

Mandate of the Chair-Rapporteur of the Working Group on the issue of discrimination against women in law and in practice.

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Excellency,

I have the honour to address you in my capacity as Chair-Rapporteur of the Working Group on the issue of discrimination against women in law and in practice pursuant to General Assembly resolution 60/251 and to Human Rights Council resolution 15/23.

The Council has, inter alia, entrusted the Working Group with developing a dialogue with States, the relevant United Nations entities, national human rights institutions, experts on different legal systems, and civil society organizations to identify, promote and exchange views on best practices related to the elimination of laws that discriminate against women or are discriminatory to women in terms of implementation or impact (paragraph 18 (a) of resolution 15/23).

In this connection, the Working Group would like to draw the attention of your Excellency's Government to the draft law issued by the Lebanese Cabinet regarding the reinstatement of Lebanese nationality solely to descendants of Lebanese fathers and grandfathers.

According to information received:

A Member of Parliament presented a draft law to the Parliament in order to include emigrants of Lebanese descent in the political and economic life of Lebanon. The Working Group understands that the draft law determining the conditions of restoration of Lebanese nationality has now been submitted for discussion in four parliamentary committees, namely the Administration and Justice Committee, the Budget and Finance Committee, the Interior and Defence Committee and the Foreign Affairs Committee.

According to article 1 of a translation of the draft law, every person who meets one of the two following conditions is eligible to request restoration of Lebanese Nationality : (1) if he or one of his ancestors relating to his father or his relatives up to the fourth degree was/were on the Lebanese territories as indicated in the 1921 general census and its relevant registry available at the Ministry of Interior and Municipalities; (2) if he, or one of his above mentioned origins or relatives

acquires the Lebanese citizenship, under the Citizenship law of 19/01/1925 and its subsequent laws, and he or his relatives failed to claim it or restore it.

The Working Group would like to highlight the importance of one original provision in the bill which has, for the time being, been excluded from the text currently under examination by the Parliament. The original text initially did not specify the sex of the person's ancestry. It was later amended to include specific reference to the father and relatives from the father's side. The Working Group is of the view that the restoration of the original text is essential if the draft is to comply with international standards on non-discrimination on the grounds of sex, equality between men and women, and women's human rights.

The Working Group takes this opportunity to draw the attention of your Excellency's Government to article 2 of the Convention on the Elimination of all Form of Discrimination against Women (CEDAW) which places States parties under an obligation to respect, protect and fulfil the right to non-discrimination of women and to ensure the development and advancement of women in order to improve their position and implement their right of de jure and de facto equality with men. States parties shall ensure that there is neither direct, nor indirect discrimination against women. Direct discrimination against women constitutes different treatment explicitly based on grounds of sex and gender differences. Furthermore, article 9 of the CEDAW requires that women have the same rights as men to acquire, retain or change their nationality and the nationality of their children.

The Working Group would also like to refer your Excellency's Government to its obligations under article 3 of the International Covenant on Civil and Political Rights (ICCPR), which requires States parties to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the Covenant. The Working Group would also like to refer your Excellency's Government to article 26 of the ICCPR which notes that all persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

In view of the aforementioned, the Working Group would appreciate receiving information from your Excellency's Government on how the Parliament plans to take into account the above-mentioned considerations during the supplementary review of the bill which it was asked to undertake. At this important juncture, when the State is in the process of adopting a new nationality-related legislation, it is incumbent on it to strive to incorporate all the current standards and understandings related to women's rights and gender equality and thus contribute to the development of good practices in this regard.

This could be the opportunity for your Excellency's Government to advance efforts to respect, protect and fulfil women's rights and equality in cooperation with all relevant actors and to lift its reservations to article 9 para.2 of the CEDAW. In that regard, the Working Group notes that the Committee on the Elimination of All Forms of Discrimination against Women had urged the State party to recognize the negative impact of its nationality law in force, *Decree No 15 on Lebanese Nationality of 1925, last amended 1960*, on Lebanese women married to foreigners and on the children of those women and, accordingly, revise this law and remove its reservation to article 9, paragraph 2 (CEDAW, C/LBN/CO/3 para. 43). The Working Group stands ready to provide you with relevant advisory support.

The Working Group would appreciate receiving a reply to its letter seeking a constructive dialogue with your Excellency's Government on the issues outlined above within 60 days. The Working Group undertakes to ensure that this reply is accurately reflected in the report that it will submit to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Kamala Chandrakirana
Chair-Rapporteur of the Working Group on the issue of discrimination
against women in law and in practice