (World Bank Dev. Res. Grp., Policy Research Working Paper No. 5356, 2010).

<sup>136</sup> Interview with Yasmine Chawaf, policy and advocacy specialist for the Danish Refugee Council, in Beirut, Lebanon (Nov. 17, 2018).

UNRWA is the agency in charge of providing assistance to Palestinian refugees in Lebanon; its mandate does not extend to finding durable solutions for Palestinians in the form of permanent resettlement or naturalization.<sup>137</sup> UNRWA assistance, and such protection as UNRWA can offer, is only available to UNRWA-registered Palestinians. As mentioned above in describing the various populations of concern, Palestinian refugees in Lebanon fall into four distinct categories: 31,000 Palestinian refugees in Syria (PRS), who originally fled to Syria and registered with UNRWA in Syria, then came to Lebanon along with those displaced by the Syrian crisis;<sup>138</sup> 270,000 Palestinian refugees in Lebanon (PRL), who have been in Lebanon since the 1940s and are registered with both UNRWA and the DPAR;<sup>139</sup> Palestinian refugees who are registered with the DPAR but not with UNRWA (non-registered Palestinians);<sup>140</sup> and 3,000-5,000 Palestinians who are completely unregistered (non-ID Palestinians).<sup>141</sup> PRS and PRL have documents issued by UNRWA, which are similar to those issued by UNHCR in that they, in theory, allow for freedom of movement. However, in practice, PRS and PRL often encounter difficulties from government officials who are unfamiliar with the documents.<sup>142</sup> Because PRS are not registered with UNRWA in Lebanon, but are “recorded,” they are not recognized by the government as being entitled to services. Non-ID Palestinians, for the most part, have no identification documents whatsoever and are effectively living in Lebanon illegally because they are unable to register with the DPAR. Lebanon’s recognition of Palestinian nationality is essentially *pro forma* and carries no real status for Palestinians, while at the same time Palestinians are unable and denied return to Israel due to discrimination and persecution.<sup>143</sup> For a brief period in 2008, non-ID Palestinians were issued Special Identification Cards (SIC) by the GSO, which were intended to ensure freedom of movement, residence in camps, and registration in government-run schools.<sup>144</sup> SICs did not permit non-ID Palestinians to register vital events or to register with UNRWA as refugees.

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<sup>137</sup> *Who We Are*, UNRWA, <https://www.unrwa.org/who-we-are> (last visited May 14, 2019) (“The Agency’s services encompass education, health care, relief and social services, camp infrastructure and improvement, microfinance and emergency assistance, including in times of armed conflict.”).

<sup>138</sup> *Syria Crisis*, UNRWA, <https://www.unrwa.org/syria-crisis> (last visited May 14, 2019).

<sup>139</sup> *Protection in Lebanon*, UNRWA, <https://www.unrwa.org/activity/protection-lebanon> (last visited May 14, 2019).

<sup>140</sup> UNHCR, THE SITUATION OF PALESTINIAN REFUGEES IN LEBANON, *supra* note 27, at 2.

<sup>141</sup> *Id.* at 3.

<sup>142</sup> Interview with Yasmine Chawaf, policy and advocacy specialist for the Danish Refugee Council, in Beirut, Lebanon (Nov. 17, 2018).

<sup>143</sup> UNHCR, THE SITUATION OF PALESTINIAN REFUGEES IN LEBANON, *supra* note 27, at 11.

<sup>144</sup> *Id.* at 11-12.

Furthermore, SICs were not issued to Palestinians with Jordanian or Egyptian travel documents, regardless of the travel documents' validity.<sup>145</sup> In any case, SICs had little effect in practice, because Lebanese officials were often unfamiliar with the documents.<sup>146</sup> Many non-ID Palestinians live in informal communities in urban settings, which also limits aid organizations' ability to identify them and provide basic humanitarian aid.<sup>147</sup>

Palestinian refugees who are registered with UNRWA still face difficulties accessing the basic services that UNRWA should provide under its mandate. For example, all Palestinian refugee camps in Lebanon suffer from “serious overcrowding, poor housing conditions and insufficient infrastructure.”<sup>148</sup> UNRWA is responsible for ensuring adequate camp infrastructure for Palestinian refugees under its mandate, however, it has been unable to do so, reportedly due to chronic underfunding.<sup>149</sup> The standard of healthcare provided by UNRWA is also lacking, primarily because “not all medical services are available at all UNRWA health clinics and as a result refugees may have to visit other clinics outside the camps.”<sup>150</sup> This presents problems for refugees who lack the documentation issued by the DPAR to pass freely through checkpoints. UNRWA-provided healthcare is also not comprehensive and does not cover costly, but often life-or-death, care, such as heart surgery or magnetic resonance imaging (MRI).<sup>151</sup> Finally, UNRWA's mandate includes providing access to education, and while UNRWA does run sixty-nine UNRWA schools for Palestinian refugees in Lebanon, they “are reportedly often dilapidated and face severe overcrowding,” with high drop-out rates.<sup>152</sup>

Problems for Palestinian refugees go beyond the complexities of and difficulties associated with UNRWA registration. First, PRS and non-ID Palestinians remain unregistered with the DPAR, which means they are without certain protections afforded to Palestinians who are registered with the DPAR. These protections include freedom of movement within Lebanon, the ability to obtain temporary travel documents for traveling in and out of Lebanon, access to a formal

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<sup>145</sup> *Id.* at 12.

<sup>146</sup> *Id.*

<sup>147</sup> Interview with Yasmine Chawaf, policy and advocacy specialist for the Danish Refugee Council, in Beirut, Lebanon (Nov. 17, 2018).

<sup>148</sup> UNHCR, THE SITUATION OF PALESTINIAN REFUGEES IN LEBANON, *supra* note 27, at 6-7.

<sup>149</sup> *Id.* at 7.

<sup>150</sup> *Id.* at 8.

<sup>151</sup> JABER SULEIMAN, MARGINALISED COMMUNITY: THE CASE OF PALESTINIAN REFUGEES IN LEBANON 20 (2006).

<sup>152</sup> *Id.* at 9.

work permit, and certain employment benefits.<sup>153</sup> PRS are also particularly at risk of arrest, detention, and deportation due to their lack of legal status and valid documentation.<sup>154</sup> PRS have reportedly been detained and had their documents confiscated while moving through Lebanon.<sup>155</sup>

But even Palestinian refugees registered with the DPAR face problems. The administration of Palestinian refugee affairs in Lebanon has long been plagued with mismanagement due to the lack of an institutional framework for effectively dealing with Palestinians, even those who are registered. In November 2000, Decree No. 4082 renamed the former Department of Palestinian Refugees Affairs as the current Directorate of Political Affairs and Refugees, which resulted in an administrative downgrade of the DPAR's prerogative and therefore "as a downgrading of [Palestinians'] legal status."<sup>156</sup>

Additionally, Lebanon's perspective that Palestinians are nationals of Palestine and not stateless persons has consequences relating to their access to basic services, such as healthcare, discussed *supra*, as well as employment, education, and housing. For example, even Palestinians who are not barred from formal employment are restricted from working in thirty-six specified professions, including professional, skilled, and semi-skilled jobs.<sup>157</sup> Palestinians in Lebanon are often unable to access higher or professional education because they are either barred entirely or because they must pay unaffordable fees to attend.<sup>158</sup> In addition to being "prevented from legally acquiring, transferring or inheriting real property in Lebanon" because of a law passed in 2001, Palestinians also have trouble renting property because of high costs and a lack of valid or recognizable identification documents, effectively trapping them in over-populated refugee camps.<sup>159</sup> Excluding Palestinians from accessing these basic services on the basis of their statelessness, but refusing to recognize them as stateless and afford them protection, is just one more example of how Lebanon leaves Palestinians in legal limbo.

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<sup>153</sup> *Id.* at 5-8; Lorraine Charles, *Palestinian Refugees in Lebanon: the Neglected Crisis*, FORCED MIGRATION FORUM (Feb. 14, 2018), <https://forcedmigrationforum.com/2018/02/14/palestinian-refugees-in-lebanon/>.

<sup>154</sup> *Id.* at 15.

<sup>155</sup> *Id.*

<sup>156</sup> The renaming as a result of Decree No. 4082 was condemned by the International Federation of Human Rights as "an openly hostile legal policy." The DPAR now functions as a subsidiary agency to the Ministry of the Interior. SULEIMAN, MARGINALISED COMMUNITY: THE CASE OF PALESTINIAN REFUGEES IN LEBANON, *supra* note 151, at 13.

<sup>157</sup> Charles, *Palestinian Refugees in Lebanon: the Neglected Crisis*, *supra* note 153.

<sup>158</sup> *Id.* at 20; *Country Policy and Information Note, Lebanon: Palestinians*, *supra* note 104, at 31.

<sup>159</sup> SULEIMAN, MARGINALISED COMMUNITY: THE CASE OF PALESTINIAN REFUGEES IN LEBANON, *supra* note 151, at 19; UNHCR, THE SITUATION OF PALESTINIAN REFUGEES IN LEBANON, *supra* note 27, at 6-7; UNRWA, PROTECTION BRIEF: PALESTINIAN REFUGEES LIVING IN LEBANON 2 (2017).

### *C. Problems with Ad-Hoc Policy-Making*

Exacerbating the problems with implementation of the laws and policies governing civil registration is the lack of awareness and up-to-date information about *ad hoc* policies and circulars. Due to the decentralized structure of the agencies in charge of civil registration and forced migrants in Lebanon, changes to the status quo are often established through such policies and circulars. Temporary by their very nature, subject to the whims of the ever-changing political landscape, and rarely accompanied by public announcement, these policies and circulars result in a constantly evolving legal framework that is difficult to track and effectively implement. Responsibility for adequate dissemination is invariably left up to NGOs, civil society organizations, and legal service providers, which pass information amongst themselves and are also tasked with ensuring that the intended recipients of the policies and circulars are able to benefit from them while they are still in effect.<sup>160</sup> This is problematic because it takes away from finite resources and is an unreliable method of ensuring that information related to these policies and circulars is adequately disseminated to all relevant parties. On the other hand, the stakeholders maintain that such a flexible government structure is beneficial in some ways.<sup>161</sup> The flexible structure means that agencies and individual members of the government are more responsive to civil society, and that effecting change is easier than attempting to get legislation passed at the parliamentary level. However, change that is effected within this flexible structure lacks the permanence and legitimacy of parliament-enacted laws.

