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The Plight of the Rightless

*Mapping and Understanding
Statelessness in Tripoli*



SIREN

“The plight of the rightless is not that they are not equal
before the law, but that no law exists for them.”

Hannah Arendt, *The Origins of Totalitarianism*

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Abstract

This report provides an analysis of statelessness among people of Lebanese decent in the northern Lebanese city of Tripoli. It starts with an overview of the local context, then introduces statelessness as a global concept along with the relevant international conventions and best practices to solving it around the world. A historical and legal review of statelessness in Lebanon follows. The situation of stateless people of Lebanese origin in Tripoli is then assessed through reviewing quantitative survey data as well as insights from key informant interviews. Lastly, the report concludes with a section on policy recommendations.

Foreword

In recent years, MARCH has been recruiting volunteers among youth from vulnerable groups for several peace building and conflict resolution projects deployed in Tripoli, particularly in Bab el-Tebbeneh and Jabal Mohsen. In the context of this community work, our organisation has identified statelessness as a recurrent characteristic among the recruits of Lebanese origin, depriving them of their most basic rights.

As part of our several initiatives around the city, and given that citizenship is a fundamental guarantee of equal rights in Lebanon, we started supporting these young people of Lebanese decent in acquiring legal status and nationality. While we managed to resolve a few situations, the process for most cases has been lengthy and complicated with unexplained delays and unresolved deadlocks. The issue seemed to be more systemic, requiring a strategic approach to resolving statelessness in Tripoli.

MARCH consequently decided to conduct a comprehensive study aiming to determine the size of the problem and discern its causes, measure its effects on individuals and their families and determine who is at risk of statelessness, in order to identify and deploy the adequate projects that can help us reduce and prevent this phenomenon as well as protect the Lebanese stateless in Tripoli.

Taking into account the political and divisive previous experiences, this study is an attempt to bring the topic back to a technical level. We hope that our findings will encourage decision makers to effectively tackle the root causes, obstacles, consequences and risks of statelessness in Lebanon.

We highlight the potential for quick wins and easy resolution for a large proportion of cases which are straightforward, and suggest pathways to address the more difficult ones which the Lebanese system locks in very lengthy and expensive procedures that often turn into vicious circles.

As voices are calling to reinforce democratic processes and consolidate the social contract in our country, it has become urgent to address the rights of the rightless and give the Lebanese stateless people access to their social, economic, civil and political rights.

Lea Baroudi
President of MARCH Lebanon

Acronyms List

GS - General Security

ISF - Internal Security Forces

KPI - Key Performance Indicator

LECORVAW- The Lebanese Council to Resist Violence Against Women

MOI - Ministry of Interior

MOJ - Ministry of Justice

SOP - Standard Operating Procedure

UN - United Nations

UNHCR - United Nations High Commissioner for Refugees

UNRWA - United Nations Relief and Works Agency for Palestine Refugees in the Near East

Executive Summary

Statelessness has been a recurring problem in Lebanon since the state was declared in 1920 and administered by France as a League of Nations mandate. Several controversial attempts to reduce it have been made, such as the creation of the “nationality under-study” category in 1960 or the successive naturalisation decrees, including the infamous decree of 1994. However, these attempts did not successfully eradicate the phenomenon.

This comprehensive study aims to map and understand statelessness among people of Lebanese decent in Tripoli. It estimates its extent, examines its root causes and consequences, and assesses its impact, highlighting the levels of deprivation and marginalisation suffered by affected individuals and families. It further shows how Lebanese stateless people are sometimes driven to resort to fraudulent practices as coping mechanisms: while Lebanese citizens can get access to their basic rights through clientelist networks, Lebanese stateless people live outside those circles and are not part of the social contract, which makes fraud the only way to meet their needs.

The study finally identifies and proposes policy changes that can help protect stateless persons and reduce and prevent statelessness, both at the local and national levels.

Summarised below are the key results and recommendations.

Depoliticise the debate around statelessness of people of Lebanese decent through a national public communication campaign.

While most studies put the number of stateless in Lebanon between 80,000 and 200,000 individuals, the results suggest that this number is closer to 27,000 individuals distributed across the country, out of whom 2,200 reside in Tripoli.¹ These numbers call into question the “hyper-sectarianisation” of the political discourse around statelessness, challenging mainly the demographic argument. Statelessness should instead be framed as a less politically polarising human rights issue.

Clarify in report the exclusions in the sampling so as to only include persons of Lebanon origins, which excludes cases of stateless children of Lebanese women and non-Lebanon fathers. o What explains the low number in Siren’s study is the exclusion of the stateless children of Lebanese mothers. Otherwise the numbers would vary considerably. This should be clearly highlighted in the report.

Give priority to the issue of statelessness of people of Lebanese decent through the commissioning of a nationwide mapping of this phenomenon in order to prioritise the policy options of the Working Group on Statelessness created in 2012.

The stateless population in Tripoli could double within 15 years, reaching more than 4,400. Delaying the resolution of the problem will consequently result in a challenge to the state on an even bigger scale. There is an immediate need for a nationwide mapping of stateless people in collaboration with the Central Administration of Statistics, with the support of the Council of Ministers and through the collection, collation and consolidation of data from various services and sectors, mainly education, security and health. This will allow to assess the situation on the national level, and particularly determine the bottlenecks.

¹ This number only includes “Lebanese stateless”, individuals who could obtain the Lebanese citizenship as per the Lebanese nationality law. It does not take into account, for example, individuals born to Lebanese mothers and non-Lebanese fathers, since the former cannot pass on their nationalities to their children.

Kick-start the regulation process for the more straightforward cases of non-registered individuals born to a Lebanese father, even if naturalised in 1994.

Non-registration is the lead cause of statelessness in Tripoli. A non-registered Lebanese stateless is a person born to a Lebanese father and whose birth has not been registered by neither of their parents. Results show that two thirds of the stateless people currently living in Tripoli fall into this category. The majority of Tripoli's stateless are of obvious Lebanese origin and have been deprived of their right to belong to a national community.

In principle, these individuals should regularize their cases in a short period of time as the solution is straightforward. They can file a late birth registration lawsuit and acquire the Lebanese citizenship once all required documents are available. However, in practice, procedures are slow and cumbersome with boundless timelines, high costs, and long waiting periods that often discourage families and push them to resort to fraud and bribery.

These procedures can be reviewed through a draft law that addresses the issues of fees, costs, deadlines, delays and documentation, creates a special administrative process resolving statelessness cases without the need to resort to courts and sets up simplified means of proof of lineage and nationality. This measure should cover stateless sons of fathers naturalised in 1994 which is effective and legally enforceable.

Reinvigorate the efficiency of inter-ministerial coordination by addressing bureaucratic dysfunctions and introducing enforceable deadlines.

Most stateless families in Tripoli with ongoing lawsuits complain about endless bureaucratic delays and lack the legal knowledge to accurately describe which stage their lawsuit has reached. There is a need to conduct an extended investigation into current lawsuits in order to identify the type of legal and administrative impediments applicants are facing.

In parallel, the Ministry of Interior and the Ministry of Justice can remedy to administrative delays by introducing internal deadlines for inquiries, communication, and investigation involving the Civil Status Officer, the General Security, and the Committee of Cases at the Ministry of Justice. Deadlines can also be set for the enforcement of court decisions by the Directorate of Personal Status.

A complaint mechanism at the Ministry of Interior can allow stateless persons with pending cases before the judiciary to report breaches of specified delays and deadlines.

Introduce more lenient documentation requirements for acquiring nationality, including the introduction of alternative acceptable documents for proof of nationality.

Birth or marriage certifications and other similar proofs are not always available for stateless people. It is often this unavailability that rendered them stateless in the first place. A clear list and admissibility criteria for alternative documents in lieu of such documents can be produced and promoted. Such criteria (school certificates, medical records, vaccination booklets, Mukhtar reports, etc.) can then be recognized by the judiciary as potential proof that could contribute to a case's success.

Well-articulated credibility indicators for testimonials whenever documents are not available (such as specificity, efficiency and consistency of information) can also be developed in collaboration with the Ministry of Interior, the Ministry of Justice and the General Security. All of these items will help reduce the risk of arbitration in the "power of appreciation" granted to judges while deciding on sensitive cases such as statelessness.

Empower the Lebanese stateless and capacitate them to act proactively towards improving their life situation.

Statelessness has a devastating impact on a person's daily life and state of mind. It is a source of embarrassment and perceived exclusion and could drive people to fraud and *wasta* in order to get basic access to healthcare. It hinders their access to education and the job market and deprives them of their right to own property. It also restricts their mobility rights — even within the city — giving a final blow to their ultimate personal freedom: the right to be somewhere else.

The first step towards giving them the means to escape this vicious cycle of exclusion lies in unifying stateless identification cards and enforcing the current *Laissez-passer* travel document as the only recognizable form. Through inter-ministerial collaboration between the Ministries of Interior, Labour, Health, Education, and Social Affairs, this document can be recast into a “stateless card” that recognizes their basic civil, economic and social rights. This regulation is intended to be an interim protection arrangement, pending the more permanent solutions.

Develop Mukhtar oversight, transparency and accountability through the Ministry of Interior, providing proper training on dealing with statelessness.

In addition to their obvious administrative role, Tripoli's Mukhtars are the main source of information for the stateless people as they provide them with advice on legal procedures and practical steps, despite a relative lack of trust from the latter. The relationship between both parties appears to be mostly transactional, with the Mukhtars helping the stateless when and if there is a gain to be made. Also, this relationship is sometimes characterized by fraud with some Mukhtars developing a “specialty” in statelessness affairs. Others either refuse to deal with the issue altogether, considering it a waste of time, or do not demonstrate any interest in helping the stateless, considering them all as non-Lebanese. Oversight and transparency will invigorate the function of Mukhtars and leverage their local presence.

Introduce a rights-based approach to managing statelessness and Lebanese stateless individuals within the criminal justice system in order to decrease criminality and enhance community integration.

Initiating the above mechanisms will help defuse violence and community tensions thereby reducing risks of radicalization. Results of this study show that the current status quo is breeding alienation, discrimination and violent behaviour in Tripoli. The higher the number of stateless persons in one family, the higher the marginalization and sense of deprivation of basic rights, the bigger the temptation for fraudulent behaviour as coping mechanism and the greater the likelihood of violence. Limited mobility and low trust in the State, mainly due to a lack of access to public services, also increase the likelihood of violence.

The over-incarceration of stateless individuals exacerbates these issues. Results suggest that when stateless individuals are arrested and incarcerated, they are often mistreated and humiliated by prison officers because they are stateless. This last finding emphasizes the importance of further training and development regarding the issue within the Internal Security Forces, in line with their mission of delivering a pioneering police service that “promotes trust, respect human rights and safeguards freedoms”, a pledge of particular importance for a vulnerable group such as the stateless.

Findings and Detailed Recommendations

OBJECTIVE	FINDINGS	RECOMMENDATIONS
SCALE	<ul style="list-style-type: none"> • <u>Estimated population in Lebanon:</u> 27,000 stateless persons of Lebanese origin • <u>Estimated population in Tripoli:</u> 2,200 stateless persons of Lebanese origin • <u>Three main hotspots:</u> Tebbeneh (30%), Beddawi (26%) and Qobbeh (20%) 	<ul style="list-style-type: none"> • Raise public awareness around the issue of statelessness in Lebanon (statelessness <i>in situ</i>). • Separate the issue from that of statelessness in the migratory context. • Recognize the actual number of Lebanese stateless persons in Lebanon. • Depoliticize the problem through a campaign which will put the solution at a technical level.
AT RISK	<ul style="list-style-type: none"> • <u>Estimated population in the future:</u> Stateless population can double in 15 years • <u>Violence</u> • 35% of stateless persons have been arrested • 15% borrowed someone else's ID to access health services • Statelessness increases fraud and, in the light of the Syrian refugee crisis, can trigger illegal immigration • Statelessness causes deprivation but also increases likelihood of crime and violence 	<ul style="list-style-type: none"> • Start a nationwide mapping of stateless people in collaboration with the Central Administration of Statistics and with the support of the Council of Ministers. • Collect, collate, and consolidate data related to stateless individuals from relevant public entities. • Create a hotline for information and support to stateless persons at the Ministry of Interior (MOI). This hotline will be temporary and shall last until permanent solutions have been implemented. • Give higher priority to the resolution of stateless cases which, despite small numbers, are extremely vulnerable and can have a damaging impact on the society.

