

## International Committee Discusses Discrimination Against Women in Lebanon

### Gender-Based Discrimination in the Area of Nationality

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The United Nations' International Committee on the Elimination of Racial Discrimination (ICERD) held its 64th session from February to March in Geneva, Switzerland. On March 3rd and 4th the committee considered the fourteenth to sixteenth periodic reports of Lebanon on its implementation of the International Convention on the Elimination of All Forms of Racial Discrimination (in accordance with article 9 of the CERD).

The committee's 18 members representing Russia, China, The United Kingdom, The United States, Guatemala, Egypt, Algeria, Brazil, Denmark, Pakistan, India, South Africa, Burkina Faso, Greece, Austria, France, Ecuador, and Argentina, examined the report submitted by the Lebanese Republic and had some serious concerns on a number of issues.

The committee requested clarifications related to the status and working conditions of domestic migrant workers, the confessional system, and the conditions of Palestinian refugees in Lebanon. The committee also asked the Lebanese government to explain the reasons why Lebanese nationality is derived from the paternal side only. Both the Brazilian and the Russian committee members Jose Lindgren and Alexei Avtonomov, raised important questions about the principle of

*jus sanguinis*, civil marriage and naturalization. Committee Expert Tang Chengyuan (China), who served as 'rapporteur' for Lebanon, asked whether the *jus sanguinis* principle, which stated that Lebanese nationality was only derived from the paternal side, might be reconsidered.

*Jus sanguinis*, latin for 'right of blood', is a right by which nationality or citizenship can be recognised to any individual born to a parent who is a national or citizen of that state. It contrasts with *jus soli*, latin for 'right of soil'. The regulation of the acquisition of nationality by birth to a parent who is already a citizen of the state is provided by a derivative law called *lex sanguinis*. *Lex sanguinis* does not necessarily discriminate against the mother as is the case in Lebanon. In many European countries, *lex sanguinis* still is the preferred means of passing on citizenship. More recently, these countries have begun to move more towards use of *lex soli*, partially under the influence of the European Convention on Nationality.

Answering the question on *jus sanguinis*, the Lebanese national delegation said Lebanon was among several countries which had adopted this system and saw no need to amend this law at present to adopt another form of nationality acquisition. The delegation, which included four middle

aged men, stated that Lebanon preserves the principle of *jus sanguinis* in order to "preserve the unity of the family under the father".

In Lebanon, laws regarding women's ability to retain and transmit citizenship are similar to those that existed in the United States in the first part of the 20th century. Lebanon does not recognize the citizenship of children from marriages between female citizens and foreign men. Yet the question of marriage does not necessarily enter into it, rather, women are not recognized as being able to confer citizenship upon their children. A child born to a foreign father and a Lebanese mother must take his father's citizenship, or else risks having none. Countries like Kenya and Malaysia, do not recognize citizenship by descent from the mother if the birth occurs overseas. But others, like Algeria, Kuwait, Nepal and Lebanon restrict recognition of citizenship to descent from the father, whether the child is born in the father's country or elsewhere.

Gender-based discrimination in the area of citizenship is one of the ruthless forms of *de jure* discrimination faced by women in Lebanon and around the world. The Lebanese mother carries her baby for months inside her 'Lebanese' body. The pre-born baby is then 'Lebanese' as long as he/she is not born. The minute the child is born he/she is separated from the mother's nationality and is forced to acquire the nationality of the recognized father.

Gender subordination in Lebanon, that was taken for granted most of the Twentieth Century, has become legally insupportable. The right to establish independent legal domicile, women's access to equal educational and employment opportunity, pay and benefits, and independent immigration and naturalization law rights are related one to another. They follow logically upon the emancipation of women, collectively from the rejection of the concept of legal 'unity of the family' under male dominance.

Nationality remains a convenient criterion for exclusion of women. The solution to past and present administrative discrimination against women in Lebanon lies in the judiciary and the legislature. Gendered and ethnocentric directions in policy making and within the Lebanese Parliament partially explain outdated conceptions of nationality. Such conceptions are inappropriate for the liberal state to which at least some of the Lebanese look up to.

Equal nationality both implies and is dependent upon equal citizenship. Prohibiting the children from acquiring the nationality of their mother is considering the mother a 'second class' citizen inferior to men. 'Authority', 'obedience', 'subordination' and 'property' are commonly used to describe the pre-modern status of women. The chaotic, ungovernable state that denies relevance to modern liberal norms is unlikely to provide women or children their entitlements.