

The Case of Samira Soueidan

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When Samira Soueidan fell in love with an Egyptian man and decided to marry him, she thought little of the consequences. She had no idea that the marriage would ostracize her future children from their friends. She did not know that Lebanese women who married non-Lebanese men were all but abandoned by their government and viewed as second-class citizens.

Soueidan learnt these unsavory details later on. When her husband passed away in 1994, she was left to grieve with four young children who the Lebanese state did not recognize as citizens. Under Lebanon's antiquated nationality law, women cannot pass on citizenship to their spouses or children. Children of Lebanese women and foreign husbands are viewed as foreigners, even if they were born and live in Lebanon.

Lebanon's nationality law was formulated in 1925, at a time when the country was still under French Mandate. Times have changed but the Lebanese government's perceptions of women have not: its refusal to grant women equal citizenship rights is further entrenched by a reservation it maintains on Article 2 of paragraph 9 of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), signed and ratified in 1996.

Soueidan's children were born and raised in Lebanon, have never visited Egypt and do not possess nor desire the Egyptian nationality. Disturbed that her children had been rendered stateless by archaic legislation, Soueidan did what many loving mothers would have done: she went to court to demand her

children be recognized as Lebanese citizens. "All my friends and family told me not to bother as it wouldn't change anything and would cost a lot of money, but I felt driven to", she said. "My children consider themselves 100 percent Lebanese ... They love their country very much".¹

Since seeking legal redress, Soueidan has become the unwitting poster child for Lebanon's fight for equal citizenship laws. She is anything but alone in seeking official recognition for her progenies. According to a study by the United Nations Development Program, there are estimated to be over 18,000 Lebanese women married to non-Lebanese living in Lebanon.² Including children and husbands, the number of individuals affected by the current law climbs to a staggering 80,000. If Lebanon's population is estimated to be 4.5 million, then roughly one out of 56 people is marginalized by the legislation. Many other Arab countries have similar discriminatory laws, although campaigns against them have resulted in partial or total reform in Egypt, Tunisia, and Morocco.

The difficulties faced by the "non-Lebanese" families of Lebanese women are considerable: Without proper papers, children can be subject to harassment at Lebanon's many military checkpoints and have difficulty obtaining employment, affordable education, and health care. As foreigners, they are also forced to undergo regular medical check-ups and blood tests, cannot legally inherit, and must live under the constant threat of deportation. Up until recently, they were also made to pay for expensive annual residency permits, although following sustained campaigning the Interior

Ministry now gives these for free. For the children of Lebanese women married to Palestinian or other refugees, or to men from countries with similar sexist nationality regulations, the law also means statelessness.

In July 2009, change seemed on the horizon. In what many thought signified a landmark judgment on nationality, judges John Qazzi, Rana Habka, and Lamis Kazma issued a verdict granting Soueidan's two sons and two daughters the right to Lebanese citizenship. The ruling was made on the premise that there was no law preventing a Lebanese mother from passing on her nationality to her children after the death of her husband. The judges also recalled Article 7 of the Lebanese Constitution, which notes that all Lebanese citizens- men and women- have equal rights before the law. The judges also went so far as remark that Lebanon's nationality law was "obscure" and questioned the rationale behind allowing only men to pass on their nationality. "Is it conceivable that Lebanese law prefers the foreign woman to the Lebanese women? No law can stipulate rights giving more protection to a foreigner than to a national", they said in the ruling, in reference to the fact that non-Lebanese wives and children (even from a wife's previous marriage) of Lebanese men can obtain citizenship after one year of marriage.³

Their bold words, hailed by Soueidan as a "great joy" for her family, led many to believe Lebanon's discriminatory legislation would finally be reformed. But what the State gives with one hand, it can also take away with another. Soueidan's victory was short-lived, as in May 2010 an appeal to overturn the decision to grant her children citizenship rights was upheld.

That it was Lebanon's Justice Ministry who decided to appeal Soueidan's victory is bitingly ironic. While in many other countries, justice ministries are charged with trying to improve the lot of their citizens, Lebanon's obsession with confessional representation means that it is often the citizens whose rights are sacrificed in the interest of political point scoring. Justice Minister Ibrahim Najjar is from the right-leaning Christian Lebanese Forces party, which believes that an amendment of the law

would lead to the naturalization of thousands of Palestinian men and children. It is argued that their naturalization would tip Lebanon's delicate sectarian balance in favor of Sunni Muslims, the religion of the majority of the country's 400,000 Palestinian refugees.