OBJECTIVE	FINDINGS	RECOMMENDATIONS
ROOT CAUSES	<ul style="list-style-type: none"> • <u>Simple Registration Cases:</u> • 63% of non-registered stateless individuals are born to a Lebanese father • 76% of non-registered stateless individuals are born to a Lebanese mother • 61% of stateless individuals mentioned the homeland/nation [watan] as their main determinant of their identity • <u>Causes of non-registration:</u> • 30% of the non-registered individuals were born to a father who was naturalised through the 1994 controversial decree • 33% of non-registered cases due to family problems, more particularly to non-registration of parents' marriages • 30% of non-registered cases due to negligence • 11% of non-registered cases due to financial issues 	<ul style="list-style-type: none"> • Initiate a draft law valid for a specific period of time which creates a special administrative process for resolving stateless cases without the need to resort to courts and sets up simplified means of proof of lineage and nationality. • Exempt all non-refugee stateless plaintiffs of court fees upon filing any nationality or registration related lawsuits. • Reduce DNA testing costs for stateless individuals by increasing the number of subsidized laboratories and developing medical expertise in governmental hospitals. • Raise awareness about the effectiveness and enforceability of the 1994 Naturalisation Decree, and the irreversibility and binding character of State Council Decision 484 which entitles the children of those naturalised in 1994 to be registered as Lebanese nationals. • Initiate 10-days national registration campaigns where relevant stakeholders will process, register, and document cases through decentralized one stop shops. • Setup a mobile legal clinic to raise awareness about registration and resolution of stateless cases and provide legal support at low or no cost.
	<ul style="list-style-type: none"> • <u>Complex Nationality Cases:</u> 22% are born to a stateless father (Maktoum Al Qayd) • <u>Causes of non-registration:</u> Unavailable documents or difficulty in finding evidence in support of unknown nationality or ancestor belonging to Ottoman Empire with residency in Lebanon 	<ul style="list-style-type: none"> • Produce and promote a clear list and admissibility criteria for alternative documents to be presented when birth or marriage certification and other similar proofs do not exist. • Develop in collaboration with the MOI, Ministry of Justice (MOJ), and General Security (GS), well-articulated credibility indicators for testimonials whenever documents are not available, such as specificity, efficiency and consistency of information. These indicators will help reduce the risk of arbitration in the "power of appreciation" granted to judges while deciding on sensitive cases such as statelessness. • Facilitate a 10-year valid residency for difficult cases where proof of eligibility faces major obstacles due to death, physical impossibility, and other similar reasons. This could consist of the Laissez-Passer passport validated for 10 years, potentially at a discounted fee.

OBJECTIVE	FINDINGS	RECOMMENDATIONS
OBSTACLES	<ul style="list-style-type: none"> • <u>Registration procedures:</u> • 64% have started a registration procedure • 26% of them are still at the stage of document preparation and submission and are facing critical challenges • 21% have completed their legal process at the religious court and have acquired a proof of lineage, pending transition to civil court • 34% still have a lawsuit in process • 9% of them do not know which legal stage their lawsuit has reached • 7% have received a positive ruling from the judge but are still waiting for implementation • Many have been stuck in court more than 10 years 	<ul style="list-style-type: none"> • Conduct an extended investigation of the status of people who have filed lawsuits to further detect at which stage they are, and what type of legal and administrative impediments they are facing starting with a pilot in Tripoli. • Introduce administrative deadlines for General Security and Civil Status Officer responses to court requests related to statelessness. • Introduce administrative deadlines for legal responses sent by the Committee of Cases at the Ministry of Justice regarding stateless cases. • Set deadlines for the enforcement of court decisions by the Directorate of Personal Status. This should be done by means of a ministerial decision rendered by the MOI. • Collect, organize and digitize data related to internal procedures within public administrations involved with statelessness including but not limited to all relevant circulars, decisions, instructions, and practices. • Produce KPIs and simple outcome indicators for the MOI and MOJ to publish annual statistics related to stateless cases submitted, delays, etc. • Pilot an automated system for stateless case processing through linking and easy data sharing between the MOI, MOJ and GS.
CONSEQUENCES AND COPING MECHANISMS	<ul style="list-style-type: none"> • <u>Perceptions:</u> • 87% feel that perception changes when people know that they are stateless • 48% avoid mentioning that they are stateless because of embarrassment (57%) or of exclusion (15%) • <u>Access to healthcare:</u> • 37% declare having access to hospitals, mainly through mediation (17%) and fraud (15%) • <u>Access to work:</u> • Unemployment rate is 58%, higher than for non-stateless (49%) • <u>Freedom of movement:</u> • 52% express fear of moving around the city because of checkpoints with 38% declaring not moving around at all due to fear of being arrested and 32% having learnt how to avoid checkpoints while moving around • <u>Access to education:</u> • 33% have never been to school, compared to only 10% for the non-stateless 	<ul style="list-style-type: none"> • Assess gaps in knowledge of Mukhtars with regards to statelessness. • Provide SOPs and trainings and develop oversight through MOI in order to improve accountability and transparency. • Unify stateless identification cards and enforce the <i>Laissez-passer</i> passport as the only recognizable document. • Develop inter-ministerial collaboration between the MOI and the Ministry of Education (MOE) whereby every student enrolled in a school gets a full yearly subsidy on <i>Laissez-passer</i> until graduation. • Recognize the right of work for <i>Laissez-passer</i> holders through a collaboration between the Ministry of Labour and the MOI. • Provide training related to statelessness for relevant security institutions to better instil human rights values and improve these stakeholders' treatment of stateless individuals. • Develop efficient oversight, transparency and reporting mechanisms of schools, hospitals and relevant public institutions with regards to processing stateless cases. • Facilitate a 10-year valid residency for difficult cases where proof of eligibility faces major obstacles.

The Context

A History of Deprivation

Tripoli is the second largest city of Lebanon and the administrative capital of the north. It hosts around 418,000 Lebanese, alongside over 64,000 registered Syrian refugees and another 31,000 Palestinians who arrived a few decades earlier.² The city suffers from high levels of urban vulnerabilities, mainly high poverty and deprivation rates. Adib Nehmeh, former Regional Advisor at the United Nations Economic and Social Commission for Western Asia (UN-ESCWA), states in his research on urban poverty in Tripoli that 57% of Tripolitan households are deprived, while 26% of them are living in extreme deprivation³. His study is based on a multidimensional index that takes into account not only the monetary worth and economic activity of every household, but also the choices available to them, as well as their access to the most basic human rights such as education, health and housing. Overall, poverty seems to be at its worst in the areas of Tebbeneh and Sweiqa (87%), followed by the Old City (75%), Qobbeh and Jabal Mohsen (69%) and Mina (63%). The figure below shows the deprivation rates of the remaining neighbourhoods of Tripoli.

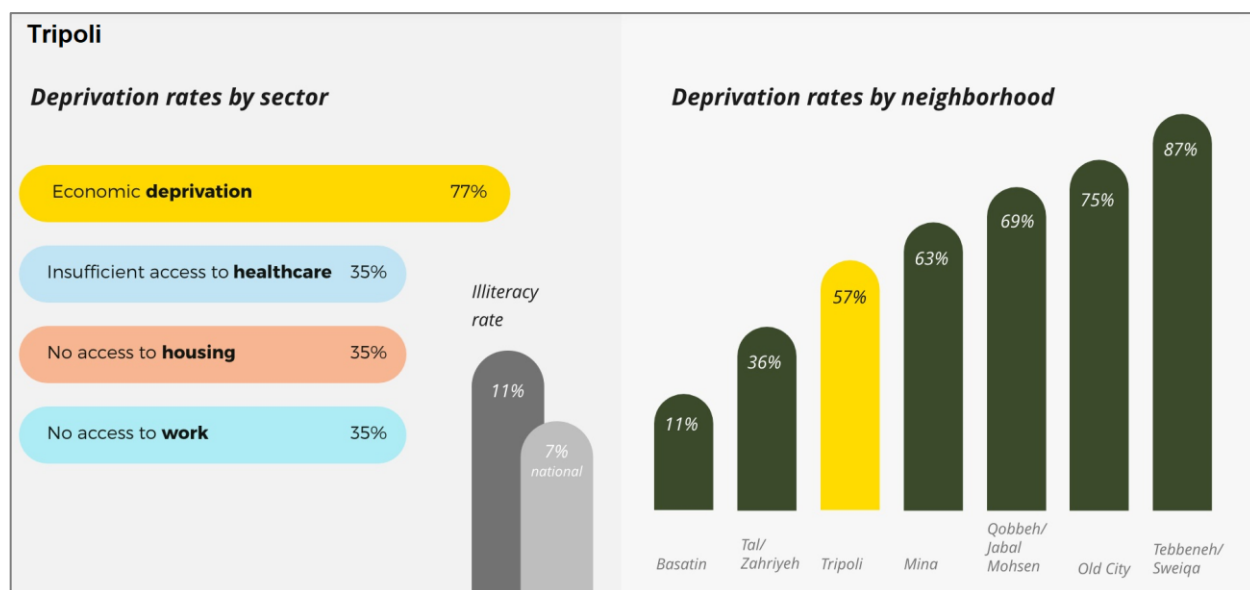


Figure 1 – Deprivation rates in Tripoli

This index also provides insights on the social demographics in Tripoli. It shows that 25% of households have very weak access to education, with an illiteracy rate of 11% compared to the national average of 7%. As for housing, 35% of households in Tripoli live in deprived housing conditions characterised by the lack of proper heating or cooling, prolonged or constant power and water shortages, contaminated domestic and drinking water, and high ratio of family size to number of rooms. Furthermore, another 35%

² UN-Habitat Lebanon, *Tripoli City Profile 2016* (Updated Sep 2017).

³ Adib Nehmeh, *Daleel Al Herman Al Hadri, al-Kitāb al-Awal* (Beirut: UN-ESCWA, 2010).

suffer from insufficient healthcare such as lack of health insurance coverage, infrequent doctor visits of sick members and child delivery at home. Nehmeh also adds that 77% of Tripoli's households suffer from economic deprivation, defined as one's weak access to employment opportunities, low asset ownership and instability of the source of income.

The Impact of the Syrian Crisis

Today, one out of every five residents in Tripoli is a refugee. While the population is growing at an annual rate of 2.45%⁴, increased strains have been exerted on the city's capacity to provide public services and proper infrastructure to its residents such as garbage collection, power and water supply, and proper roads, in addition to increased traffic and road accidents due to overcrowding.⁵ This has been further amplified by the increased numbers of refugees residing in Tripoli.

The implications of the Syrian crisis are not confined to weakened public service provision, but extend to the labour market and social perception of host communities. It is commonly believed that Syrian workers have been accepting lower wages due to their high economic vulnerability.⁶ The perception of competition for local jobs is high in most neighbourhoods of Tripoli.

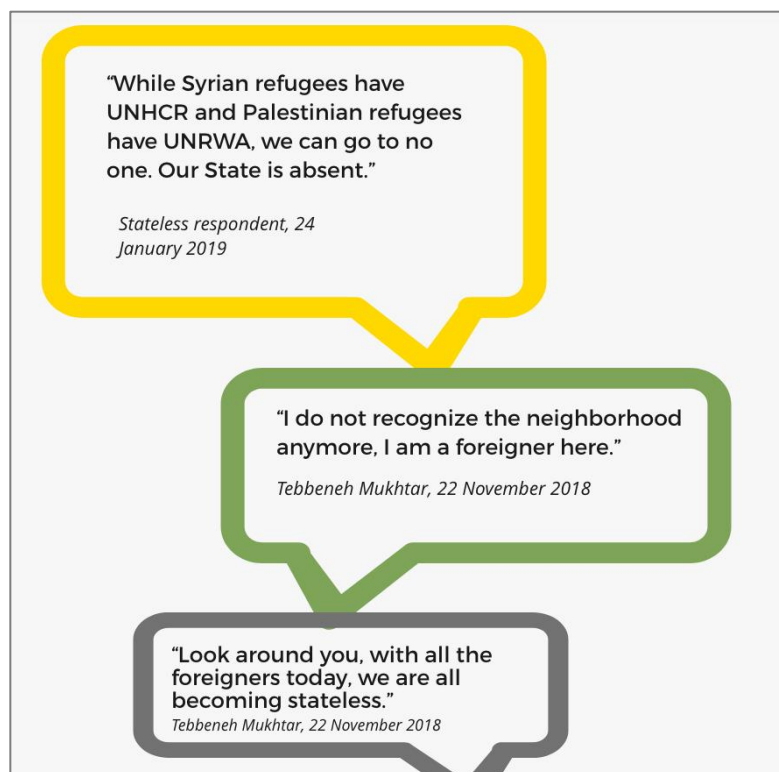


Figure 2 - Perception of refugees

⁴ UN-Habitat Lebanon, *Tripoli City Profile 2016*, p.3. Calculation based on figure 2.