A further problem related to the government's reliance on such policies and circulars is that frequently public officials and law enforcement agencies are themselves unaware of the *ad hoc* changes. As a result, even when individuals have been made aware of the changes and potentially corresponding benefits, they are often denied services because the relevant Lebanese authorities have not been made aware of the changes. Examples of this include inadequate and inconsistent implementation and enforcement of the 2015 circular allowing Syrians to obtain residency permits and the three separate circulars, published in October 2017, February 2018, and March 2018, regulating civil registration and refugee registration for Syrians and PRS.

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<sup>160</sup> Interview with Samira Trad, Berna Habib & Muhannad Mahfouz, Frontiers Ruwad, in Beirut, Lebanon (Nov. 17, 2018).

<sup>161</sup> Interview with Samira Trad, Berna Habib & Muhannad Mahfouz, Frontiers Ruwad, in Beirut, Lebanon (Nov. 17, 2018); Interview with Rami Lakkis & Salah Zaiter, founder and lawyer at LOST, in Beirut, Lebanon (Nov. 17, 2018).

Additionally, there is reportedly a lack of capacity among Lebanese authorities to register all the individuals who are now eligible for regular registration under the October 2017 and March 2018 circulars.<sup>162</sup>

## VII. Stakeholders' Achievements and Barriers to Reform

### A. Legislative and Policy Changes

In recent years, the Lebanese government, parliamentarians, and ministers have been receptive to nationality reform and have engaged with NGOs to move toward necessary legislative changes. In 2018, for example, the Minister of Foreign Affairs Gebran Bassil announced that he would submit a bill allowing women to transmit their citizenship, as long as they are not married to men from neighboring countries, hinting at Syria and Palestine.<sup>163</sup>

In May 2009, Minister of Interior Ziad Baroud proposed a draft amendment to the Nationality Law.<sup>164</sup> He submitted two possible avenues for reform: first, a Lebanese woman married to a foreign man should have the right to grant her children Lebanese citizenship; and second, any person born to a Lebanese mother shall be considered Lebanese on the condition that the father is a citizen of a recognized state.<sup>165</sup> The amendment was rejected by Prime Minister Fouad Siniora, who stated that modifying laws that only apply to Lebanese women who marry foreigners was inappropriate because it treated them “exceptionally.”<sup>166</sup> In March 2012, the Ministry of Interior presented the amendment again to the Cabinet with edited provisions expediting the naturalization of children born to Lebanese mothers and Palestinian fathers upon reaching legal age, provided they had continuous residence and had not committed a serious crime.<sup>167</sup> For the first time in Lebanese history, a prime minister—Najib Mikati—established a

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<sup>162</sup> Interview with Brigitte Chelebian, Director of Justice Without Frontiers, in Beirut, Lebanon (Nov. 21, 2018).

<sup>163</sup> Georgi Azar, *FM to Introduce Bill Allowing Women to Pass Citizenship*, AN-NAHAR (March 21, 2018), <https://en.annahar.com/article/779118-fm-to-introduce-bill-allowing-women-to-pass-citizenship>; *Lebanon: Discriminatory Nationality Law: Grant Lebanese Women's Children, Spouses Citizenship Rights*, *supra* note 41.

<sup>164</sup> Anna Louie Sussman, *Lebanon Snubs Women's Nationality Campaign*, WOMEN'S E-NEWS (June 17, 2009), <https://womensenews.org/2009/06/lebanon-snubs-womens-nationality-campaign/>.

<sup>165</sup> *Id.*

<sup>166</sup> Sima Ghaddar, *Second-Class Citizenship*, CENTURY FOUNDATION (April 4, 2017), <https://tcf.org/content/report/second-class-citizenship/?session=1>.

<sup>167</sup> Joumana Moufarrege & Fadi Karam, *What is this “higher interest: that prevents a mother passing her nationality to her children,”* HEINRICH BÖLL STIFTUNG (Apr. 24, 2013), <https://lb.boell.org/en/2013/04/24/what-higher-interest-prevents-mother-passing-her-nationality-her-children>.

Ministerial Committee to review a draft law amending the Nationality Law.<sup>168</sup> The Committee interpreted the amendment as giving individuals the right to obtain citizenship, rather than as granting Lebanese women citizenship rights on equal terms with their male counterparts, and subsequently denied the draft amendment.<sup>169</sup> The Committee justified the denial by invoking the interests of the state.<sup>170</sup> The Lebanese government has had other opportunities to revisit gender equality in citizenship, and has chosen not to amend the current law. In June 2009, in a case involving four children born to a Lebanese mother and a deceased Egyptian father, a lower court found in favor of granting citizenship through the Lebanese mother.<sup>171</sup> The Judge, John Qazzi, ruled that the children must be entitled to obtain Lebanese citizenship on a non-discriminatory basis, in this case through their mother. However, an appeals court overturned Judge Qazzi's opinion in May 2010.<sup>172</sup>

Currently, however, there is a more receptive government for advocacy for equality in citizenship legislation than previously, as Lebanon has a record number of four women in the Cabinet and six female members of Parliament.<sup>173</sup> Notably, Raya el-Hassan was appointed as the Minister of Interior and Municipalities, the first woman in the Arab world to be in that position.<sup>174</sup> Paula Yacoubian, a member of Parliament and former journalist, is taking the lead in advocating for change in the discriminatory laws that she claims are an 'injustice' against women.<sup>175</sup>

While there have been efforts to reform gender-discriminatory laws within the executive and legislative branches of government, there are two major barriers to amending civil and refugee

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<sup>168</sup> Ghaddar, *Second-Class Citizenship*, *supra* note 166.

<sup>169</sup> *Id.*

<sup>170</sup> Moufarrege & Karam, *What is this "higher interest: that prevents a mother passing her nationality to her children," supra* note 167.

<sup>171</sup> Mahkamat al-Darajat al-Ūlā [Ghurfat Mahkamat al-Darajat al-Ūlā] [Chamber of First Instance], Jdeidet al-Metn, 7 April 2005 (Leb.); *Fighting for Citizenship in Lebanon*, AL JAZEERA (Aug. 29, 2009), <https://www.aljazeera.com/focus/2009/08/2009826105950433205.html>.

<sup>172</sup> Ghaddar, *Second-Class Citizenship*, *supra* note 166; *Landmark ruling granting citizenship to children of Lebanese mother overturned*, THE DAILY STAR (May 19, 2010), <https://www.dailystar.com.lb/News/Lebanon-News/2010/May-19/57545-landmark-ruling-granting-citizenship-to-children-of-lebanese-mother-overturned.ashx>.

<sup>173</sup> Victoria Yan, *Meet the Women in Lebanon's Government*, AL-MONITOR (Feb. 15, 2019), <https://www.al-monitor.com/pulse/originals/2019/02/lebanon-government-women-ministers-record-role.html>; Virginie Le Borgne, *Lebanon's Misogynistic Citizenship Law*, AL JAZEERA (Mar. 8, 2019), <https://www.aljazeera.com/indepth/features/lebanon-misogynistic-citizenship-law-190302104611573.html>.

<sup>174</sup> Yan, *Meet the Women in Lebanon's Government*, *supra* note 173.

<sup>175</sup> *Leading media figure Paula Yacoubian, a new face in Lebanon's parliament*, Arab Weekly (May 27, 2018), <https://thearabweekly.com/leading-media-figure-paula-yacoubian-new-face-lebanons-parliament>; Azar, *FM to Introduce Bill Allowing Women to Pass Citizenship*, *supra* note 163.



registration. The first barrier is the desire to maintain a sectarian demographic balance between the eighteen officially recognized sects in Lebanon.<sup>176</sup> This balance is reflected in the allocation of parliamentary seats, public offices, and administrative positions in government.<sup>177</sup> There is currently no hard data on the population of each sect since the last census conducted in 1932.<sup>178</sup> As noted above, this census indicated that 53% of the population was Christian, but it is estimated that post-civil war, the number of Lebanese Christians is 34%.<sup>179</sup> The hesitancy to conduct another census mirrors the reasoning used by members of the Lebanese government to object to amending the gender-discriminatory Nationality Law: there is a widespread belief that allowing Lebanese mothers married to Syrian and Palestinian fathers to transmit their Lebanese citizenship onto their children would upset the sectarian balance established in the 1932 census.<sup>180</sup>

The second significant barrier to changing the civil registration system is the Lebanese government's deference to the religious courts regarding matters of personal status.<sup>181</sup> As detailed above, Lebanon has eighteen religious denominations, each with its own sectarian legal system that governs personal status. This structure is unlikely to change any time soon, as the religious denominations are considered to be the mainstay of coexistence in Lebanon and the system has deep historic roots. However, this ultimately means that individuals are subject to disparate treatment from one religious authority to the next.<sup>182</sup>

## ***B. Efforts of Non-Governmental and United Nations Organizations***

### **1. Civil Registration**

Most of the NGO stakeholders in Lebanon are focused on simplifying the civil registration process by implementing educational and awareness programs. They seek to ensure that new mothers are aware of the steps required to register their children and the one-year time limit on

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<sup>176</sup> Ghaddar, *Second-Class Citizenship*, *supra* note 166.

<sup>177</sup> *Id.* Parliamentary seats are allocated on a 50:50 basis to Muslims and Christians.

<sup>178</sup> *Id.*

<sup>179</sup> *Id.*; *Christians are Disappearing from Lebanon*, A SEPARATE STATE OF MIND (March 4, 2015), <https://stateofmind13.com/2015/03/04/christians-are-disappearing-from-lebanon/>.