Anyone who has done their homework on the issue of nationality rights in Lebanon knows this claim is a laughable one. According to a recent study by The National Committee for the Follow up on Women's Issues, less than two percent of Lebanese women are married to Palestinians.⁴ The study also notes that Lebanese men married to foreigners can pass on citizenship to their wives and children, which by the same logic must also surely affect Lebanon's sectarian balance.

To add even more salt to the wound, it was a woman judge who overturned Soueidan's victory. The Court of Cassation, presided over by judge Mary al-Maouchi and two other women aides, overturned Qazzi's ruling saying it contravened Articles 3 and 537 of Lebanon's Civil Law code and the nationality law. "Judicial courts are not concerned with granting nationality rights [in cases where it was not granted at birth] as this is a right only enjoyed by the president", the 17-page ruling said.⁵ Soueidan, who has a modest income, was ordered to pay all the legal fees incurred in the proceedings.

In yet another blow to activists, several non-governmental officials have reported that Judge Qazzi is now being harassed by Justice Ministry officials. When contacted, Qazzi, who had previously been willing to talk, said that all interview requests had to have the prior approval of the Justice Ministry. The request submitted by this author was never responded to, however. Qazzi appears to be being bullied into silence, perhaps out of fear that he could persuade other judges to issue similarly ground-breaking rulings on nationality cases.

Prior to the verdict, rights group Amnesty International spoke out against Lebanon's sexist nationality law. If Soueidan lost the appeal, it would "shatter the hopes of thousands of children born to Lebanese mothers and foreign national fathers, who

are treated as foreigners in their own country and denied access to public education and other services”, said Hassiba Hadj Sahraoui, the organization’s Middle East and North Africa deputy director.⁶

Sadly, it seems it will take time to change the opinions of Lebanese officials. As recently as May 2010, the head of General Security Wafiq Jezzini stunned human rights activists by accusing foreign men of marrying “Lebanese women to benefit from the provided facilities and nothing more”. In an interview with Al-Akhbar’s newspaper, Jezzini also said foreigners “do not take age differences into

consideration and sometimes marry rich widows because they are looking for a refuge or a way out”⁷. Soueidan has been dealt a cruel blow, but she stands resilient in her pursuit of nationality rights for her children. “We have lost the battle but not the fight”, she told reporters as she came out of the court room following the loss of her appeal. “What right do they have to take my children’s nationality away from them?”⁸

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ENDNOTES

1. See Mahdawi, D. (November 9, 2009). One woman’s fight against Lebanese nationality law. The *Daily Star*. Retrieved September 30, 2010, from http://dailystar.com.lb/article.asp?edition_ID=1&article_ID=108455&categ_id=31#axzz11WoY4ORg accessed).
2. See United Nations Development Program (January 27, 2010). 77,400 men and women negatively affected by the current Lebanese nationality law. Retrieved September 30, 2010, from <http://www.undp.org.lb/communication/news/NewsDetail.cfm?newsId=209>.
3. A widowed non-Lebanese woman who acquires the Lebanese nationality upon marriage to a Lebanese can confer her acquired Lebanese nationality to her minor children from the previous marriage. See article “Landmark ruling granting citizenship to children of Lebanese mother overturned”. Retrieved September 28, 2010, from https://www.zawya.com/story.cfm/sidDS19052010_dsart2%284%29/Landmark%20ruling%20granting%20citizenship%20to%20children%20of%20Lebanese%20mother%20overturned.
4. See Lebanese Forces website. Retrieved September 29, 2010, from <http://www.lebanese-forces.org/forum/showthread.php/44921-Study-debunks-justification-for-maintaining-nationality-law>.
5. See the *Daily Star*. Retrieved September 28, 2010, from http://dailystar.com.lb/article.asp?edition_ID=1&article_ID=115007&categ_id=1#axzz0ppLdp3Uly.
6. See *Amnesty International*. Retrieved September 28, 2010, from <http://www.amnesty.org/en/news-and-updates/lebanese-women-must-have-right-pass-nationality-their-children-2010-04-13>, accessed August 27 2010).
7. See the *Daily Star*. Retrieved September 28, 2010, from http://dailystar.com.lb/article.asp?edition_ID=1&article_ID=115099&categ_id=1#axzz0ppOEVpoc, accessed October 1, 2010.
8. See *Executive Magazine*. Retrieved September 28, 2010, from <http://www.executive-magazine.com/getarticle.php?article=13145> and in conversation with the author).