⁵ Khaled Ismail et al., *Syrian refugees in Tripoli, Lebanon* (Massachusetts: Tufts University, 2017).

⁶ Ismail et al., *Syrian refugees in Tripoli, Lebanon* (2017).

Conversely, UN-habitat's 2016 study shows that the skill set of Syrian refugees differs from that of the inhabitants of Tripoli, in particular the economically deprived ones. The Lebanese and the Syrians have not been competing over the same jobs. The perception of Tripolitans regarding the increased competition over jobs by refugees is thus not necessarily true. The current job shortage in Tripoli is rather caused by the deteriorated overall economic situation in the area. The latter is significantly affected by the cease of economic activity with the conflicted area of Syria that surrounds not just Tripoli, but all of the North and Eastern borders.

A History of Violence

The history of armed conflict in Tripoli started decades ago and is believed to have caused the fragility of its economy. In 1975, the Lebanese civil war weakened Tripoli's industrial presence as many medium and large size factories went bankrupt, while capital owners refrained from investing in new projects in the area. This resulted in the shrinking of job opportunities and the further depression of the economy⁷. In 1986, a large-scale massacre was conducted by the Syrian forces in the area of Tebbeneh, fuelling a long lasting sectarian armed conflict between the predominantly pro-Assad Alawites of Jabal Mohsen and the majoritarian anti-Assad Sunnis of Tebbeneh.⁸ A series of conflicts and violent acts followed this period.

In 2008, two bombings targeting buses of civilians and soldiers took place. Later in 2011, the migration of Syrian refugees to Tripoli exacerbated sectarian tensions between Alawites and Sunnis following Hezbollah's fighting alongside the Assad regime in Syria. In August 2013, two simultaneous explosions rocked the el-Salam and el-Taqwa Sunni mosques, killing 48 people. Security threats continued after March 2014, when 2,000 Lebanese Armed Forces troops were released in the area of Tebbeneh-Jabal Mohsen as part of a governmental security plan to contain conflicts. The plan consisted of negotiations between militia groups and resulted in significantly reduced armed clashes and the establishment of truce between all parties. In January 2015, two suicide bombers blew themselves in a cafe in Jabal Mohsen. Deep damages were caused in both neighbourhoods, many buildings were demolished and a significant number of affected families were forcefully displaced.⁹ Downtown markets or souks were harmed too, causing Tripoli's overall economic activity to stagnate.

Today, despite the cease of clashes, sectarian and political disputes have remained. This is particularly dangerous as it could significantly hinder the implementation of any development initiatives in Tripoli.¹⁰ In fact, a study by Lebanon Support shows a positive correlation between unemployment and young men's participation in battles. It explains that men in Jabal Mohsen and Tebbeneh perceive the battles phase as a good economic period since it created jobs. They were given weapons and money to shoot, whereas now, most of them wander around these two neighbourhoods, unemployed. Similarly, the concept of revenge is another critical factor for the reignition of battles, often related to historical feuds

⁷ Adib Nehmeh, *Al Foqr Fi Madinat Tarablos, Al Kitab Al Thani, Al Tadakhoulat Al Watania Wal Mahaliya* (Beirut: ESCWA, 2010).

⁸ Miriam Younes, *The conflict context in Tripoli: Chronic neglect, increased poverty, & leadership crisis* (Lebanon Support, 2016).

⁹ Ismail et al., *Syrian refugees in Tripoli, Lebanon* (2017).

¹⁰ Nehmeh, *Daleel Al Herman Al Hadri* (2010).

and the death of friends or relatives in past fights. Adversely, young men's participation in revenge battles is more likely to occur if they are unemployed and have very little to lose.¹¹

¹¹ Younes, *The conflict context in Tripoli* (2016), p.18.

On Statelessness Around the World

How Statelessness Came to Be

Today, there are an estimated 10 million stateless individuals around the world.¹² The phenomenon of statelessness started seeing the light around the beginning of the twentieth century, when the world's territorial shuffling and political crisis took place following both world wars.¹³ The very first wave of global statelessness was witnessed by 800,000 people deprived of the Russian citizenship, as well as Jews exiled in Germany also dispossessed of their citizenship. As a result of the displacement of many individuals, some of which became stateless due to war, the United Nations' Universal Declaration of Human Rights was adopted in 1948 and recognised nationality as a human right to everyone. This was the earliest international consideration towards ceasing statelessness. In 1954, the United Nations' Convention Related to the Status of Stateless Persons defined the term "stateless" for the first time.

"A stateless is a person who is not considered as a national by any State under the operation of its law."¹⁴

This convention required that stateless persons enjoy the basic human rights, in particular education for their children, healthcare, freedom of religion, non-discrimination, right of association, access to courts, equal access to personal status laws, appropriation rights, gainful employment, housing, social security, freedom of movement, travel documents, and transfer of assets. It provided states with practical solutions to address those needs and secure them for stateless persons.

A second UN Convention on the Reduction of Statelessness was adopted in 1961. It aimed to reduce and prevent statelessness around the world and, by doing so, initiated an international framework to guarantee the right of every person to a nationality by requiring states to establish safeguards to prevent statelessness in their respective nationality laws. Those safeguards include:

- Granting nationality to children born otherwise stateless on their territory including foundlings, through regulating conflicting nationality or personal status laws.
- Nationality shall be granted upon an application and as prescribed by a national law which can stipulate specific conditions (provisions of Article 1). Under these conditions, no application may be rejected.
- Mothers who hold the State's nationality shall grant nationality to their children born in wedlock on the State's territory, if children would otherwise be stateless.
- If the law of the contracting State entails the loss of nationality as a consequence of a change in personal status, loss shall be conditional upon acquisition of another nationality.

Lebanon has not acceded to any of these two conventions. Appendix A lists all international conventions related to statelessness since 1948 and summarises Lebanon's stance and action towards them.

¹² B. Sokol, *Ending Statelessness Within 10 Years: A Special Report* (UNHCR, 2016).

¹³ UN, *A study of Statelessness* (Lake Success, New York: United Nations, 1949), p.3.

¹⁴ UN Convention relating to the status of stateless persons, Art. 1, (1954).

Causes and Consequences

There are myriads of root causes of statelessness around the world. Most of them can be categorised into the following groups:¹⁵

1. Conflicting or inadequate national legislation related to nationality: States grant nationality based on two principles. The first, *jus sanguinis*, attributes the nationality of the parents to their children, and the second, *jus soli*, grants citizenship on the basis of birth on the territory of the state. In cases where the child is born in a *jus sanguinis* country, to stateless or unknown parents, the child becomes stateless too. Moreover, under some legislations, persons who have been absent from their country of origin for a long period might lose their nationality. They could thus become stateless in their country of residence.
2. Penalty or discriminative deprivation of nationality: A nationality deprivation penalty can be applied by the state to persons who have committed an offence, a fraudulent act or evasion of military service. Other religious, racial or even political discrimination, especially during the two world wars, have resulted in the persecution of specific groups, which eventually became stateless due to deprivation of nationality, such as the exodus of the Jews from Germany, as well as the Armenians since the Great War.
3. Inadequacy of treaties governing territorial settlements or their defective application: Many treaties permitted cases of statelessness to occur due to gaps and uncertainty around the origin or residence of persons on the concerned territory, such as in the case of Bedouins who used to change residence very often at the Lebanese borders.
4. State successions and dissolution of states: These situations, such as the dissolution of the Soviet Union, have led to some of the largest numbers of stateless persons worldwide.

In addition to these causes that date back to the history of legislation, treaties and wars, other contemporary causes persist until today such as:¹⁶

5. Administrative procedures: Some individuals who are entitled to the nationality might miss registration deadlines or might not be able to afford registration fees or secure all the required documents for registration such as birth certificate or registration of parents' marriage prior to child's birth.
6. Laws and practices: These include discriminatory marriage laws that cause the loss of nationality of the wife while not acquiring that of her husband, other laws preventing women from registering their children, or laws that cause the automatic loss of nationality due to loss of connection with the State without expressing the wish to retain nationality.

Stateless persons do not enjoy the protection of their country of origin. As such, they face very limited access to basic human rights and are often socially regarded as inferior to other citizens of the country they reside in.

¹⁵ UN, *A study of Statelessness* (1949), p.117-127.

¹⁶ Frontiers Ruwad, *Invisible Citizens: Humiliation and a Life in the Shadows* (Beirut: Frontiers Ruwad, 2011), p.12.

Broadly speaking, stateless persons worldwide suffer from the following limitations:¹⁷

1. Indeterminate personal status which hinders their ability to marry, divorce, recognise or adopt a child, as well as their eligibility for succession and inheritance.
2. Lack of private rights for property acquisition.
3. Ineligibility for formal employment, trade and enterprise ownership.
4. Limited access to education, healthcare and social security.
5. Restricted right to appear before the courts as plaintiff or defendant.
6. Restricted freedom of movement and inability to travel internationally.

Other consequences of statelessness include the constant fear of being arrested or detained permanently for not having identification documents.¹⁸

Success Stories

Several countries managed to identify, prevent or reduce statelessness through different programs. A few successful examples are listed below:¹⁹

- Law reform and the removal of gender discriminative nationality laws by allowing mothers to transfer their nationality to their children (Liberia).
- Better civil registration and documentation systems (Thailand).
- The establishment of mobile civil registration to avoid statelessness caused by logistical challenges or freedom of movement in remote areas (Jordan).
- Decentralised and mobile birth registration and a waiver on late birth registration for children enrolled in schools but lacking any birth documentation (Kenya).
- Awareness raising campaigns and mapping initiatives (Moldova).
- The establishment of statelessness determination procedures, which are SOPs serving for the identification of stateless individuals and the protection of their rights (France).
- Accession to international principles and actions on statelessness (African Union).
- Foreign policy initiatives through international diplomacy on preventing and resolving statelessness in other vulnerable countries (United States).
- The establishment of a legal clinic for advice at a university with specialist lawyers assisted by law students (United Kingdom).

Appendix B provides an in-depth overview of two relevant case studies, one in Thailand and another in Jordan. In most cases, a recipe of multiple policies is needed to ensure effectiveness in preventing statelessness cases in the future while treating and reducing current ones.

¹⁷ UN, *A study of Statelessness* (1949), p.17-26.

¹⁸ Frontiers Ruwad, *Invisible Citizens* (2011), p.89.

¹⁹ UNHCR, *Ministerial Intergovernmental Event on Refugees and Stateless Persons* (2012).

Statelessness in Lebanon

National Timeline

The history of legislation, citizenship and territorial definition in Lebanon goes back to 1869 when the Ottoman nationality law was put in force under the Ottoman Empire's *Tanzimat*. In 1920, Greater Lebanon was first announced through Decree 318 of the League of Nations, to be temporarily governed under the French Mandate. A year later, the French High Commissioner announced the first population census and declared through Regulation 1307 that all subjects registered in that census would be recognized as Lebanese citizens.

The Ottoman nationality law continued to be legally binding until 1924 when the legal status of Ottoman citizens in Lebanon was regulated through Resolution 2825 putting into effect the Treaty of Lausanne. The latter stipulated that "any person who was a Turkish [i.e. Ottoman] subject and resided in the territories of Lebanon on 30 August 1924 is confirmed as a Lebanese subject and is from now on considered as having lost the Turkish [i.e. Ottoman] citizenship." The year 1925 marked the creation of the current Lebanese Nationality Law (Decision 15 of the French High Commissioner), which was subject to amendments in 1934, 1939 and 1960. Despite Resolution 2825, some individuals, especially emigrants of Lebanese origins but also others for political and practical reasons, could not register in the first census (1921) and thus remained stateless. That was the first wave of statelessness in Lebanon. Subsequently, another census was announced in 1932 (Decree 8837), resulting in the naturalisation of more than 200,000 individuals, most of whom were Christians.²⁰ Article 13 of that decree mentions the following:

"Refugees from Turkish territories such as Armenians, Syrians, Chaldeans and members of the Greek Catholic and Orthodox churches, or other persons who are of Turkish origin, shall be counted as Lebanese provided they were found on Lebanese territories on 30 August 1924 according to Regulation 2825."