<sup>180</sup> ALBARAZI, REGIONAL REPORT ON CITIZENSHIP: THE MIDDLE EAST AND NORTH AFRICA, *supra* note 16, at 5.

<sup>181</sup> Interview with Yasmine Chawaf, policy and advocacy specialist for the Danish Refugee Council, in Beirut, Lebanon (Nov. 17, 2018).

<sup>182</sup> *Unequal and Unprotected: Women's Rights Under Lebanese Personal Status Laws*, *supra* note 39; Interview with Lina Abou-Habib, director of the Women's Learning Partnership, in Beirut, Lebanon (Nov. 21, 2018).

registration.<sup>183</sup> To accomplish this goal, a number of NGOs regularly disseminate information so that new mothers and fathers are prepared in advance to visit the municipalities, take the necessary time off work, and have their documentation available. The NGO stakeholders have approached the issues of civil registration in a variety of ways: by targeting individual community leaders and educating them about all the necessary steps so they can disseminate the information to their communities;<sup>184</sup> creating brochures for hospitals to hand out to new mothers;<sup>185</sup> designing posters that explain the steps in straightforward terms for distribution to different populations;<sup>186</sup> and approaching *mukhtars* to ensure they are fully aware of the process and comply with their obligations.<sup>187</sup> This sort of widespread dissemination of information takes up precious time and resources, and is ultimately difficult to implement uniformly across Lebanon.

One of the biggest obstacles to the efforts to simplify the complicated civil registration process and remedy the gender-discriminatory nationality law is the State's reservation to article 9(2) of CEDAW. The significant efforts made by NGOs to advocacy and educational strategies will not be successful without government actors at the table to discuss reforming the Nationality Law in accordance with Lebanon's obligations under CEDAW, and to press for withdrawing Lebanon's reservation to Article 9.<sup>188</sup>

Furthermore, the one-year time limit on birth registration and the high cost of completing birth registration once the deadline has passed are major concerns for most of the NGOs. Because of the complexity of the civil registration system, many individuals simply end up unregistered. These unregistered individuals face a series of further barriers when trying to apply for jobs, attend school, or receive healthcare. The NGOs assist those who do not have documentation, or whose documentation is not recognized by Lebanese authorities, through information sessions and legal

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<sup>183</sup> Interview with Yasmine Chawaf, policy and advocacy specialist for the Danish Refugee Council, in Beirut, Lebanon (Nov. 17, 2018); Interview with Samira Trad, Berna Habib & Muhannad Mahfouz, Frontiers Ruwad, in Beirut, Lebanon (Nov. 17, 2018).

<sup>184</sup> Interview with Rami Lakkis & Salah Zaiter, founder and lawyer at LOST, in Beirut, Lebanon (Nov. 17, 2018); Interview with Lea Baroudi, founding member and President of MARCH, in Beirut, Lebanon (Nov. 18, 2018); Interview with Yasmine Chawaf, policy and advocacy specialist for the Danish Refugee Council, in Beirut, Lebanon (Nov. 17, 2018).

<sup>185</sup> Interview with Lea Baroudi, founding member and President of MARCH, in Beirut, Lebanon (Nov. 18, 2018).

<sup>186</sup> Interview with Yasmine Chawaf, policy and advocacy specialist for the Danish Refugee Council, in Beirut, Lebanon (Nov. 17, 2018).

<sup>187</sup> Interview with Rami Lakkis & Salah Zaiter, founder and lawyer at LOST, in Beirut, Lebanon, (Nov. 17, 2018).

<sup>188</sup> *Id.*

assistance.<sup>189</sup> The mandate of each governmental body in Lebanon in charge of civil registration is unclear, so when issues arise they are not efficiently addressed.<sup>190</sup>

According to the NGOs, the Lebanese government does not keep systematic records, there is no unified system to obtain documentation, and all documents are kept and edited by hand, resulting in mistakes and misplaced documents.<sup>191</sup> Moreover, there is no uniform process that all eighteen of the religious courts and officials are required to follow. Due to the historical context of the religious courts and Lebanon's deeply sectarian society, the NGOs acknowledge that it is unlikely the State will change the religious courts' authority over personal status laws.<sup>192</sup> However, a standardized framework that the eighteen religious sects are required to follow would help ensure greater consistency in the civil registration processes for all populations.

## 2. Refugee Registration and Access to Rights and Services

Refugees in Lebanon, both those registered with UNRWA and UNHCR and those registered with the DPAR as displaced persons, as well as unregistered refugees and other forced migrants, face serious problems regarding mobility, residency, and access to basic services. NGOs are at the forefront of providing basic services to these populations, including access to water, hygiene supplies, healthcare, and affordable, permanent housing.<sup>193</sup>

Many of the stakeholders focus on employment and fair labor conditions for migrants by creating employment opportunities within their organizations and providing educational awareness about economic exploitation.<sup>194</sup> Individuals are usually barred from formal employment if they do not have a residency permit or the correct documentation. Although non-Palestinian refugees and migrants are required to obtain work permits, this policy is relatively unenforced and has not led to a decrease in informal labor, which often comes with economic exploitation. Recently, Lebanon has seen wide-spread protests in reaction to a new government policy requiring

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<sup>189</sup> *Id.*; Interview with Samira Trad, Berna Habib & Muhannad Mahfouz, Frontiers Ruwad, in Beirut, Lebanon (Nov. 17, 2018).

<sup>190</sup> Interview with Aziza Khalidi, Executive Director of the Collective for Research Training Action – Development, in Beirut, Lebanon (Nov. 23, 2018).

<sup>191</sup> Interview with Lea Baroudi, founding member and President of MARCH, in Beirut, Lebanon (Nov. 18, 2018).

<sup>192</sup> Interview with Lina Abou-Habib, director of the Women's Learning Partnership, in Beirut, Lebanon (Nov. 21, 2018).

<sup>193</sup> Interview with Yasmine Chawaf, policy and advocacy specialist for the Danish Refugee Council, in Beirut, Lebanon (Nov. 17, 2018).

<sup>194</sup> *Id.*; Interview with Lea Baroudi, founding member and President of MARCH, in Beirut, Lebanon (Nov. 18, 2018); Interview with Rami Lakkis & Salah Zaiter, founder and lawyer at LOST, in Beirut, Lebanon (Nov. 17, 2018).

“companies to acquire work permits for anyone considered a foreigner in Lebanon,” including Palestinian refugees.<sup>195</sup> The protesters are calling for an end to this policy, as well as for the right to work in a number of professions from which they are currently barred, including law, medicine, and engineering.<sup>196</sup> Meanwhile, NGOs have attempted to improve employment opportunities for forced migrants through skills development and vocational training programs.<sup>197</sup> Despite their best efforts, however, NGOs need governmental support to ensure that those who are seeking work are guaranteed safe conditions and fair wages.

One of the biggest difficulties for Palestinian refugees is that they have no recognized legal status or protection in Lebanon. Lebanon’s lack of a stateless status determination and its non-ratification of the international conventions relating to stateless persons bars Palestinians from accessing the basic human rights afforded stateless persons or stateless refugees under these instruments, and leaves them in a legal gray area. Unlike UNHCR, which has as part of its mandate the ability to register non-Palestinian refugees as refugees or stateless persons, UNRWA cannot register Palestinians as refugees or stateless persons for the purpose of accessing durable solutions, therefore, it is effectively left up to NGOs to advocate for Palestinians’ right to remain in Lebanon in the long-term. The NGOs stated that they cannot facilitate significant change on this front without government cooperation.<sup>198</sup> Aidoun and the Palestinian Human Rights Organization (PHRO) are attempting to raise awareness about durable solutions, especially the idea that residency and access to certain rights in Lebanon will not jeopardize the right to return.<sup>199</sup> Through trainings, workshops, and brochures, the NGOs are attempting to disseminate accurate information. However, this also requires a shift in mentality of the Lebanese government to rethink their understanding of the rights to which Palestinian refugees are entitled.<sup>200</sup>

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<sup>195</sup> Lama Al-Arian, *In Lebanon, Palestinians Protest New Employment Restrictions*, NPR (July 26, 2019), <https://www.npr.org/2019/07/26/745041157/in-lebanon-palestinians-protest-new-employment-restrictions?t=1567631030430>.

<sup>196</sup> *Id.*

<sup>197</sup> Joacim Nielsen, *Program Helps Syrians Gain Skills to Rebuild Tattered Country*, THE DAILY STAR (Apr. 23, 2014 12:32 AM), available at <http://www.dailystar.com.lb/News/Lebanon-News/2014/Apr-23/254071-program-helps-syrians-gain-skills-torebuild-tattered-country.ashx#axzz32NRyx5hS>.

<sup>198</sup> Interview with Jaber Suleiman, Director of Aidoun and member of the Common Space Initiative, in Beirut, Lebanon (Nov. 19, 2018); Interview with Ghassan Abdallah, Director of the Palestinian Human Rights Organization, in Beirut, Lebanon (Nov. 22 2018).

