

The New Lebanese Government and The Inheritance of Dishonourable Laws



The Lebanese Parliament, picture by rabiem22, under Attribution 2.0 Generic (CC BY 2.0)

The lesson that hasn't been learnt:

Apparently, the state of Lebanon has not learnt the lesson from what other regional and Arab states have gone through when coping with revolutions erupt within their borders, however the government is trapped amongst the sectarian system in Lebanon, religion and political agendas of some dominant political parties.

With the International women day already passed, two Lebanese women related laws are left in shadow, which they need to be addressed immediately and have been a subject of controversies over the past few years. After the former Prime Minister of Lebanon Saad AL-Hariri resigned and the dissolution of his government due to massive demonstrations and protests, a “technocratic” government was finally formed and still not responding to the streets’ demands of amending these laws. This government came to life on the 21st January 2020 headed by the Prime Minister of Lebanon Hassan Diab.

The nationality law:

Under the current law, children of Lebanese parents can only receive citizenship from their father, whereas woman cannot pass on citizenship to her children or foreign spouses. For example, if she is married to a Syrian or Palestinian man, her children are only able to get residence permits of three years. Yet it has been nearly three months since Diab’s government formation, and this dilemma has

not been talked about or pledged to rectify. Nawal Mdallaly, head of Sawa for Development Association in Lebanon and one of the activists that struggle against the nationality law, said:

“This distinction represents violation of the international law and the Lebanese constitution, article 7 guarantees equality for all Lebanese. Also, Lebanon is a party in international human rights treaties that prohibit discrimination against women in the right to pass citizenships.”

This law has been in effect since 1925 which only grants the nationality for every child born from a Lebanese father, but not from a non-Lebanese father even if the mother is Lebanese.

Children custody law in the Ja’fariah court:

Shiaa (Muslim denomination) in Lebanon, gives the right for children’s custody to their mothers until the age of only two if boys and until seven if girls, then by law, children’s custody goes to their fathers. Badia Hani Fahs, a Lebanese journalist in the National News Agency in Lebanon, and a mother who is facing difficulties in her child custody, explained: “the Ja’fariah court law regarding children custody for Shiaa. The Ja’fariah court laws are different in countries where the Shiaa component exists such as Iran, Iraq and Lebanon.” The law in Lebanon suggests that when parents get separated, the boys’ custody with their mothers ends when the boy becomes two years. Whereas girls’ custody with their mothers ends when the girl becomes seven years old, and after that the father has the right by law to take children into his custody.

Former government:

Fahs talked about the “political inability” in Lebanon since its independence and said that all successive governments that Lebanon has witnessed have not been able to function effectively in regards to the country rule, hence they have not been treating sects as group of Lebanese citizens but political parties as Fahs said. In other words, amending the Ja’fariah court law has never been discussed by Lebanese politicians, whereas the nationality Law can have some arguments amongst politicians about it. For example there were efforts to change the Nationality Law by the former government, “Before the 2018 parliamentary elections in Lebanon, many politicians, including the former Minister of the Interior Nuhad Al-Machnouk, announced their support for giving Lebanese women citizenship to their children, and many candidates in the parliamentary elections promised to amend this law” Mdallaly said. In addition, The Socialist Progressive Party submitted a proposal to amend the nationality law, however, no practical measures were taken since then.

Saad Al-Hariri and Hassan Diab:

Comparing the official statements of the former PM Saad AL-Hariri with his current PM Hassan Diab. In one hand, it was clear that Al-Hariri was in favour of repealing the Nationality Law as he said in July 2019 during a press conference:

“Concerns about giving citizenship to the children of a woman married to a foreigner must be abandoned. Just as it is given to the children of a man married to a foreigner, it is time for the Lebanese mothers’ rights to become equal with men.”

In the other hand, Diab's government has not specifically pointed this law in its ministerial statement but mentioned women's rights generally. In accordance with the Ministerial statement by the new government in Lebanon, stated that the government will work with all its components to implement the national plan of action to implement Security Council Resolution 1325 on women, peace and security, and will work to achieve gender equality by eliminating all forms of discrimination against women and girls in Lebanese laws and legislation.

Obstructions to repeal or amend:

Arguably, there are opposition of repealing these two laws, high figures and parties want these two laws to remain as they have been. For the nationality law, according to Mdallaly, Lebanese politicians have long said that allowing Lebanese women married to Palestinians to pass on citizenship to their children and husbands destabilises the sectarian balance in a country like Lebanon that its political system is based on sectarian shares, in other words, every sect has its share in the government and the Parliament. That means, the Muslim population in Lebanon would increase, as the majority of the Palestinians and the Syrians in Lebanon are Muslims. Importantly, that what the Foreign Minister of Lebanon Gebran Bassil is afraid of. In 2018, Bassil proposed amending the Nationality Law to recognize the right of Lebanese mothers married to non-Lebanese to pass citizenship to their children. But the bill excluded who are married to Palestinians or Syrians.

In terms of the custody law in the Ja'fariah court, this law has not been discussed in the government due to the fact that the government is unable to consider repealing neither amending it. As this can impact the foundations of the sectarian system and aggravate the problems amongst the political parties in Lebanon, as Fahs explained. Therefore, it is a major dilemma that cannot be dealt with without a further major change in the political system in Lebanon and replacing it with other civil one.

“We demand a civil law system that can unite people in Lebanon under the Lebanese republic state in order to be National citizens only, not people of religious sects and politics.”

Movements and efforts:

Several campaigns have worked on amending these two laws, also on Ending discrimination under this law, particularly (my nationality is a right for me and my family) campaign. Crucially, one of the demands of protests now is to repeal laws that stands against women in Lebanon. Efforts are being made civilly to raise age of children custody with their mothers in Shiaa sect by many organisations such as (KAFA). As Fahs said, in Lebanon, government is shackled and impeded. Therefore, it is down to civilians and people at non-governmental organisations to raise issues and demand changes.