As for the Bedouins, Article 12 stipulates that only those who had resided in Lebanon for more than six months were eligible for the Lebanese nationality. The remaining individuals who could not be registered as Lebanese, neither prove their residence in Lebanon on 30 August 1924 were thus registered in the 1932 census as foreigners of "indeterminate nationality" or in other words stateless.²¹ They had the opportunity to register for the Lebanese nationality until 1958, but many refrained from doing so for several reasons:

- Fear of being enrolled in military service.
- Living outside towns and villages (shepherds and non-sedentary people).
- Illegal entry and residency in Lebanon.
- Lack of proper information on rights and obligations.

The year 1943 marked the declaration of independence of Lebanon. Subsequently, in 1951, the Law of Documenting Personal Status came to regulate civil registration procedures. This is particularly important

²⁰ Rania Maktabi, *The Lebanese Census of 1932 Revisited. Who Are the Lebanese?* (Taylor & Francis, 1999).

²¹ Youmna Makhoul, *'Nationality Under Study': The Permanence of Being Stateless* (Beirut: Legal Agenda, 2016).

as the lack of registration of marriage and birth is one of the major causes of statelessness in Lebanon as will be shown later in this study.

In 1962, the “under-study” category was created by the General Security to identify and conjoin persons in Lebanon who had no nationality whatsoever. Hence individuals holding “indeterminate nationality” cards had their documents replaced by “under-study” cards, granting them residency rights. Nevertheless, this replacement process ceased in 1970. Since then, “under-study” cards have solely been granted to persons born to “under-study” fathers.²² A few years earlier, Law 68/1967 stipulated that the First Instance Tribunal is the competent court to judge lawsuits pertaining to statelessness cases claiming their right to Lebanese nationality. However, the law did not entail a specific definition of the word “statelessness.”

Later in 1994, a naturalisation decree (number 5247) was announced, resulting in the naturalisation of 202,527 individuals.²³ Even though this decree aimed at reducing stateless populations among the Kurds, the Arabs of Wadi Khalid, the Bedouins and others, only 36 percent of the naturalised individuals under this decree were originally stateless.²⁴ The Maronite League challenged the decree before the State Shura Council right after its release. And in 2003, the latter issued Decision 484 asking the Ministry of Interior to review the cases listed in the decree. The result was the withdrawal of Lebanese nationality in 2011 from more than 200 persons naturalised in 1994.

Misperception about the current status of the 1994 Naturalisation Decree

Today, there is a major misconception around the effectiveness and validity of the 1994 naturalisation decree following the controversy around it. The decree is not suspended or pending, but effective and enforceable. In fact, the Decision 484 rendered by the State Council in 2003 in the case brought by the Maronite League (1) did not suspend the implementation of the decree, and (2) requested from the Ministry of Interior to conduct further investigations around the lawfulness and right of those naturalised to benefit from its stipulations. That being said, a decision was rendered by the Ministry of Interior in 2011 resolving the issue since approximately 200 individuals had their nationalities withdrawn.

In legal terms, no further steps can be undertaken since Decision 484 was not appealed during the legal delay stipulated by law. Moreover, the decision rendered by the Ministry of Interior in 2011 to withdraw nationalities was limited to a number of persons while most other cases benefiting from the decree were not legally challenged. Therefore, the 1994 naturalisation decree remains fully effective, is apt for implementation, and Decision 484 is irreversible, final and binding.

As supporting evidence to these statements, the Court of Cassation rendered lately Decision 13 dated 27/2/2014 granting nationality to minor children of a father naturalised in 1994, which confirmed the validity of the naturalisation decree and the clear legal effects of Decision 484.

²² Ibid.

²³ Bechara Merhej, *Marsoum Al Tajnis Rakim 5247 Al Kossa Kamila* (Beirut: Arab Scientific Publishers, Inc., 2013), p.152-153.

²⁴ Guita Hourani, *The 1994 Naturalisation Decree* (Louaize: Notre Dame University, 2011).

Profiles and Scale

In the Lebanese laws, the word stateless is not properly defined. People considered under this category are referred to, in Lebanese legal texts and judicial decisions, by non-registered, Maktoum Al Qayd and under-study. The first mention of the word Maktoum Al Qayd is found in the Lebanese Law No 68/1967.²⁵ The term “stateless person” appears for the first time in Articles 19 and 23 of the Lebanese Penal Code in 1943.²⁶ These articles, without defining the category of stateless people, apply Lebanese laws to all crimes conducted by stateless people residing in Lebanon. Moreover, Lebanese laws only stipulate the obligations of stateless persons without any mention of their rights and guarantees, knowing that the 1954 Convention considers some of these rights inherent to all human beings.

In this report, the same international definition of the term “stateless” as stipulated in the 1954 UN Convention will be used. We differentiate between three subcategories: Non-registered, Maktoum Al Qayd and Under-study. The figure below describes the full terminology.

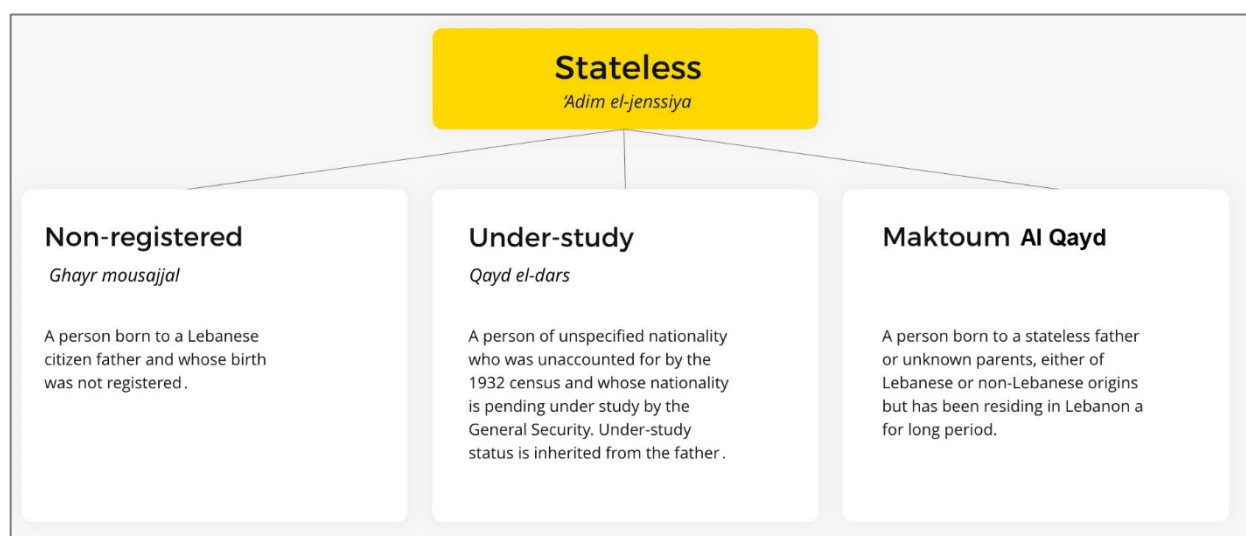


Figure 3 - Categories of stateless persons in Lebanon

A non-registered person is defined as a person born to a Lebanese father and whose birth has not been registered by neither of their parents. Non-registered persons lack personal status records. However, they can file a late birth registration lawsuit to gain the Lebanese citizenship, once all required documents are available. Illegitimate children of Lebanese parents are also included in this category.

Maktoum Al Qayd (MAQ) refers to a person born to a stateless father or unknown parents, either of Lebanese or non-Lebanese origins but has been residing in Lebanon for a long period. MAQ persons lack identification papers and are not enrolled in any official Lebanese censuses, which renders their nationality unknown. They thus do not have any bond with Lebanon nor with their country of origin.²⁷ They could be children of non-registered fathers, with Lebanese grandparents or great grandparents, but

²⁵ Wadih Rahhal, *Al Kawa'ed Al 'Amma Lil Ahwal Al Shakhsiyya part 1* (2006), p.401.

²⁶ The Government of Lebanon, The Ministry of Justice, *Kanoun Al Oukoubat, Marsum Ishtira'i Rakem 340*, 1943, Beirut. <http://www.madcour.com/LawsDocuments/LDOC-1-634454580357137050.pdf>. (Accessed March 01, 2019).

²⁷ Frontiers Ruwad, *Invisible Citizens* (2011), p.98-99.

with no current proof of their lineage with their Lebanese relatives. Foundlings are also included in this category.

Both non-registered and MAQ persons are considered before the Lebanese public administration as non-existent. They are neither Lebanese nor foreigners and they are not even allowed to work in fields and domains that are permitted to foreigners as per the annual decision rendered by the Minister of Labour.²⁸

Under-study is a category that refers to persons of undetermined nationality that were given the under-study status by the General Directorate of General Security.²⁹ These persons were not accounted for neither in the 1932 census nor in any subsequent statistical initiatives in Lebanon. As such, they were initially granted official cards mentioning that they were of an “indeterminate nationality”. After the entry into force of the Law dated 10/7/1962 regulating entry to, residence in and exit from Lebanon, these cards were replaced by residency cards stating that the nationality of their holders is under study.³⁰ Thus the under-study category offers a legal status but does not provide full citizenship. Under-study persons are regarded as foreigners.³¹ They are required to apply for a special residence card for one or three years in return of an annual fee of 200 USD. However, spouses and under-study children of Lebanese women are exempt from this yearly fee.³²

There have not been any recent official population censuses yet in Lebanon nor any censuses for documenting stateless persons. Information about the latter’s profiles as well as their categories and concentrations are still uncertain due to the lack of official statistics. However, most published studies on statelessness in Lebanon have estimated the number to be between 80,000 to 200,000 individuals.³³

The Lebanese Nationality Law

One of the main causes of statelessness in Lebanon lies in the limitations inherent in the Lebanese Nationality Law and its amendments in 1934, 1939 and 1960. As such, it is essential to take a closer look at some of its articles. The law stipulates that:

(1): Every person born to a Lebanese father is considered Lebanese (*jus sanguinis*).

(2): Every person born in the Greater Lebanon territory and did not acquire a foreign nationality upon birth by affiliation is considered Lebanese.

(3): Every person born in the Greater Lebanon territory of unknown parents or parents of unknown nationality is considered Lebanese.³⁴

According to Lebanese courts, the two main conditions required for the acquisition of the nationality are the Lebanese nationality of the father at the time of the child’s birth and the establishment of legitimate

²⁸ The Government of Lebanon, The Ministry of Labor, *Karar Rakem 29/1, Yata'allak Bil A'amal Wal Mihan Wal Hiraf Wal Waza'if, Al Wajib Hasrouha Bil Loubnaniyyin Fakat*, 2018, Beirut. <http://www.labor.gov.lb/Temp/Files/74a11682-051a-4d83-a8fe-905a54b3968f.pdf>. (Accessed March 01, 2019).

²⁹ Frontiers Ruwad, *Invisible Citizens* (2011), p.100.

³⁰ First Instance Civil Tribunal in Mount Lebanon - Decision No 174 - Dated 10/06/2010.

³¹ First Instance Civil Tribunal in Mount Lebanon - Decision No 92 - Dated 4/7/1973.

³² Interview with Key Informant at the General Security.

³³ Frontiers Ruwad, *Invisible Citizens* (2011), p.9.

³⁴ Lebanese Nationality Law, 1925, Article 1.

affiliation.³⁵ Nevertheless, the only exception that is stipulated in Article 2 of the Nationality Law is as follows:

“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 is Lebanese. 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.”

In fact, this is the only case that refers somehow to the right of a Lebanese woman to transfer the nationality to her child. Moreover, Article 5 grants an automatic right to foreign women to become Lebanese upon marriage to a Lebanese man. In 1960 (Law of 1/11/1960), this article was amended with the introduction of a one-year delay after the marriage registration before allowing the woman to submit a formal request. While a legal decision in 2004 by the Saida Tribunal of First Instance has extended this right to stateless women marrying Lebanese men, this right has not been put in practice. These women remain stateless until they file a lawsuit to acquire the Lebanese nationality.