<sup>199</sup> *Id.*

<sup>200</sup> *Id.*

The Lebanese Palestinian Dialogue Committee (LPDC) is an inter-ministerial body formed in 2005 with the purpose of facilitating dialogue between Palestinian refugees, local and international stakeholders, and the Lebanese government. The LPDC purports to engage with civil society organizations and protect Palestinians' rights in accordance with Lebanese law, however, it is only marginally effective in doing so.<sup>201</sup> Because its president is appointed by and reports to the Prime Minister of Lebanon, some civil society organizations question the LPDC's independence.<sup>202</sup> The perceived lack of independence is compounded by a shift from reliance on foreign funding, which made the LPDC accountable to stakeholders outside the Lebanese government, to reliance on government funding alone for its budget.<sup>203</sup> As a result, some civil society organizations have observed that the LPDC is unable to fulfill its mandate of protecting Palestinians' rights because it is being strong-armed by the office of the Prime Minister.<sup>204</sup>

### 3. Efforts to Address Ad-Hoc Policies

The NGOs are at the forefront of communicating recent changes and newly instituted *ad-hoc* policies and circulars to the populations of concern, attempting to fill the gaps left by the inconsistent communication between and from the relevant government agencies. Stakeholders emphasize that, because the *ad-hoc* policies are temporary and constantly changing, spreading awareness about them quickly and efficiently is challenging. Moreover, the circulars are targeted toward specific populations, and targeting those populations to inform them of their rights can be challenging due to their locations, clustered in mostly informal living situations and remote areas.<sup>205</sup> Even when the NGOs are able to reach the relevant populations to inform them of policy changes, they face difficulties because the Lebanese authorities in charge of implementing the policies across the country are often themselves unaware of the new policies.<sup>206</sup>

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<sup>201</sup> According to Aidoun, the LPDC is effectively the only government department advocating on behalf of Palestinian refugees. Interview with Jaber Suleiman, Director of Aidoun and member of the Common Space Initiative, in Beirut, Lebanon, (Nov. 19, 2018).

<sup>202</sup> *Id.*

<sup>203</sup> *Id.*

<sup>204</sup> *Id.*

<sup>205</sup> Interview with Brigitte Chelebian, Director of Justice Without Frontiers, in Beirut, Lebanon (Nov. 21, 2018); Interview with Samira Trad, Berna Habib & Muhannad Mahfouz, Frontiers Ruwad, in Beirut, Lebanon (Nov. 17, 2018).

<sup>206</sup> Interview with Samira Trad, Berna Habib & Muhannad Mahfouz, Frontiers Ruwad, in Beirut, Lebanon (Nov. 17, 2018).

At the same time, the issuance of *ad-hoc* policies and circulars, which primarily benefit the populations they target, suggests some political will on the part of the Lebanese government to simplify civil registration in Lebanon. However, by focusing reform on these temporary policies, the government ensures that the solutions are also only temporary and lack longer-term legitimacy that comes with legislative change.<sup>207</sup>

## VIII. Conclusions and Recommendations

Due to Lebanon's failure to ensure non-discriminatory civil registration, over a million Lebanese, Syrians, and Palestinians in Lebanon are deprived of their right to either citizenship or residency status and face potential statelessness.<sup>208</sup> This failure is a result of both a lack of compliance with international and regional obligations in the realm of citizenship and inadequate implementation of existing laws and safeguards.

First, Lebanese domestic law does not conform to its obligations under the CRC, ICCPR, and the Covenant on the Rights of the Child in Islam, in that its law pertaining to transmission of citizenship is gender-discriminatory. This is compounded by Lebanon's reservation from key provisions in CEDAW.

Second, Lebanese domestic law and its civil registration process do not conform to its obligations under the CRC to ensure that every child be registered immediately after birth with a name and nationality and that no child be deprived of that nationality. The language of the provision makes clear that it is the obligation of the state where the child is born to provide birth registration, a name, and *guarantee* the child a Lebanese nationality, if another nationality is not available. Although Lebanon's Nationality Law contains safeguards against statelessness at birth, these are inadequately and rarely implemented, and are in contravention of this obligation.

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<sup>207</sup> *Id.*

<sup>208</sup> The number of stateless Lebanese is variously estimated to be between 80,000 and 200,000. Mat Nashed, *There are 80,000 stateless people in Lebanon. She aims to change that*, OZY (Sept. 13, 2019), <https://www.ozy.com/rising-stars/there-are-80000-stateless-people-in-lebanon-she-aims-to-change-that/96267>; Florian Gucklesberger, *Living Without a State*, Zenith Mag. (Aug. 10, 2017), <https://magazine.zenith.me/en/politics/statelessness-lebanon>; *Lebanon: Discriminatory Nationality Law: Grant Lebanese Women's Children, Spouses Citizenship Rights*, *supra* note 41. The number of Palestinians in Lebanon is around 300,000, and Lebanon hosts around 1 million refugees from Syria. *Lebanon: Events of 2018*, HUMAN RIGHTS WATCH, <https://www.hrw.org/world-report/2019/country-chapters/lebanon#4694c7> (last visited Oct. 4, 2019).

Third, by reserving from and modifying most of the Casablanca Protocol's provisions, Lebanon is effectively shirking its obligations to Palestinian refugees as stateless Palestine nationals.

Fourth, Lebanon's civil registration process is currently inadequately implemented, especially affecting single mothers, forced migrants, and poor and rural families. This is compounded by the government's reliance on *ad-hoc* policies and circulars to modify and interpret the civil registration process. The stakeholders recognize certain benefits associated with the prevalence of *ad-hoc* policies and circulars, specifically, that this more flexible government structure allows for greater engagement between civil society and government agencies. Conversely, however, the temporary and administrative nature of the policies, and the reliance on *ad-hoc* policies and circulars, cause problems regarding awareness and lack of uniformity.

Finally, UNHCR and UNRWA face serious difficulties fulfilling their mandates, in part due to Lebanon's lack of a stateless determination and a domestic legal framework for refugees, and in part due to internal difficulties, such as a lack of resources.

NGOs, along with UNRWA and UNHCR, have made considerable progress in advocating for change in the political and legislative spheres and in working with individuals to ensure that they are aware of and able to exercise their rights. These organizations have also made concerted efforts, and in some cases, achieved successes, in engaging with the Lebanese government to address issues related to citizenship in Lebanon. However, their progress is hampered by a number of institutional and other barriers. These barriers include: (1) Lebanon's lack of a domestic legal framework for refugees and stateless persons; (2) a demonstrated lack of political will regarding residency for forced migrants in Lebanon pending durable solutions and gender equality; (3) the existence of multiple religious courts, each with its own set of regulations on matters of personal status; and (4) the government's lack of a unified record-keeping system.

To address these barriers and achieve long-lasting change in the form of more comprehensive and non-discriminatory citizenship laws and their full implementation, a multi-pronged strategy is required.

First, concerning the major problem of civil registration, Lebanon's civil registration system needs reform in order to comply with its obligations under international law that guarantee the core rights of the child: a name, a nationality, to know his/her parents, and for the State to *guarantee* a nationality if the child would otherwise be stateless. Reforms such as incorporating

changes to automate and simplify the judicial system, increasing the age limitation for birth registration from one year to three or four years, decreasing fees associated with civil registration, and opening birth registration to single mothers on a non-discriminatory basis would make the process accessible to all and bring Lebanon's civil registration system further in line with its legal obligations.<sup>209</sup> Furthermore, Lebanon should ensure that those same core rights of the child are being met with regard to foundlings by taking steps to guarantee full and correct implementation of Article 1 of the Nationality Law, which purports to safeguard against statelessness at birth where both parents are unknown.

Second, Lebanon must incorporate non-discriminatory nationality provisions. Stakeholders disagree on the best means to achieve this, with the main advocates for ending discrimination in nationality claiming that Lebanon must reform its Nationality law to fully guarantee gender equality in conferring citizenship. Other stakeholders believe this is not achievable, but that in the short term, until the current Nationality Law can be amended, this should be accomplished through state policy that requires conformity throughout the religious court system to recognize that women can acquire Lebanese citizenship on the same basis as men, and can confer citizenship to their children on an equal basis as men. The legal basis for these reforms— whether they be achieved through amendments to the Nationality Law itself, state policies requiring gender equality in nationality, or a combination of the two—is the Arab Charter and CEDAW. The Arab Charter guarantees the right to a nationality and calls for State Parties to allow for matrilineal conferring of nationality, where it is in the best interests of the child to do so and in accordance with domestic law.<sup>210</sup> CEDAW requires that states guarantee complete gender equality with regard to nationality.<sup>211</sup> Lebanon ought to ensure that domestic law and policy reflects Lebanon's obligations under CEDAW to guarantee gender equality with regard to nationality. Stakeholders have echoed the recommendations of the 2015 Report of the Universal Periodic Review on Lebanon that Lebanon withdraw its reservation of Article 9(2) in CEDAW and amend all necessary domestic laws to fully comply with CEDAW.<sup>212</sup> Taken together, the

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<sup>209</sup> It is important to acknowledge that automating and simplifying complex registration systems is not an easy fix. Rather, it requires cooperation from multiple departments and significant resource allocation.

<sup>210</sup> Arab Charter on Human Rights, *supra* note 65, art. 29.

<sup>211</sup> Convention on the Elimination of All Forms of Discrimination Against Women, *supra* note 59, art. 9.

<sup>212</sup> Rep. of the Working Group on the Universal Periodic Review – Lebanon, *supra* note 87, at 14. There are two avenues for advocating for the full implementation of CEDAW. One possible avenue is to argue for full implementation *despite* Lebanon's reservations to Article 9, on the ground that Lebanon's reservations go against



obligations under the Arab Charter and the more robust protections within CEDAW, form a stronger and more comprehensive framework for gender equality in nationality than reliance on either one on its own.

Third, the UN agencies, specifically UNHCR and UNRWA, must coordinate efforts and bridge the gap in their mandates to specifically recognize the status and rights of stateless persons and stateless refugees in Lebanon.<sup>213</sup> Although stakeholders did not discuss this or believe this should be a current focus of the efforts to reduce statelessness, until such time as Lebanon adopts a legal framework that recognizes the status of stateless persons or stateless refugees, the UN agencies must take the lead in incorporating such provisions in its MOU with Lebanon. In order to address the legal limbo in which over one million refugees find themselves affected by this gap, UNHCR should specifically incorporate a stateless determination status into its MOU with Lebanon. UNRWA and UNHCR must clarify their position about the status of Palestinian refugees as stateless persons, and confer recognition and the concomitant rights accruing from formal legal status for stateless Palestinians in Lebanon. In the meantime, UNHCR should encourage the Lebanese government to fully implement international statelessness and refugee norms and ensure effective implementation of existing laws. UNHCR could accomplish this by amending its 2003 MOU to fully encompass Lebanon's *non-refoulement* obligation not to deport displaced persons who stay beyond the 12-month maximum, and by campaigning for full implementation of the MOU.<sup>214</sup> In doing so, UNHCR should encourage the Lebanese government to recognize Syrians registered with UNHCR as "refugees" rather than as "displaced persons," in accordance with international norms.

Fourth, advocates for Palestinian rights should consider adding to their strategies a campaign for full implementation of the Casablanca Protocol in order to ensure that Palestinian

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the object and purpose of CEDAW. See VCLT, *supra* note 74, art. 19; Convention on the Elimination of All Forms of Discrimination Against Women, *supra* note 59, art. 28. However, stakeholders in Lebanon have focused their efforts on full ratification and the withdrawal of Lebanon's reservations to Article 9. *Arab Women's Right to Nationality Campaign*, COLLECTIVE FOR RESEARCH AND TRAINING ON DEVELOPMENT – ACTION, <https://crt-da.org.lb/project/nationality> (last visited Sept. 7, 2019); Interview with Lina Abou-Habib, director of the Women's Learning Partnership, in Beirut, Lebanon (Nov. 21, 2018).

<sup>213</sup> UNHCR's mandate allows it to register non-Palestinian refugees as refugees or stateless persons. Meanwhile, UNRWA's mandate extends only to registering Palestinian refugees for the purpose of providing aid. Therefore, Palestinian refugees do not have a way of being registered as stateless, despite neatly fitting into the definition of stateless persons (or stateless nationals of Palestine) within the 1954 Convention.

<sup>214</sup> FRONTIERS RUWAD, LEBANON-UNHCR MEMORANDUM OF UNDERSTANDING (2003).

refugees in Lebanon have access to basic rights and services. The Casablanca Protocol provides more comprehensive protection regarding the right to employment and freedom of movement than any of the international treaties relating to refugees and stateless persons. The Casablanca Protocol requires that Member States grant Palestinians the same employment rights and “treatment regarding visa and residency applications” as their own citizens and grants much wider freedom of movement throughout the Member States than the Refugee Convention.<sup>215</sup> Furthermore, Lebanon has ratified the Casablanca Protocol; unlike the international treaties relating to refugees and stateless persons, Lebanon is already bound by the Casablanca provisions. When combined with LAS resolutions which clarify and expand these rights, the Casablanca Protocol provides significant protection to Palestinian refugees in Lebanon on all the core rights they have been demanding and deserve.<sup>216</sup>

Finally, stakeholders agree that much more attention needs to be paid to the growing problem of statelessness in Lebanon. There is deep disagreement, however, about whether deprivation of citizenship among the native Lebanese population should be combined with advocating to address the problem of statelessness in the refugee and migrant populations. In particular, the problem of Palestinian statelessness has proven highly contentious. Nevertheless, many stakeholders agree that the status of Palestinians as refugees and as stateless persons must be addressed, as an urgent matter, as it contributes to the acute and growing crisis of rights-deprivation for this population. There is broad agreement that national and international NGOs should continue to address the issue of statelessness in Lebanon generally by continuing to conduct ‘know your rights’ campaigns, both on the national and international level, to educate individuals about their rights regarding citizenship and to mobilize grassroots movements, with a view toward reaching a wider audience. Civil society mobilization should be geared towards ensuring that populations of concern have access to legal aid in order to successfully navigate the civil registration process.<sup>217</sup> NGOs agree on the importance of seeking and securing rights-based funding to target specific human

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<sup>215</sup> *Casablanca Protocol*, *supra* note 69, arts. 1-5.

<sup>216</sup> Abbas Shiblak, *Stateless Palestinians*, 26 FORCED MIGRATION REV. 8 (2006).

<sup>217</sup> Interview with Rami Lakkis & Salah Zaiter, founder and lawyer at LOST, in Beirut, Lebanon, (Nov. 17, 2018); Interview with Lea Baroudi, founding member and President of MARCH, in Beirut, Lebanon (Nov. 18, 2018); Interview with Brigitte Chelebian, Director of Justice Without Frontiers, in Beirut, Lebanon (Nov. 21, 2018); Interview with Samira Trad, Berna Habib & Muhannad Mahfouz, Frontiers Ruwad, in Beirut, Lebanon (Nov. 17, 2018).

rights violations rather than specific populations of concern to the exclusion of others.<sup>218</sup> Finally, all stakeholders noted the importance of committing to increased communication and engagement on the issue of statelessness, including between NGOs and UN organizations, the Lebanese government and NGOs; the Lebanese government and UN organizations; and among and between NGOs themselves.<sup>219</sup>

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<sup>218</sup> *Id.*; Interview with Rami Lakkis & Salah Zaiter, founder and lawyer at LOST, in Beirut, Lebanon (Nov. 17, 2018).

<sup>219</sup> Interview with Lina Abou-Habib, director of the Women’s Learning Partnership, in Beirut, Lebanon (Nov. 21, 2018); Interview with Aziza Khalidi, Executive Director of the Collective for Research Training Action – Development, in Beirut, Lebanon (Nov. 23, 2018).

## IX. Appendix I: Glossary

**Citizenship** “entitles the individual to the protection of the state and provides a legal basis for the exercise of many civil and political rights.”<sup>220</sup> For the purposes of this report, citizenship is used to refer to having identity documents and recognition by a State [Lebanon] as a citizen under its domestic laws.<sup>221</sup>

**Civil registration** refers to the registration of vital life events, including birth, marriage, divorce, and death.<sup>222</sup> Civil registration is required in Lebanon to obtain identity documentation proving citizenship; Lebanon does not treat individuals who remain unregistered as citizens of the State.

**Civil society organizations (“CSOs”)** are community-based organizations that operate independently from any government. Civil society organizations may include those that are registered as NGOs, but do not include those registered as international NGOs. For the purposes of this report, we primarily refer to both civil society organizations and international NGOs simply as “NGOs.”

A **government circular (circular)** is a written statement of government policy providing information and/or guidance on legislative or procedural issues. Circulars in Lebanon are binding, however, they do not carry the same weight as laws and are often irregularly and insufficiently implemented.

**International NGOs** are NGOs that typically have foreign headquarters but carry out programming in a number of different countries.

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<sup>220</sup> UNHCR, *THE STATE OF THE WORLD’S REFUGEES*, at chapter 6 (1997).

<sup>221</sup> *Citizenship and Nationality*, INT’L JUSTICE RESOURCES CTR., <https://ijrcenter.org/thematic-research-guides/nationality-citizenship/> (last visited Apr. 12, 2019); Susan M. Akram, *The Search for Protection for Stateless Refugees in the Middle East: Palestinians and Kurds in Lebanon and Jordan*, supra note 30, at 415 (clarifying that “[t]he distinction between nationality and citizenship has become almost meaningless with the rise of human rights law and the *jus cogens* prohibition against discrimination in depriving nationality or granting citizenship status”).

<sup>222</sup> Law on Documenting Personal Status, Dec. 7, 1951 [Lebanon].

A *mukhtar* is a local official elected from a pool of members of municipal councils. The *mukhtar* is in charge of issuing documentation, such as a birth certificate, required for obtaining identity cards and passports.

**Nationality** is defined under international law as “membership in a nation or sovereign state.”<sup>223</sup> This definition is used in international and regional treaties and does not attach to a particular state’s domestic laws. Outside of international and regional treaties, nationality is alternatively defined as the overarching idea of connection between an individual and a territory.<sup>224</sup>

A *nofous* is a local government registry office which operates as a local sub-agency of each governorate’s Personal Status Department. *Nofous* administrators are in charge of registering children’s birth certificates, a necessary step in obtaining an identity card.

**Non-governmental organizations (“NGOs”)** are non-profit organizations, operating independently of any government. Unless otherwise indicated, for the purposes of this report the term “NGO” refers to an organization that operates in only one country.

**“Perfecting citizenship”** is the term used by stakeholders to describe the process of acquiring identity documents for Lebanese who, for whatever reason, are unable to obtain identity documents to prove their Lebanese citizenship, and are therefore effectively denied citizenship status. This term is commonly used in conjunction with Lebanon’s discriminatory system of civil registration, which leaves many Lebanese unable to register their citizenship.

**“Right to return”** is the term used to describe Palestinians’ right to return to their homes in Palestine, as established by United Nations General Assembly Resolution 194.<sup>225</sup>

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<sup>223</sup> *Nationality: international law*, Encyclopaedia Britannica, <https://www.britannica.com/topic/nationality-international-law> (last visited Aug. 8, 2019).

<sup>224</sup> *Citizenship and Nationality*, INT’L JUSTICE RESOURCE CTR.; Akram, *The Search for Protection for Stateless Refugees in the Middle East: Palestinians and Kurds in Lebanon and Jordan*, *supra* note 30, at 407.

<sup>225</sup> G.A. Res. 194 (III), ¶ 11 (Dec. 11, 1948).

**Stateless persons**, according to the 1954 Convention relating to the Status of Stateless Persons, are those who are “not considered as a national by any State under the operation of its law.”<sup>226</sup> Because Lebanon is not a party to the 1954 Convention relating to the Status of Stateless Persons and does not have a statelessness determination in its domestic legislation, it does not apply this definition to persons within its jurisdiction.

**The Nationality Law (1925 Decree No. 15 on Lebanese Nationality)** governs all aspects of acquiring and maintaining Lebanese citizenship, including transmitting citizenship from parents to children, safeguarding against statelessness at birth, and naturalization.<sup>227</sup>

**The Personal Status Law (1951 Law on Personal Status)** establishes a system for civil registration in Lebanon and sets the parameters for eligibility for civil registration. The Personal Status Law also sets out the basic requirements for the civil registration procedure.<sup>228</sup>

**The Foreigners’ Law (1962 Law Regulating the Entry and Stay of Foreigners in Lebanon and their Exit from the Country)** regulates the entry, stay, and exit for foreigners in Lebanon. The Foreigners’ Law also contains provisions regulating the right to seek asylum and detailing the procedure for seeking asylum, which includes adjudication by a special committee.<sup>229</sup>

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<sup>226</sup> Convention relating to the Status of Stateless Persons, *supra* note 3, at art. 1. This definition has crystallized into customary international law.