A closer look at articles 1 and 2 of the Nationality Law and its application reveals that practices related to statelessness have not been necessarily conformant with the legislation. According to these articles, every child born to stateless parents, or a stateless father and a Lebanese or under-study mother,³⁶ or any foundling born to unknown parents on the Lebanese territory should be granted the Lebanese nationality. However, Lebanese courts have rendered these articles inoperative by requiring the applicant to prove negative facts such as their unknown nationality or unknown parents. Even in the case of “under-study” persons, whose files have been pending for decades, they still bear the same responsibility of proving their unknown origins even though the fact that they are still under study for so long could have been on its own a proof of their unknown origins. Yet, their “under-study” cards are still considered “insufficient evidence that the parents are of unknown nationality or that the children did not, by affiliation, acquire a foreign nationality.”³⁷ This reluctance to apply the law directly could be due to the fact that, before 1962, most of the holders of “indeterminate nationalities” were foreign refugees who came to Lebanon and tried to benefit from article 3 in order to claim the Lebanese nationality for their children born in Lebanon.³⁸

Access to Rights in Lebanon

In spite of the variety in the underlying causes behind statelessness, stateless persons share very similar limitations on their access to rights in Lebanon. The table below summarises that for all three categories of statelessness in Lebanon.

³⁵ Frontiers Ruwad, *Invisible Citizens* (2011), p.53.

³⁶ Since the Lebanese nationality law is based on patriarchal lineage only, according to article 1.

³⁷ Makhlouf, *‘Nationality Under Study’* (2016).

³⁸ Frontiers Ruwad, *Invisible Citizens* (2011), p.100.

	Non-registered and Maktoum Al Qayd (MAQ)	Under-study
Personal Status <i>Registration of marriage and birth</i>	✗	☑ <i>Registered in foreigners' registry</i>
Social Security	✗	✗ <i>Despite paying taxes when employed, due to discrepancies in the taxation system³⁹</i>
Access to Healthcare <i>Coverage</i>	✗	✗
Right to Property <i>Ownership and inheritance</i>	✗	☑ <i>Movable goods only</i>
Public Employment	✗	✗
Formal Employment	✗	☑ <i>Approval from the Ministry of Labour needed</i>
Civic and Political Rights	✗	✗
Freedom of Movement	☑ <i>Laissez-passer passport from General Security for international travels Mukhtar attestation (taarif) for local travel</i>	☑ <i>Laissez-passer passport from General Security for international travels Under-study card (permit) for local travels</i>
Right to Education	☑ <i>School admission and official examination upon provision of authorisation by Ministry of Education</i>	☑ <i>School admission and official examination using Under-study card (permit)</i>
Driver's License	☑ <i>Based on the Laissez-passer passport</i>	☑ <i>Based on under-study card</i>

Table 1 - Stateless persons' access to rights

³⁹ The Lebanese taxation system does not factor out the under-study persons who do not benefit from social security. Thus, under-study individuals continue to pay taxes without receiving the direct benefits.

Statelessness and Marriages in Tripoli

Statistics on statelessness in Tripoli are lacking. Nevertheless, a study by the Lebanese Council to Resist Violence Against Women (LECORVAW) in 2017 explains one of the main reasons behind statelessness in Tripoli, non-registered marriages, and its prevalence among Tripolitan families. Non-registered marriages for the Muslim Sunnis are defined as based on a religious marriage contract issued by the Sheikh without being officially registered at the Sunni religious court nor the civil status office.⁴⁰ The study shows that non-registered marriages account for 11% of marriages among surveyed families in Tripoli, leading to increased non-registered births and thus stateless children. This rate is considered relatively high since every marriage results in the birth of a large number of children. It is even higher in impoverished areas such as Tebbeneh, Qobbeh, Beb el-Ramel, Daher el-Mogher and Mina.⁴¹ In addition to that, polygamy and early marriages are particularly common in such areas, leading to larger families that would often end up non-registered due to lack of knowledge of registration processes. In fact, LECORVAW found that 20% of surveyed families who did not register their marriage, did so due to the men's engagement in polygamy. Other reasons behind non-registered marriages in Tripoli include early divorce or divorce and remarriage multiple times (50%), financial burden (35%), unauthorized Sheikhs (20%) and incomplete required documents (15%). In light of the weak supervision by Dar el-Fatwa over registration of religious marriages, this trend does not seem to be slowing down anytime soon.

On the other hand, Tripoli's proximity to Syria has facilitated mixed marriages between Lebanese and Syrians.⁴² As such, discrepancies in birth and marriage registration have aroused, causing many children to become stateless. This could be due to either logistical reasons such as residing in Lebanon and not being able to transport the family to Syria for the registration process or the contrary, or due to the couple or parent's ignorance of or confusion around the rules of registration in each country. The illegal residence of Syrian women in Lebanon, as well as the loss or damage of their IDs during the war in Syria or while fleeing the country have also contributed to delayed or hindered marriage and birth registration of the children resulting from their marriage with Lebanese men. This trend is shown in one of LECORVAW's findings that 60% of the marriages of Syrian women in Tripoli are not registered.⁴³

⁴⁰ The Lebanese Council to Resist Violence Against Women (LECORVAW), *The Problems of non-registered Marriage for the Muslim Sunnis in Tripoli - Lebanon* (Tripoli, 2017), p.3.

⁴¹ Ibid, p.13.

⁴² Care International, *Syrian Refugees in Lebanon, Eight Years On* (Beirut, 2018), p.9

⁴³ LECORVAW, *The Problems of non-registered Marriage for the Muslim Sunnis in Tripoli* (2017), p.25.

Assessing Statelessness in Tripoli

The data presented here was collected in January of 2018. Key informant interviews and focus group discussions helped determine issues and articulate hypotheses. Interviews were conducted with General Security officers, judges, lawyers, UN experts, professors, civil servants and government officials. Focus group discussions included 12 stateless individuals from Tripoli with diverse profiles and backgrounds. A questionnaire was derived in light of these discussions to assess the status of stateless respondents and their family members, the availability of legal papers, the causes of statelessness, the impact of statelessness on perception and access to services, coping mechanisms, and initiatives taken to resolve stateless situations (court status, duration, cost and obstacles). Three questionnaires were developed: (i) a main stateless questionnaire, (ii) a control group non-stateless questionnaire, and (iii) a parent of stateless questionnaire. The control group questionnaire was essential to compare stateless and non-stateless groups of the same socio-economic background and thus consists of the same questions drafted in the main questionnaire. The parent questionnaire is a shorter version of the main one and was devised for Lebanese parents who have stateless non-registered children to help us assess the children's situation. The detailed main questionnaire can be found in Appendix E.

Hotspots of statelessness were localised and assessed through interviews held with 29 Mukhtars from Tripoli (five in Qobbeh, eight in Tebbeneh, one in Remmeneh, one in Haddadin, two in Sweiq, one in Mheitra, three in Nouri, three in Tal, and five in Mina). Initial estimates were also obtained through visits to schools, mosques, owners of power generators, and other public access institutions in Tripoli. A snowball sampling approach was developed in light of this information with several entry points in each identified hotspot, allowing surveyors to start crawling the community through referrals from one respondent to another. Every surveyor was accompanied by one Tripolitan stateless person who also helped look for other stateless individuals and build an extensive database. For every two stateless respondents, a non-stateless person was surveyed in the same neighbourhood.

Demographics

The survey identified a total of 1,439 stateless persons currently living in Tripoli, the majority of which resides in three main hotspots: Tebbeneh (30%), Beddawi (26%) and Qobbeh (20%).⁴⁴ In fact, the survey shows that statelessness in Tripoli, and in particular in Beddawi, is the result of a significant migration phenomenon, with 31% of the respondents migrating from the caza of Akkar⁴⁵. As such, their major destination, Beddawi, serves as a transit point between the outer parts of the city and its centre. Moreover, the gender distribution of the surveyed respondents in both the stateless and non-stateless groups is 52% females versus 48% males, corresponding to a 1.09 female-to-male ratio. As for the age distribution of the surveyed adult stateless persons, 54% are between the age of 18 and 30, 32% between 31 and 50, and 14% above 50 years old. Additionally, the parent survey allowed us to identify 427 stateless children under the age of 18 (one third of the total population of stateless individuals).

⁴⁴ The number 1,439 includes both stateless adults and children.

⁴⁵ Specifically, from Wadi Khaled (6%), Talhayet, Halba, Abboudiyeh, Machta Hammoud, Massoudieh, Arida and Wadi el-Jamous.

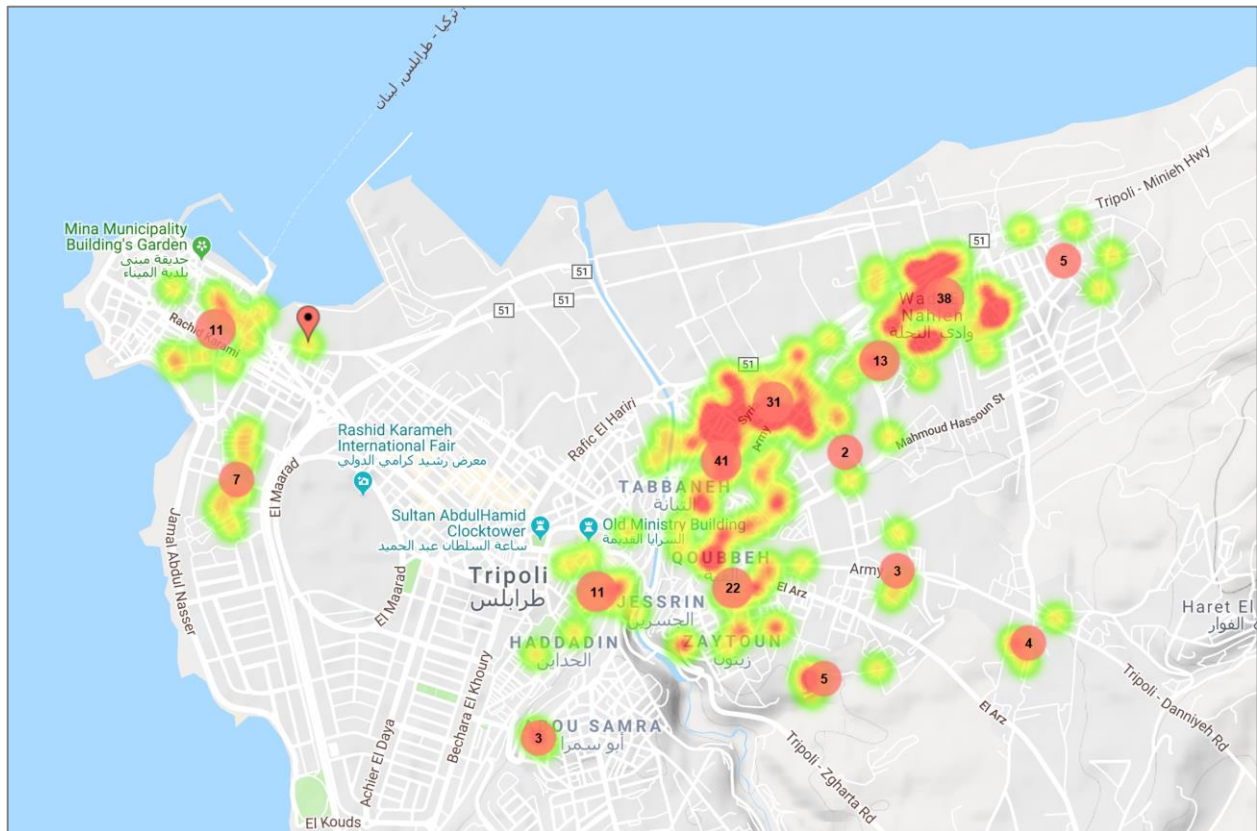


Figure 4 - Distribution of stateless persons in Tripoli

A rough comparison of stateless lists provided by Mukhtars and those surveyed in the field reveals that 65% of stateless reported by the Mukhtars have been recaptured by surveyors. This means that, using the mark and recapture Lincoln-Petersen method, the total population of stateless in Tripoli can be estimated at $1,439 \times 100 / 65 = 2,214$ persons.⁴⁶ If we consider that Tripoli has 8% of the Lebanese population, and if the proportion of statelessness in Tripoli is the same, then there must be 27,275 Lebanese stateless persons in Lebanon.