<sup>227</sup> Decree No. 15 on Lebanese Nationality art. 1(1), Jan. 19, 1925 [Lebanon].

<sup>228</sup> Law on Documenting Personal Status, Dec. 7, 1951 [Lebanon].

<sup>229</sup> Law Regulating the Entry and Stay of Foreigners in Lebanon and their Exit from the Country arts. 26-31, Aug. 2, 1962 [Lebanon].

## X. Appendix II: Stakeholders

### A. Government

**The Ministry of Interior and Municipalities** is the overarching governmental agency that addresses issues of citizenship in Lebanon. It is composed of several sub-agencies. The current Minister of Interior is Raya Al Hassan.<sup>230</sup>

**The General Security Office (GSO)** is a sub-agency of the Ministry of the Interior. It is primarily in charge of the administration and regularization of foreigners, including non-Palestinian refugees, and is also involved in the administration of civil registration.<sup>231</sup> Abbas Ibrahim is the currently the Major-General and General Director of the General Directorate for the General Security Office.<sup>232</sup>

**The Ministry of Foreign Affairs and Emigrants** governs economic affairs, financial and administrative affairs, emigrants' affairs, protocol for visiting foreign bodies, and political affairs.<sup>233</sup> Gebran Bassil has been the Minister of Foreign Affairs and Emigrants since 2014.<sup>234</sup>

**The Directorate of Political Affairs and Refugees (DPAR)** is in charge of registering and maintaining records of Palestinian refugees in Lebanon.<sup>235</sup>

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<sup>230</sup> Raya Al Hassan is the first female minister of interior in the Arab world. Sunniva Rose, *Lebanon Appoints First Female Arab Minister*, THE NATIONAL, <https://www.thenational.ae/world/mena/lebanon-appoints-first-female-arab-interior-minister-1.820688> (last visited May 16, 2019).

<sup>231</sup> *Functions of the general security*, GENERAL DIRECTORATE OF GENERAL SECURITY, [www.general-security.gov.lb/en/posts/3](http://www.general-security.gov.lb/en/posts/3) (last visited May 13, 2019).

<sup>232</sup> Thear Abbas, *Abbas Ibrahim... The Eyes and Ears of the Lebanese State*, ASHARQ AL-AWSAT <https://aawsat.com/english/home/article/1019646/abbas-ibrahim-...-eyes-and-ears-lebanese-state> (last visited May 16, 2019).

<sup>233</sup> *Ministry of Foreign Affairs and Emigrants*, LEBANESE REPUBLIC, <http://www.foreign.gov.lb/english/ministry/ministry-missions> (last visited May 13, 2019).

<sup>234</sup> *90 Minutes with Gebran Bassil Minister of Foreign Affairs and Emigrants in Lebanon*, SCIENCES PO <https://www.sciencespo.fr/psia/headlines-events/minister-foreign-affairs-lebanon.html> (last visited May 16, 2019).

<sup>235</sup> The DPAR was formerly known as the Department of Palestinian Refugees Affairs, however, in November 2000, the sub-agency was renamed to the current Directorate of Political Affairs and Refugees. SULEIMAN, *MARGINALISED COMMUNITY: THE CASE OF PALESTINIAN REFUGEES IN LEBANON*, *supra* note 151, at 13; UNHCR, *THE SITUATION OF PALESTINIAN REFUGEES IN LEBANON*, *supra* note 27, at 4.

**The Lebanese Palestinian Dialogue Committee (LPDC)** is an inter-ministerial body formed in 2005 with the purpose of facilitating dialogue between Palestinian refugees, local and international stakeholders, and the Lebanese government.<sup>236</sup> The current Chairman of the LPDC is Dr. Hassan Mneymneh.<sup>237</sup>

## A. Non-Governmental Organizations

**The Women’s Learning Partnership (WLP)** is an autonomous feminist network of twenty organizations in the Global South that focuses on advocating for human rights, advancing human security, reforming family laws, empowering refugee women, and strengthening civil society.<sup>238</sup>

The Lebanon chapter is led by Lina Abou-Habib, and focuses on reforming the gender-discriminatory Lebanese Nationality Law.

**The Collective for Research Training on Development Action (CRTD-A)** is committed to values of gender equality and diversity and strives for social justice by monitoring development in Lebanon, training local women’s groups, community organizations, and other stakeholders, and providing a space and opportunity to listen to the voices of women and understand their experiences, challenges and aspirations.<sup>239</sup> CRTD-A advocates for reform of the Nationality Law through advocacy and enabling access to public services, such as schools, healthcare, and legal aid, specifically for facilitating civil registration.<sup>240</sup>

**Frontiers Ruwad** provides legal aid, representation, and counseling for refugees, stateless persons, and Lebanese perfecting their nationality, and conducts legal and policy research on refugee and statelessness issues in Lebanon.<sup>241</sup>

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<sup>236</sup> *About Us*, LEBANESE PALESTINIAN DIALOGUE COMMITTEE, <http://www.lpdc.gov.lb/> (last visited May 13, 2019).

<sup>237</sup> *About LPDC: Committee Structure*, LEBANESE PALESTINIAN DIALOGUE COMMITTEE, <http://www.lpdc.gov.lb/committee-structure/35/en> (last visited May 17, 2019).

<sup>238</sup> *Who We Are*, WOMEN’S LEARNING PARTNERSHIP, <https://learningpartnership.org/who-we-are> (last visited May 13, 2019).

<sup>239</sup> *About*, COLLECTIVE FOR RESEARCH TRAINING ACTION – DEVELOPMENT <https://crt-da.org.lb/about> (last visited May 16, 2019).

<sup>240</sup> Interview with Aziza Khalidi, Executive Director of the Collective for Research Training Action – Development, in Beirut, Lebanon (Nov. 23, 2018).

<sup>241</sup> *About*, FRONTIERS RUWAD, <http://www.frontiersruwad.org/index.htm> (last visited May 13, 2019).



**Justice Without Frontiers (JWF)** is a legal consultation and representation organization which takes on legal and social projects that support human rights, including cases involving civil registration.<sup>242</sup> JWF monitors trials and judicial conformance to international and regional standards of human rights, prosecutes human rights violators, conducts training programs and seminars to raise awareness, and prepares reports regarding human rights violations.<sup>243</sup>

**The Akkar Network for Development (AND)** aims to establish a foundation for a better community through implementing projects and creating development policies centered around women and children.<sup>244</sup>

**The Amel Association** offers services in healthcare, psychosocial care, human rights, child protection, rural development and vocation training fields to individuals throughout Lebanon.<sup>245</sup> In addition, the Amel Association works on national campaigns for women's rights and heads training, therapy, and legal services programs for migrant domestic workers.<sup>246</sup>

**MARCH** works to reconcile and empower the youth of Beb El Tabbaneh and Jabal Mohsen, two feuding neighborhoods in Tripoli, through arts and culture activities such as theater and construction, while also advocating for gender equality.<sup>247</sup>

**The Lebanese Institute for Studies and Training (LOST)** works in the Baalbeck-Hermel region of Lebanon, where it focuses on educational and training programs and youth and women

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<sup>242</sup>JUSTICE WITHOUT FRONTIERS, <http://www.jwf.org.lb> (last visited May 13, 2019).

<sup>243</sup> *About Us*, JUSTICE WITHOUT FRONTIERS, <http://www.jwf.org.lb/about/> (last visited May 13, 2019).

<sup>244</sup> Akkar Network for Development (@ANDIb), FACEBOOK, [https://www.facebook.com/pg/ANDIb/about/?ref=page\\_internal](https://www.facebook.com/pg/ANDIb/about/?ref=page_internal) (last visited May 14, 2019).

<sup>245</sup> *Mission*, AMEL ASSOCIATION, <https://amel.org/about-us/mission/> (last visited May 13, 2019).

<sup>246</sup> *Id.*

<sup>247</sup> *Mission & Objectives*, MARCH, <https://www.marchlebanon.org/en/about/mission-&-objectives> (last visited May 13, 2019).

empowerment.<sup>248</sup> In conjunction with the World Food Program, LOST also supports the agricultural sector.<sup>249</sup>

**Aidoun** serves as a resource center for the basic human rights of Palestinian refugees.<sup>250</sup> Aidoun organizes seminars in Beirut discussing the rights of Palestinian refugees in Lebanon, particularly relating to the right to return, self-determination, and the role of the LPDC in promoting Palestinians' rights in Lebanon.<sup>251</sup>

**The Common Space Initiative** facilitates dialogue between policy makers, intellectuals, experts, civil society actors, stakeholders, and individuals in Lebanon to enable cooperation and solidarity among different groups and promote a culture of shared responsibilities that recognize common national interests.<sup>252</sup>

**The Palestinian Human Rights Organization (PHRO)** has three primary programs: (1) researching, monitoring and documenting human rights violations; (2) human rights education and awareness raising; and (3) advocacy and dialogue.<sup>253</sup> PHRO carries out its initiatives on local, national, regional, and international levels to raise awareness and launch conversations about Palestinians' rights.<sup>254</sup>

**The Danish Refugee Council (DRC)** is an international NGO that assists and protects refugees and internally displaced persons in conflict areas the world.<sup>255</sup> In Lebanon, DRC addresses the needs of both refugee and host populations through rights-based programming, including continuing emergency response support, improving living conditions, providing access to basic

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<sup>248</sup> *February 2018 Achievement Report*, LOST, <https://lostlb.org/the-lebanese-organization-for-studies-and-training-lost-february-2018-achievement-report-in-baalbeck-hermel/> (last visited May 16, 2019).

<sup>249</sup> *Id.*

<sup>250</sup> *The Center for refugee Rights/Aidoun (CRR)*, AIDOUN, <http://www.aidoun.org/en/the-center-for-refugee-rightsaidoun-crr/> (last visited May 13, 2019).

<sup>251</sup> *Id.*

<sup>252</sup> *About*, THE COMMON SPACE INITIATIVE <http://www.commonspaceinitiative.org/about.html> (last visited May 16, 2019).

<sup>253</sup> Interview with Ghassan Abdallah, Director of the Palestinian Human Rights Organization, in Beirut, Lebanon (Nov. 22 2018).

<sup>254</sup> *Id.*

<sup>255</sup> DANISH REFUGEE COUNCIL, <https://drc.ngo> (last visited May 16, 2019).

services and livelihood opportunities, and strengthening protection and self-reliance for the most vulnerable households and communities.<sup>256</sup>

**The Norwegian Refugee Council (NRC)** is an international NGO that works in crises in thirty-one different countries.<sup>257</sup> NRC Lebanon supports everyone affected by displacement, including host communities, through educational programs and legal assistance and counseling.<sup>258</sup> Through its Shelter and Settlements program and Water, Sanitation, and Hygiene program, NRC Lebanon also provides housing and sanitation assistance to Syrian and Palestinian refugees.<sup>259</sup>

## **B. United Nations Organizations**

**The United Nations High Commission for Refugees (UNHCR)**, also known as the UN Refugee Agency, is the organization in charge of registering non-Palestinian refugees, with the aim of providing humanitarian assistance and, where resettlement to a third country is viable, making a refugee status determination that enables such resettlement.<sup>260</sup> With five offices across Lebanon, UNHCR Lebanon provides protection and basic assistance, including education, protection trainings, and access to public health and shelter, to refugees and stateless persons and communities affected by humanitarian crises.<sup>261</sup> In 2003, UNHCR signed a Memorandum of Understanding (MOU) with the Lebanese government, under which the Lebanese government allows refugees registered with UNHCR (recognized by the Lebanese government as “displaced persons”) to remain legally in Lebanon for up to 12 months with temporary residency permits, in order to allow UNHCR to find a durable solution for the refugee.<sup>262</sup> However, according to an

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<sup>256</sup> *Middle East, Lebanon*, DANISH REFUGEE COUNCIL, <https://drc.ngo/where-we-work/middle-east/lebanon> (last visited May 13, 2019).

<sup>257</sup> *About*, NORWEGIAN REFUGEE COUNCIL, <https://www.nrc.no/who-we-are/about-us/> (last visited May 16, 2019).

<sup>258</sup> *Middle East - Lebanon*, NORWEGIAN REFUGEE COUNCIL <https://www.nrc.no/countries/middle-east/lebanon/> (last visited May 16, 2019).

<sup>259</sup> *Id.*

<sup>260</sup> *About Us*, UNHCR, <https://www.unhcr.org/en-us/about-us.html> (last visited May 16, 2019); Convention relating to the Status of Refugees, *supra* note 24, at art. 1; UNHCR, *Mandate of the High Commissioner for Refugees and His Office, Executive Summary*, <https://www.unhcr.org/5a1b53607.pdf> (last visited July 7, 2019).

<sup>261</sup> *Lebanon At A Glance*, UNHCR, <https://www.unhcr.org/lb/at-a-glance> (last visited May 14, 2019).

<sup>262</sup> This durable solution is usually resettlement to a third country. UNHCR, COUNTRY OPERATIONS PLAN: LEBANON 1, *supra* note 131.

anonymous UN source, the MOU is no longer being applied to any refugees under UNHCR's auspices.

**The United Nations Relief and Works Agency (UNRWA)** was established in 1949 to carry out direct relief and work programs for Palestinian refugees, including education, health care, relief and social services, camp infrastructure and improvement, and microfinance and emergency assistance.<sup>263</sup> In Lebanon, UNRWA provides services to twelve refugee camps and runs sixty-nine schools, two vocational and technical training centers, twenty-seven primary health centers, nine women's program centers, and a community rehabilitation center.<sup>264</sup>

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<sup>263</sup> *Who We Are*, UNRWA, <https://www.unrwa.org/who-we-are> (last visited May 13, 2019).

<sup>264</sup> *Where We Work*, UNRWA, <https://www.unrwa.org/where-we-work/lebanon> (last visited May 16, 2019).

## **XI. Appendix III: Laws**

### **The 1925 Decree No. 15 on Lebanese Nationality**

Art. 1 “is considered Lebanese: Every person born of a Lebanese father. Every person born in the Greater Lebanon territory and did not acquire a foreign nationality, upon birth, by affiliation. Every person born in the Greater Lebanon territory of unknown parents or parents of unknown nationality.”; Art. 2 “The illegitimate child whose nationality has not been established during his minority shall have the Lebanese nationality if one of his parents in respect of whom affiliation is first established and if the proof of affiliation regarding both the father and the mother results from a single contract or judgment, the child shall acquire the nationality of the father should the latter be Lebanese.”; Art. 3“Conditions of the Lebanese Nationality through Naturalization: The text of Article 3 was abrogated by article one of regulation 122 L . R . dated on 19/06/1939 provided that such an abrogation shall enter into effect as of the date of implementation of the law issued on 27 May 1939 on obtaining the Lebanese nationality through naturalization by publishing it in the official gazette. However, the law promulgated on 27 May 1939 was annulled by virtue of legislative decree no 48 dated on 31/05/1940 and as a result thereof the text of Article 3 of Order 15, 1925 stipulating the following shall be implemented again: A natural person may acquire the Lebanese nationality by virtue of an order issued by the Head of the State after fulfilling the following and submitting a request in this regard: A foreigner who proves having been living in the Lebanese territories for five consecutive years. A foreigner who marries a Lebanese woman and has been living in the Lebanese territories for one consecutive year as of the date of this marriage. A foreigner who offers to Lebanon highly significant services. However, he shall be granted the nationality under an order for independent reasons.”; Art, 4 “The spouse of a foreigner, who has become a Lebanese citizen, as well as the children of full age of such a foreigner, may , if they so request , obtain the Lebanese nationality , without satisfying the residence condition , whether by virtue of the regulation giving this nationality to the husband , the father or the mother or in a special regulation . Likewise, the minor children of a father acquiring the Lebanese nationality, or a mother acquiring the said nationality and who remained alive after the death of the father, shall become Lebanese unless they reject this nationality within the year following their majority.”; Art. 5 (As amended by the law dated 11 / 01 / 1960) “The foreign woman married to a

Lebanese shall, upon her request, become Lebanese after one year from the date of registration of the marriage in the Civil Status Office.”; Art. 6 (As amended by the law dated 11 / 01 / 1960) “The Lebanese woman who gets married with a foreigner remains Lebanese until she requests the striking off of her registration in the census records on account of acquiring the nationality of her husband.”; Art. 7 (As amended by the law dated 11 / 01 / 1960 ) “The woman who has lost her Lebanese nationality as a result of her marriage with a foreigner may, upon her request, recover this nationality after the dissolution of her marriage. Lebanese female citizens who were married prior to the 1932 census and who have lost their nationality by marriage and did not have any record in the census registers of that date, may, subsequent to the dissolution of their marriage, obtain a court judgment ordering their registration should it be established that, on 30 August 1924, they were on the Lebanese territory. As concerns those who were residing abroad at that date, they may recover their Lebanese nationality under article 2 of Law dated 31 January 1946.”; Art. 8 “Shall cease to be Lebanese: The Lebanese subject having acquired a foreign nationality should this acquisition take place pursuant to an authorization granted by a regulation issued by the Head of the State. The Lebanese who accepts a public office from a foreign government and maintains such office despite that he has been instructed by the Lebanese government to abandon it within a specified period”; Art. 9 “Examination of lawsuits relating to nationality falls within the exclusive jurisdiction of courts of law. Temporary Provisions”; Art. 10 “1<sup>st</sup> While preserving the option rights provided for in the Peace Treaty signed at Lausanne in 1923 , is considered Lebanese every person born on the Greater Lebanon territory of a Lebanese father also born in the said territory and was on November 1914 an Ottoman subject.”; Art. 11 “Children and married women having acquired a foreign nationality, in accordance with article 36 of the Lausanne Treaty, may obtain, after investigation, the Lebanese nationality by decision of the Head of State provided they reside in the Lebanese territory and submit a declaration to this effect within the year following maturity or dissolution of marriage.”; Art. 12 “All provisions contrary to the provisions of the present regulation are hereby repealed.”; Art. 13 “The Secretary General and the Governor of Greater Lebanon , each within his jurisdiction , shall implement the present regulation which shall come into force as of the date of its publication in the official bulletin where the affairs of the Higher Commissariat are published.”

## **The 1962 Law Regulating the Entry and Stay of Foreigners in Lebanon and their Exit from the Country**

### **XII. CHAPITRE I - DISPOSITIONS GENERALES**

#### **XIII. Article 1**

Est considérée comme étrangère, dans le cadre de la présente loi, toute personne réelle qui n'est pas de nationalité libanaise.

#### **XIV. Article 2**

Sous réserve des accords internationaux et des lois spéciales, les étrangers sont soumis aux dispositions de la présente loi, pour ce qui concerne leur entrée ou leur séjour au Liban ainsi que leur sortie de ce pays.

#### **XV. Article 3**

Sont soustraits aux dispositions de cette loi, les membres des corps diplomatique et consulaire. Toutefois, les consuls honoraires ne sont soustraits qu'aux réglementations spéciales du séjour, d'entrée et de sortie.

#### **XVI. Article 4**

Les étrangers détenteurs d'un visa de transit ou de séjour, ou d'une carte de séjour pourront circuler sur tout le territoire libanais à l'exception des zones prohibées par les autorités compétentes.