Causes of Statelessness

The type of statelessness we are dealing with is important to assess as the cases of non-registered individuals of Lebanese fathers are much easier to resolve than the cases of Maktoum Al Qayd whose father is of unknown origins. The fieldwork reveals that two thirds of the Lebanese stateless people in Tripoli already have a Lebanese father, which means that most of the cases are people who should have no serious problem regularising their case.

Sixty-three percent of the respondents are non-registered stateless individuals born to a Lebanese father.⁴⁷ A third of these non-registered cases (33%) are due to family problems and more particularly the non-registration of their parents' marriages. Such respondents have explained that this is often due to the

⁴⁶ $N = K \times n / k$ where n is size of population in first trial, k is number captured on first trial, K is number recaptured on second trial, and N is population size.

⁴⁷ Lebanese stateless persons currently living in Tripoli are distributed as follow: 63% of non-registered, 22% of Maktoum Al Qayd and 9% of under-study. Another 5% were rendered stateless for other reasons such as lost or damaged registries and being born to unknown parents.

fact that marriage registrations of stateless women and Lebanese men are more complex and costlier, if not impossible, which hinders parents' ability to register children's births. Other non-registered cases are due to parents' negligence (30%) and financial problems (11%). 75% of the stateless have a Lebanese mother and 55% have both, Lebanese father and mother.

Moreover, 30% of non-registered individuals were born to a father who was naturalised in 1994. This group's situation is problematic given the Maronite League's challenge of the 1994 naturalisation decree (5247). The decree, which had granted nationality to 202,527 individuals, was brought before the State Shura Council and the case was later forwarded to the Ministry of Interior. This situation led in 2011 to the denaturalisation of 200 persons, keeping the issue of the transmission of nationality by naturalised fathers uncertain. Nevertheless, most cases brought before the courts later on have been resolved in favour of registering children born after 1994 to naturalised fathers. Those who were born before 1994 were often rejected by courts, and this corresponds to 36% of children born to a father naturalised in 1994.

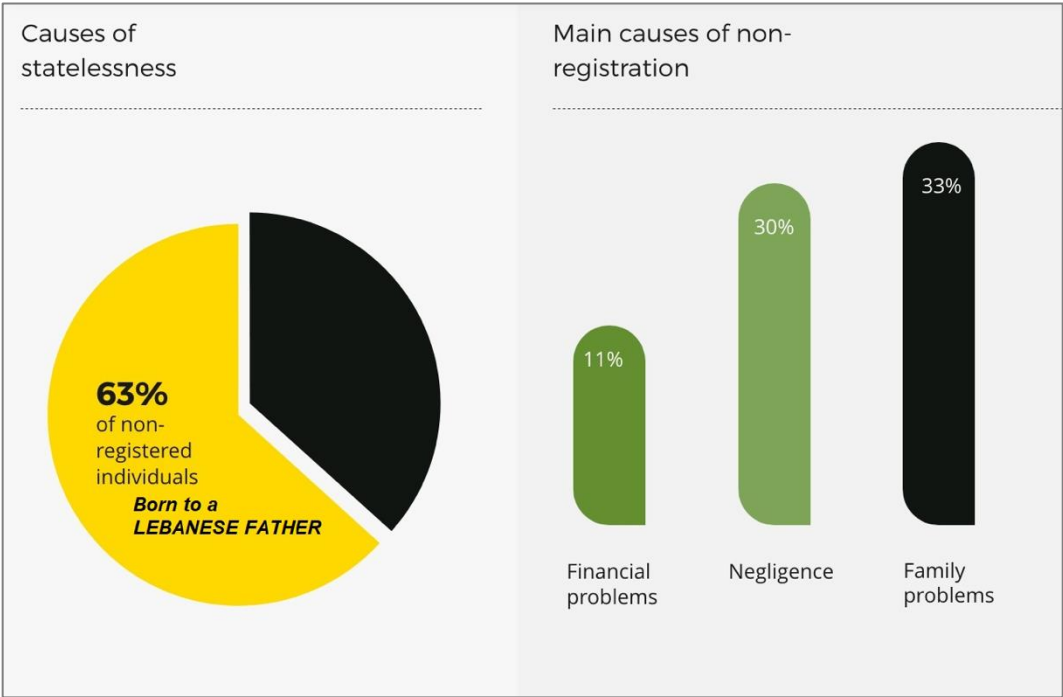


Figure 5 - Causes of statelessness

Maktoum Al Qayd (22%) are the second main profile of stateless persons in the city. Nearly half of Maktoum Al Qayd respondents (45%) were born to a father who was himself not registered, confirming that non-registration is a major component of statelessness today, and constitutes a sort of new wave after the 1994 naturalisation decree solved, albeit controversially, most of the historical cases of statelessness⁴⁸.

Therefore, more than two thirds of the population of stateless individuals have a straightforward case, with either a Lebanese father, or a Lebanese father naturalised in 1994 before they were born, or a Lebanese grandfather. In other words, a large proportion of Lebanese stateless people are obviously of Lebanese origin and have been deprived of their basic right to belong to the society from which they very clearly emerged.

⁴⁸ Refer to Appendix C for more details on the 1994 Naturalisation Decree.

Perceptions and Identity

Statelessness is a source of embarrassment and perceived exclusion for the respondents. Most of the stateless (87%) feel that perception changes when people know that they are stateless. 48% of them avoid mentioning that they are stateless, mainly because of embarrassment (57%) or of exclusion (15%). Others are either too proud (14%) or too afraid of gossip (10%) to mention that they are stateless.

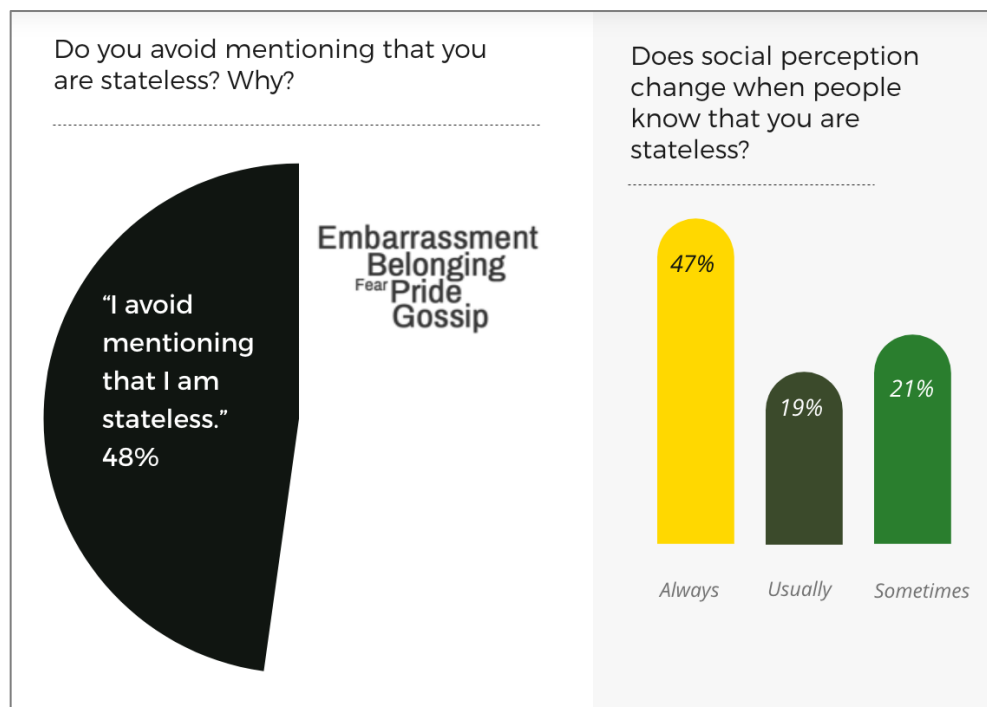


Figure 6 – Stateless persons' self-perception

Paradoxically, there is an overall stronger trust in the state among the stateless (52%) than the non-stateless (38%).⁴⁹ One out of every two respondents blame their parents for the situation they are in, with the other half blaming the State. Fifty percent of respondents hold their parents either fully (33%) or partially (17%) responsible for their circumstances.

⁴⁹ This could be amplified by a potential fear factor while answering the questions.

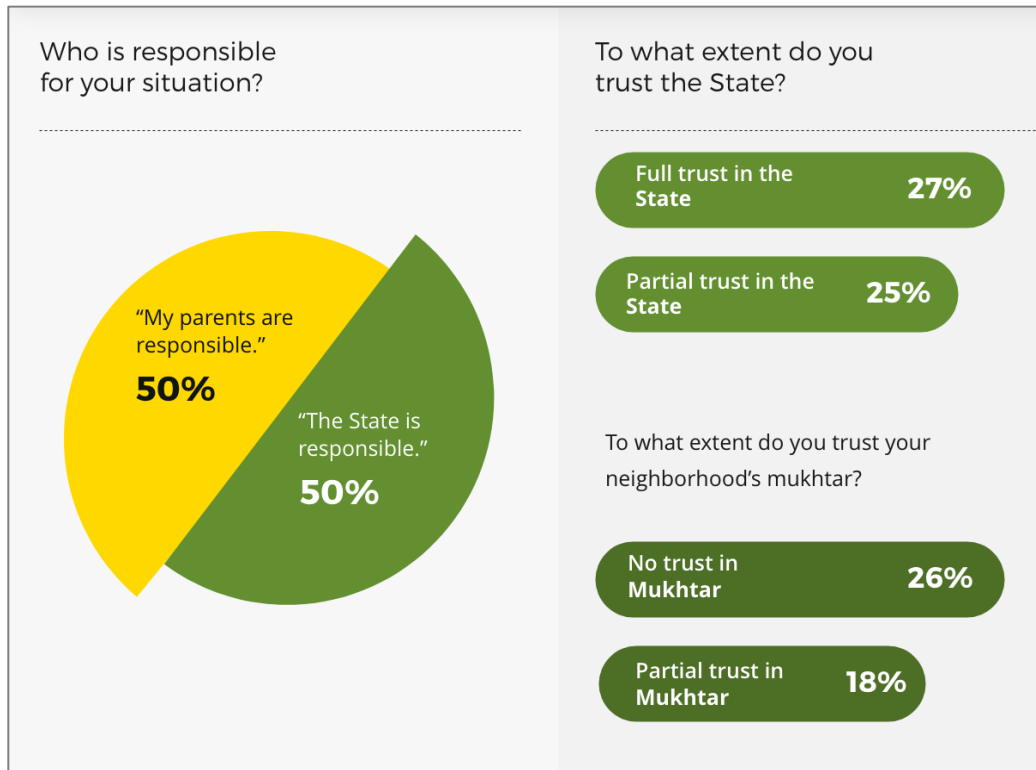


Figure 7 - Stateless persons' perception of the state

Moreover, and despite all the challenges they face, stateless persons currently living in Tripoli have the same sense of national identity than non-stateless. To the question "what are the elements that determine your identity?", 61% of the respondents mentioned the homeland/nation [*watan*] as the first choice, in line with the answers of the non-stateless control group.

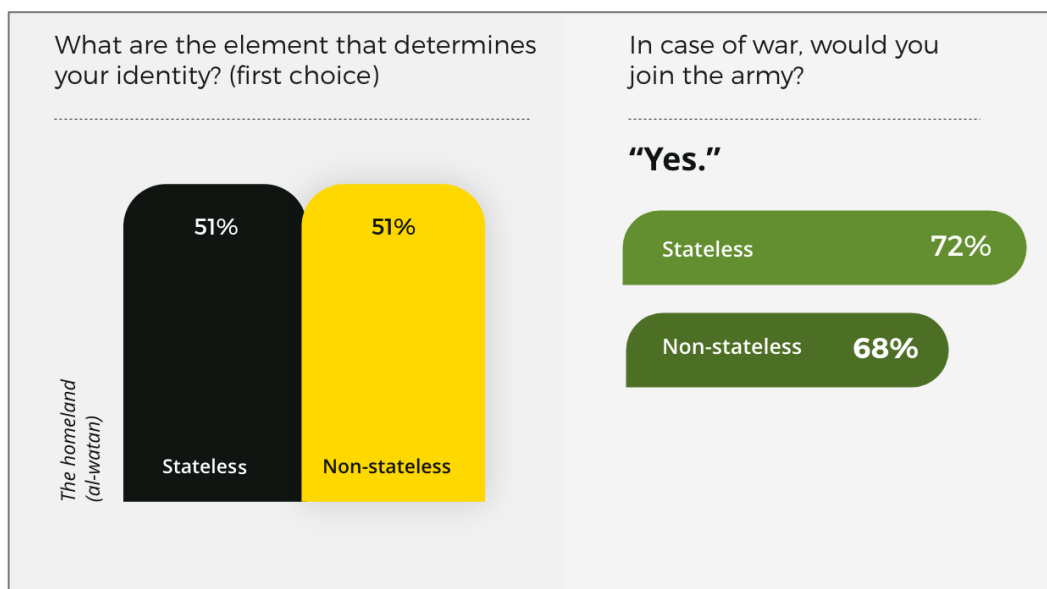


Figure 8 – Stateless persons' identity

To sum up, most stateless individuals are not only of Lebanese descent as shown in the previous section, but they also have a solid Lebanese identity and strongly believe in the Lebanese State.

The Relation with Mukhtars

Although the Mukhtar is perceived as the main point of contact of stateless persons, 44% of respondents declare not trusting (26%) or only somewhat trusting (18%) their neighbourhood's Mukhtar. The numbers reflect the paradoxical relation between stateless people and Mukhtars and the ambiguous role played by the latter on statelessness matters. Tripoli's 63 Mukhtars play an important role as they are the local authority that delivers birth certificates, allowing stateless people to prove that they were born in Lebanon, as well as identification documents (*Ta'arif*) that are often the only form of official documentation they use in their daily life. The Mukhtar is also the point of contact for the General Security during investigation and arrests. He is tasked with identifying stateless persons especially when arrested without a *Ta'arif* card. "We are the focal point. They call us at night when a stateless is involved in a problem, an accident, etc." says a Mukhtar from Nouri.

In addition to their administrative role, Mukhtars are the principal source of information as they provide advice on the nationality procedure. "The stateless ask us what to do, we are their main reference," admits another Mukhtar from Remmeneh. Some of them go further and advertise themselves as the key resource point for those who want to acquire the nationality. "I am an important actor to avoid new cases of statelessness in Tripoli. I am your solution!" says a Mukhtar that has extensively worked with stateless individuals.

A closer look, however, reveals the occurrence of fraud in the process. "I should be getting an award from the state. By making children younger on paper, I am avoiding four to five new stateless cases every month!" boasts one of the Qobbeh Mukhtars. "Mukhtars are not supposed to deliver *Ta'arif* cards anymore but I do it for the people. At the end my role is to help people, and I will help them regardless of the state's instructions," says another Mukhtar from Mina.

The relationship between these Mukhtars and Tripoli's stateless appears to be mostly transactional. Mukhtars help the stateless when and if there is a gain to be made. This goes to the extent that one Mukhtar admits: "A *Ta'arif* card should usually be given for free, but some colleagues charge up to 150 USD." These fees can increase significantly when a stateless person initiates the process to acquire the nationality.

While some Mukhtars develop a specialty in statelessness affairs, others refuse to deal with the topic altogether and consider it a waste of time. "Statelessness is a headache for us Mukhtars," according to one of them. One of the topic experts, who have long researched the issue of statelessness, explains why some of the Mukhtars avoid the issue of statelessness: "Mukhtars do not have any incentive to keep records of the stateless because stateless people just need a *Ta'arif* card and never come back for other official documents; so Mukhtars don't really benefit from the stateless." Additionally, given that stateless people do not vote, they are not an important "target population" to please, which makes them less likely to receive attention from Mukhtars and other officials.

Some Mukhtars do not demonstrate any interest in helping stateless people because they consider them all non-Lebanese. "I don't deal with them, they are outlaws," says one Mukhtar in Mheitra. Another Mukhtar admits that he is "against giving the nationality to any Maktoum El Qayd. They are all Syrians, *Tsiganes* [Gypsies], etc." and adds "I have been Mukhtar for 22 years and I haven't handed any *Ta'arif* paper in my career, because it is a first step towards the right to request the Lebanese nationality for people who do not really deserve it."

Mukhtars are supposed to be the first resort for local people. As the stateless are not legally registered, this makes Mukhtars an even more important reference that represents the state, is close to vulnerable groups, and can be sensitive to their needs. However, interviews reveal very different tendencies among Mukhtars, ranging from a transactional attitude, to carelessness or direct discrimination.

Access to Services and Coping Mechanisms

Access to basic rights and services is the obligation of the Lebanese State towards its citizen and residents. Stateless people are deprived to have many of these rights, and when they are entitled to access some services, either they are unaware of it or public servants themselves are unaware of the state’s obligations. This is why the stateless are finding alternative ways to cope with the lack of services and daily challenges.

Access to Healthcare

One out of every three stateless persons currently living in Tripoli declared having access to hospitals (37%), compared to a slightly lower local average (32%). Stateless persons have multiple ways of accessing hospitals. For instance, 17% of stateless respondents rely on *wasta* through acquaintances they know, or other political or religious figures they can resort to. Fifteen percent have already resorted to fraud through borrowing someone else’s ID in order to access hospitals and 30% have never borrowed any IDs for that purpose but declared their willingness to do so whenever needed in situations of health emergency. Only 5% declared having regular non-fraudulent access to hospitals.

On the other hand, 56% of the stateless chose dispensaries as one of their two main options for seeking healthcare services, compared to 40% who chose pharmacies. Nevertheless, 9% declared having no other option but to go to either a dispensary or a pharmacy exclusively. This compares to a lower percentage of 5% among the non-stateless surveyed population. As for the ones who do not have any access to healthcare services at all, the percentages are more comparable between the stateless and non-stateless, as the former accounts to 12% and the latter 10%. As such, the numbers show that statelessness has the tendency to drive individuals to fraud and the use of *wasta*, and limits individuals’ choices for healthcare services.



Figure 9 - Access to health services

Right to Work

Stateless persons do not have the right to work legally in the formal sector, except for under-study individuals (whose job opportunities are also restricted). However, many engage in informal jobs to secure a living. Among the surveyed stateless, three out of five declared being unemployed. This corresponds to an unemployment rate of 58% which is higher than that of the surveyed non-stateless (49%). When it comes to wages, stateless earn 32% less than the non-stateless working in the same city. The average monthly income of a stateless person is 215 USD whereas that of a non-stateless from the same neighbourhood is 314 USD. Overall, the average household income of a stateless is also 22% lower, 462 USD compared to 592 USD for the non-stateless household. Stateless people face higher unemployment rates and are economically less well off than non-stateless individuals as shown by the 30% lower average income.

As for exploitation at work, all surveyed were asked to what extent they felt exploited by their employers or clients and work conditions (in case they were self-employed). Overall, 24% of non-stateless and 30% of stateless declared that they do feel exploited all the time or most of the time at work. This reflected reality goes against what is provided in Article 8-3 (a) of the International Covenant on Civil and Political Rights⁵⁰. When asked what would they do if their employer did not pay their salary, 40% of stateless said they would do nothing and 40% said they would quarrel with their employer. This is in sharp contradiction with non-stateless respondents who stressed the resort to legal means or to a colleague's help.

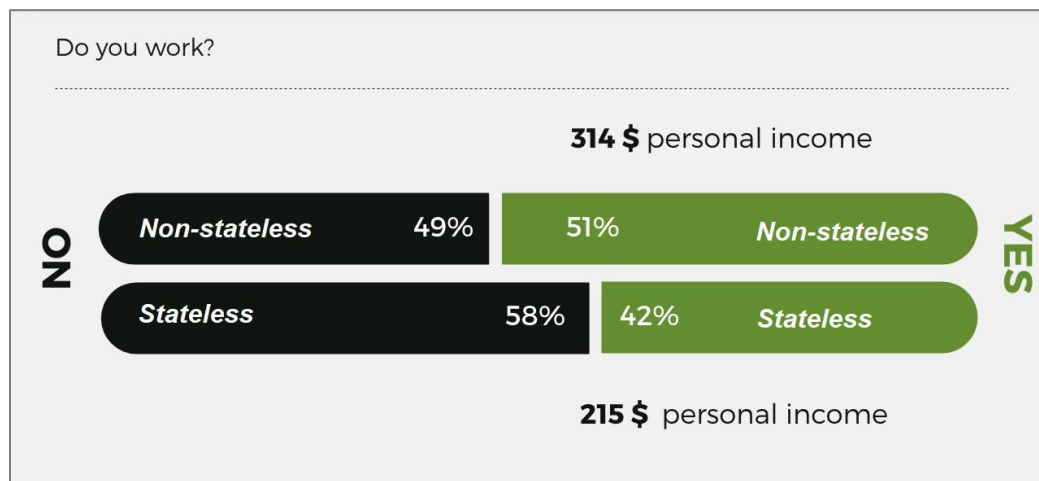


Figure 10 - Access to jobs

Right to Property

Due to the lack of any official means of self-identification, stateless persons cannot own property as provided in Article 1 Par. 2 of Decree 11614 (as amended by Law 296 dated 3/4/2001). This is evident in the survey results which showed that none of the surveyed persons had any property registered under their name. More than half of the stateless who said they own property, declared having it registered under the name of one of their parents (47%), or their spouses (15%). Whereas among the non-stateless surveyed individuals, 58% had their property registered under their own name, 21% under one of their parents' name and only 8% under their spouses' name.

⁵⁰ Article 8-3 (a) stipulates: "No one shall be required to perform forced or compulsory labour"

Moreover, the rate of property ownership for families of stateless persons in Tripoli is 33%. This is lower than the local average that amounts to 42%. This difference could be due to the fact that the stateless generally have less work opportunities than non-stateless or that they have a lower household income average as shown in the previous section. Nevertheless, the fact that none of the stateless owns property under their name confirms the hypothesis that statelessness deprives people of their right of property possession. This is in contradiction with Article 17 (1) of the Universal Declaration of Human Rights⁵¹.

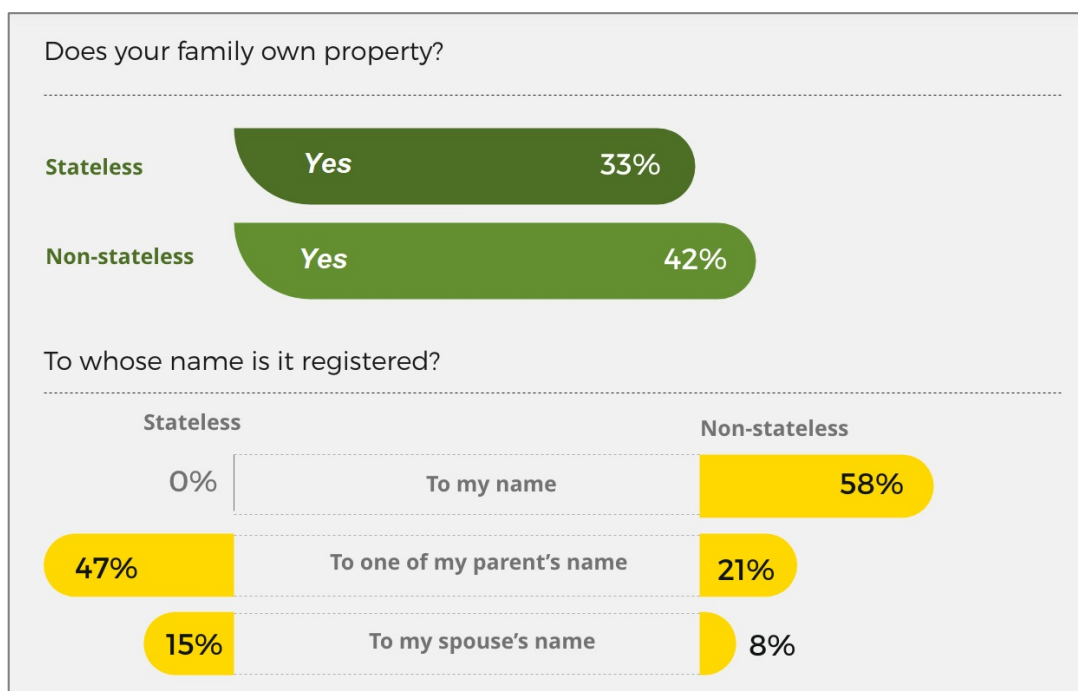


Figure 11 - Property ownership

Freedom of Movement and Risk of Arbitrary Detention

Half of the stateless respondents (52%) expressed fear of moving around the city because of checkpoints. They are scared of getting arrested at checkpoints as they do not have any official means to prove who they are. The most common identification paper they can rely on to avoid being arrested is the attestation of the Mukhtar or *Ta'arif* card, as well as the Laissez-passer passport in case they have one or the under-study card provided they belong to this category of stateless. In most cases, if the stateless person is arrested but shows a *Ta'arif* card to police officers, they would call the Mukhtar and inquire about his/her true identity as well as the legitimacy of the *Ta'arif* card he/she is holding. This has been generally sufficient to release the stateless, unless the police suspects any unlawful act on their behalf.