### **XVII. CHAPITRE II - DE L'ENTREE AU LIBAN**

#### **XVIII. Article 6**

L'étranger ne pourra entrer au Liban que s'il passe par un des postes de la Sûreté Générale, à condition toutefois qu'il soit muni des documents et des visas réglementaires, ainsi que d'un passeport sur lequel est apposé un visa de transit ou de séjour par un représentant du Liban à l'étranger, ou par une autorité chargée des intérêts des Libanais à l'étranger, ou par la Sûreté Générale. Le Libanais ne pourra entrer au Liban que s'il passe par un des postes de la Sûreté Générale. Quant aux non-Libanais qui ne sont pas tenus d'être en possession d'un passeport, leur entrée au Liban sera enregistrée à la frontière par les Services de la Sûreté Générale. L'application de ce paragraphe sera réglementée par un arrêté du Ministre de l'Intérieur. Tout étranger qui désire entrer au Liban pour pratiquer une carrière ou pour y travailler est tenu d'obtenir au préalable une autorisation du Ministère du Travail et des Affaires Sociales, à l'exception des artistes qui devront obtenir une autorisation de la Direction de la Sûreté Générale.

**XIX. Article 7**

Par décret pris sur proposition du Ministre des Affaires Etrangères et des Emigrés, les visas d'entrée et de séjour pourront être supprimés pour les ressortissants de certains pays désirant séjourner au Liban comme touristes pour une période d'au moins trois mois.

**XX. CHAPITRE III - LE TRANSIT ET LE SEJOUR**

**XXI. Article 8**

Le détenteur d'un visa de transit est autorisé à entrer une seule fois au Liban et à y séjourner pour une période maximum de 15 jours.

**XXII. Article 9**

La Direction de la Sûreté Générale est autorisée, dans des cas exceptionnels, à transformer un visa de transit en visa de séjour.

**XXIII. Article 10**

Des visas de séjour peuvent être accordés pour un ou plusieurs voyages, mais leur validité ne devra pas dépasser une période maximum de 6 mois qui commence à courir à partir de la date d'obtention du visa.

**XXIV. Article 11**

La Direction de la Sûreté Générale est autorisée à prolonger successivement le visa de séjour pour une période maximum d'un an qui commence à courir à partir de la date d'entrée au Liban.

**XXV. Article 12**

Des cartes de séjour pour une période d'une année ou des cartes de séjour permanent, valables pour trois ans renouvelables, pourront être accordées par la Direction de la Sûreté Générale aux étrangers désireux de résider au Liban durant une année ou plus. Le détenteur d'une carte de séjour annuel ou permanent pourra à différentes reprises quitter et rentrer au Liban.

**XXVI. CHAPITRE V - LA SORTIE ET L'EXPULSION**

**XXVII. Article 15**

La Direction de la Sûreté Générale peut imposer aux étrangers l'obtention d'un visa de sortie quand la sécurité de l'Etat l'exige.

**XXVIII. Article 17**

L'expulsion d'un étranger du Liban se fera par décision du Directeur de la Sûreté Générale, dans le cas où sa présence sera considérée comme une menace à la sécurité publique. Le Directeur de la Sûreté Générale est tenu de soumettre immédiatement au Ministre de l'Intérieur une copie de sa



décision. L'expulsion se fera, soit par notification à la personne intéressée de l'ordre de quitter le Liban dans le délai fixé par le Directeur de la Sûreté Générale, soit en faisant conduire la personne expulsée à la frontière par les Forces de la Sécurité Intérieure.

#### **XXIX. Article 18**

Le Directeur de la Sûreté Générale pourra, avec l'approbation du Procureur Général, arrêter et maintenir en état d'arrestation, la personne devant être expulsée et ce, durant la période nécessaire à l'accomplissement des formalités de voyage.

### **XXX. CHAPITRE VI - DU VISA DE TRANSIT**

#### **XXXI. Article 19**

Le Directeur de la Sûreté Générale est autorisé à accorder aux étrangers détenteurs d'aucun document de voyage, un visa de transit leur permettant de gagner les pays où ils désirent se rendre dans les deux cas suivants:

(a) si l'étranger est un réfugié ou un apatride;

(b) si l'étranger est ressortissant d'un pays n'ayant pas de représentant au Liban.

#### **XXXII. Article 20**

Le visa de transit est valable pour une durée maximum de trois ans selon l'appréciation de la Direction de la Sûreté Générale.

#### **XXXIII. Article 21**

Le détenteur d'un visa de transit n'est pas autorisé à revenir au Liban s'il n'est pas également détenteur d'un permis de retour au Liban.

#### **XXXIV. Article 23**

Il sera possible de délivrer un visa de transit commun pour le père de famille, son épouse et ceux de ses enfants qui n'ont pas atteint l'âge de 15 ans.

#### **XXXV. Article 24**

La validité du visa de transit sera annulée au cas où le détenteur du visa pénètre sur le territoire d'un pays sur lequel se trouve un représentant de la nation dont il est lui-même ressortissant.

### **XXXVI. CHAPITRE VII - LE TRAVAIL DES ETRANGERS AU LIBAN**

#### **XXXVII. Article 25**

Il est interdit aux étrangers qui ne sont pas des artistes de travailler ou d'exercer une profession au Liban s'ils ne détiennent pas un permis délivré par le Ministère du Travail et des Affaires Sociales et ce, conformément aux lois et règlements en vigueur.

## **XXXVIII. CHAPITRE VIII - LE DROIT D'ASILE POLITIQUE**

### **XXXIX. Article 26**

Tout étranger faisant l'objet d'une poursuite ou d'une condamnation de la part d'une autorité non libanaise pour cause d'un crime politique, ou dont la vie ou la liberté est menacée, également pour des causes politiques, peut demander le droit d'asile politique au Liban. La définition du crime politique faite dans les articles 196 et 197 du Code Pénal sera prise en considération. Les dispositions des articles 30 à 36 du Code Pénal relatives à l'extradition demeurent applicables.

### **XL. Article 27**

Le droit d'asile sera accordé en vertu d'un arrêté pris par une commission composée comme suit: du Ministre de l'Intérieur, Président; des Directeurs de la Justice, des Affaires Etrangères et de la Sûreté Générale, Membres. En cas d'égalité des voix, celle du Président sera prépondérante. L'arrêté pris par cette commission est irrévocable et ne pourra faire l'objet d'aucun recours, même pour abus de pouvoir.

### **XLI. Article 28**

Une carte spéciale sera remise par la Direction de la Sûreté Générale au réfugié politique. Celle-ci contiendra tous les détails relatifs à l'identité du réfugié ainsi que les conditions auxquelles celui-ci sera éventuellement soumis.

### **XLII. Article 29**

La commission peut refuser d'accorder le droit d'asile, ou l'annuler à tout moment ou le restreindre en obligeant le bénéficiaire à résider dans un lieu déterminé, par exemple.

### **XLIII. Article 30**

La personne ayant obtenu le droit d'asile au Liban ne devra se livrer à aucune activité politique.

### **XLIV. Article 31**

En cas d'expulsion d'un ancien réfugié politique, celui-ci ne pourra être conduit sur le territoire d'un pays où sa vie ou sa liberté est menacée.

## **1951 Law On Documenting Personal Status**

Art 3. “Personal status documents must contain the year, month, day, and hour of events for which the documents have been drafted. The names of all mentioned persons shall be inscribed, as well as their surname, age, profession, and place of residence. It is totally forbidden to cross out any of its parts, to inscribe commentary on the margins or short explanatory phrases, or use Indian numerals. The document must be signed by the drafters in the presence of two witnesses and ratified by the *mukhtar*.”; Art. 11 “A birth must be declared at the Personal Status Officer within 30 days of the date of birth. The birth certificate shall be drafted and signed by the father, mother, guardian, doctor or midwife who assisted the birth, and the mukhtar shall ratify the signature. The perpetrator of any violation of provisions in this article shall be penalized with an administrative fine in the amount of five Liras paid to the Personal Status Officer registering the document and receive a return from a stubbed book.”; Art. 12 “If a year passes on the date of birth, the registration of a newborn would only be possible through a court ruling in the deliberations chamber based on a request by the Public Prosecutor and concerned party.”; Art. 13 “The birth certificate must include the year, month, date, and hour of birth, the sex of the child, the given name, and the names, titles, professions, ages, and place of residence of the father, mother, the two witnesses.”; Art. 14 “If twins are born, a birth certificate must be drafted for each of them indicating, the hour of birth of each, the child born first, and any distinctive signs on their bodies; the child born first is considered the elder.”; Art. 15 “If an illegitimate child is born, the birth certificate is organized by the caretaker or the doctor or midwife who assisted the birth. The father’s name is not mentioned, except in the event of his recognition or delegating a personal representative to undertake the recognition; if this does not occur, the child would be registered under the names chosen by the child’s caretaker. The person drafting the birth certificate must not mention the name of the child’s mother; the Personal Status Officer must not mention her name except if authorized by her as the child’s mother or based on a legal ruling. The statement of recognition of an illegitimate child shall be recorded in the registers and dated on that day, referenced in the birth certificates registers, and drafted in the presence of two witnesses.”; Art. 16 “Any person finding a newborn child shall deliver it to the mukhtar of the village or locality with anything found on the child, such as clothes and other things and indicate the place, time, and conditions under which the child was found. The mukhtar shall thus draft a report indicating the apparent age of the child and any special marks on

it and deliver the child, along with the report, to one of the institutions designated by the Ministry of Health and General Emergency [the task is currently under the Ministry of Social Affairs]; the institution shall draft a birth certificate and send it to the Personal Status Department to be recorded in its registries based on previous provisions.”; Art. 18 “A child born outside the father’s actual place of residence or the mother’s in the absence of the father, shall be registered in the place of his parents’ actual residence; a birth certificate is drafted according to Articles 11 and 13 and handed to the Personal Status Register in the village or locality, to be sent to the Personal Status Officer in the locality of the parents’ actual residence.”; Art. 19 “If a child is born to a Lebanese national father in foreign lands, proof of birth must occur in the nearest Lebanese consulate to the place of residence as per the father’s request; the consul shall provide a temporary certificate, serving as identity documents, then send a photocopy of the birth certificate and copies of the parents’ identity cards to Lebanon, to record the child in the registers of the father’s place of origin.”