Of those 52%, 38% declared not moving around at all exclusively due to fear of being arrested, while 32% have adapted and learnt how to avoid checkpoints while moving around. Another 17% depend on family members for their errands. In general, 60% of the stateless and a little less of the non-stateless currently living in Tripoli declared never going out of the city at all. In fact, as said by one of the stateless respondents, not being able to travel easily between Tripoli and other cities limits the work opportunities available to these people much more than others. He explained:

⁵¹ Article 17 (1) stipulates: "Everyone has the right to own property alone as well as in association with others."

"I very rarely travel outside Tripoli. I wish I could. Sometimes I get gigs in Beirut but I can't go because I'm scared of being arrested. I have a family to protect, I can't risk it. So I just give the gig to a friend."

Therefore, results show that statelessness confines movement within the city due to fear of checkpoints and consequently limits the available work opportunities due to, among other reasons, challenging logistics. This situation clearly shows how stateless are deprived of two basic rights as stipulated in Articles 9-1⁵² and 11-1⁵³ of the International Covenant on Civil and Political Rights.

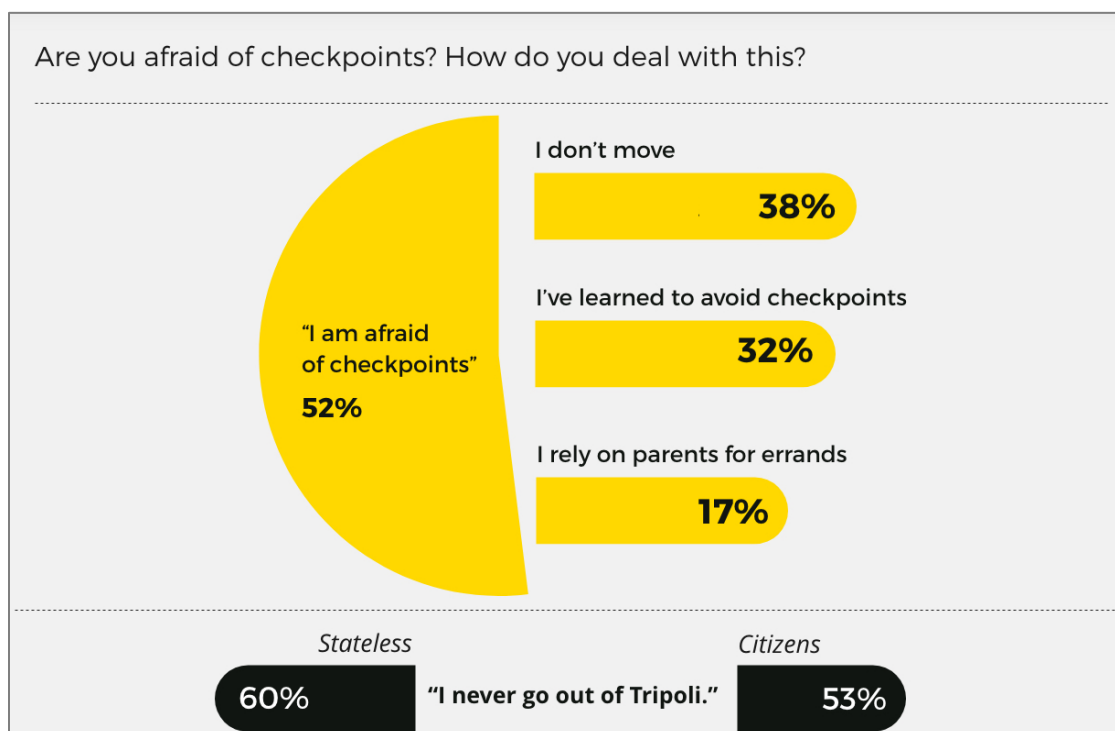


Figure 12 - Checkpoints

Right to Education

Thirty-three percent of stateless people currently living in Tripoli have never been to school, compared to only 10% for the non-stateless. As for primary education, which consists of grades 1 to 6, a higher percentage (41%) of the stateless have reached this level. This is comparable to the non-stateless percentage of 39%. Furthermore, percentages keep shrinking as the level of education increases. For instance, for complementary education, which is grades 7, 8 and 9, only 20% of the stateless declared having reached this level. Of this 20%, only 4% made it to secondary school (grades 10, 11 and 12). On the other hand, 26% of the non-stateless have reached complementary education and 12% of them continued all the way to secondary education. The reason behind the much lower percentage of school enrolment in secondary education for the stateless persons (4%) compared to the non-stateless (12%) is that at grade 9, students have to sit for *Brevet* examination,⁵⁴ which requires them to show their IDs before taking

⁵² Article 9-1 stipulates: "Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law."

⁵³ Article 11-1 stipulates: "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."

⁵⁴ Brevet examination is an official exam organized by the Government at grade 9, as well as grade 12 in the Lebanese education system. In most cases, schools are in charge of booking the official examination seat for students.

exams. This is thus problematic for stateless students wishing to undergo such examination. However, more recently in 2014, the Ministry of Education publicly announced the right of stateless children to equally sit for official exams and complete this educational stage.⁵⁵ The latter still have to secure a written approval from the Ministry and show it as supporting document during official examination in addition to the Mukhtar *Ta'arif* card. Unfortunately, many families and even Mukhtars are not aware of this approval and thus assume that stateless students will be stuck right at the end of primary education and won't be able to complete school.⁵⁶ This contributes to stateless children's school dropout, often right before grade 9.

Moreover, of the stateless who have not reached secondary education, 43% declared that the main reason behind their dropout is the lack of ID. Another 43% declared other reasons such as getting married at early stages, having to work and provide for the family, or parents conviction that girls should not go to school. Ten percent left school due to financial reasons, and the remaining 4% dropped out because they could not foresee any benefits of education for stateless people. The latter reason was concurred by one of the interviewed Mukhtars as he explained that since stateless persons are not legally allowed to work in the formal market and generally face less work opportunities than others, many families think that education is useless for them as employers will not hire them anyway.⁵⁷

Statelessness, in one way or another, is forcing children out of school at earlier stages despite having all the rights for continued schooling, as recently stipulated by the Ministry of Education.

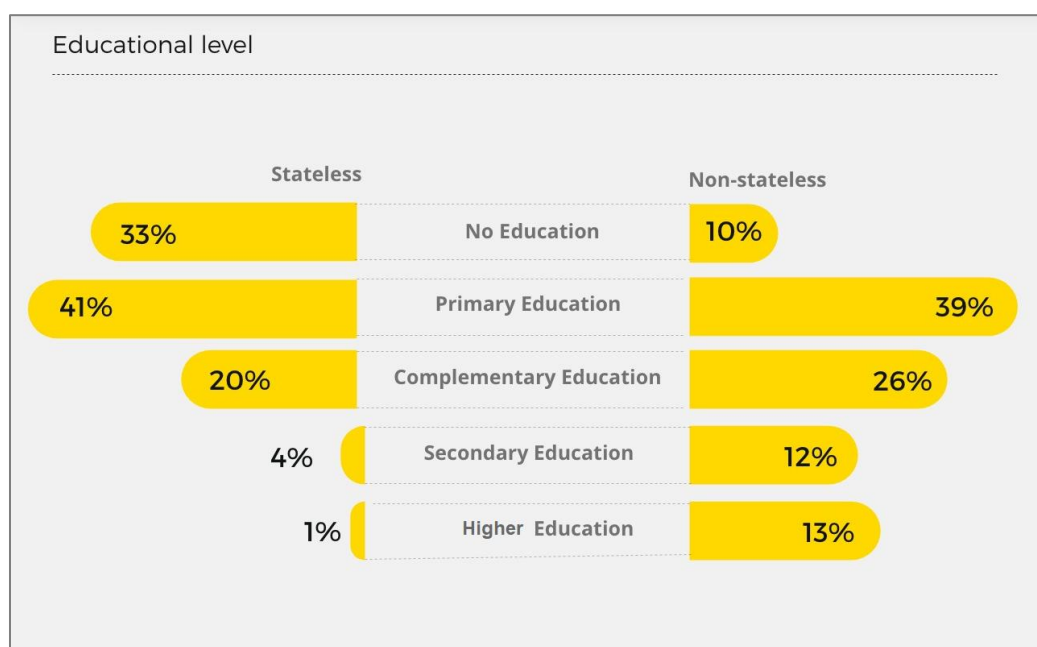


Figure 13 - Education

⁵⁵ The Government of Lebanon, Ministry of Education & Higher Education, *Ta'amim Rakem 4*, Beirut, 2013. http://www.cpf.edu.lb/wp-content/uploads/2014/01/documents_exam_lib.pdf. (Accessed March 03, 2019).

⁵⁶ Based on interviews with 28 Mukhtars all around Tripoli.

⁵⁷ Interviewed Mukhtar in Tebbeneh-Jabal Mohsen.

Statelessness and Violence

35% of stateless persons said they have been arrested or under investigation which is a relatively high percentage. 22% recognize that they have been involved in violent interactions with state institutions, in the streets, or at home. This raises the question of the relation between statelessness criminality. Factor analysis and Generalised Linear Regression Estimates were used to assess the relation between statelessness and violence. Measures of violence, statelessness, and fraud were built using factor analysis combining relevant questions. Then, a stepwise regression was run to predict violence, using all hypothesised indicators in the survey. Gender, extent of statelessness in the family, fear from checkpoints, trust in the state and use of a false ID to pass checkpoints or get access to a hospital turned out to be significant predictors. The overall results produce an R Square of 0.17 with significant coefficients for all predictors except revenue.

Model Summary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.413 ^a	.171	.146	.92423746

a. Predictors: (Constant), Revenue, StatelessFamily, UseFalseID, TrustState, AfraidCheckPoints, GenderMale

Coefficients^a

		Unstandardized Coefficients		Standardized Coefficients		
Model		B	Std. Error	Beta	t	Sig.
1	(Constant)	-.109	.173		-.632	.528
	GenderMale	.473	.140	.237	3.372	.001
	StatelessFamily	.149	.069	.149	2.170	.031
	AfraidCheckPoints	.392	.134	.196	2.925	.004
	TrustState	-.167	.071	-.157	-2.348	.020
	UseFalseID	.121	.066	.121	1.827	.069
	Revenue	-4.897E-8	.000	-.031	-.464	.643

a. Dependent Variable: Violence

Table 2 - Linear regression analysis results

The regression output confirms that:

1. Controlling for the fact that men are more likely to be violent, the bigger the number of stateless persons in the family, the more likely the violence.
2. Fear from checkpoints and low trust in the state also increase the likelihood of violence.
3. Low access to resources also encourages stateless persons to resort to fraudulent coping mechanisms such as using a friend's ID to pass a checkpoint or get access to a hospital, which are also more likely to encourage crime or violent behaviour.

These results imply that the current status quo is breeding discrimination, alienation, and violence. The higher the number of stateless persons in the family, the higher the marginalisation and sense of deprivation of basic rights, the bigger the temptation for fraudulent behaviour as coping mechanism (such as use of false ID), and the greater the likelihood of crime and violence. The explanation goes as follows.

Firstly, discrimination against one's in-group leads to increased marginalisation. In other words, when there are Lebanese nationals within the family, the sentiment of discrimination is moderated and the effect of deprivation is reduced. Secondly, mobility problems and lower trust in the state (mainly due to lack of access to public services) increase the likelihood of violence. Thirdly, resort to fraudulent coping mechanisms in order to make up for lack of access to services (such as using a friend's ID to get access to a hospital or pass a checkpoint) is likely to socialise people into irregular and later criminal or violent behaviour. This last point is in line with Gottfredson and Hirshi's argument that individuals lacking self-control can be risk-taking, adventurous, short sighted, nonverbal, and impulsive. Their study shows that lack of self-control is a major cause of criminal and violent behaviour.⁵⁸

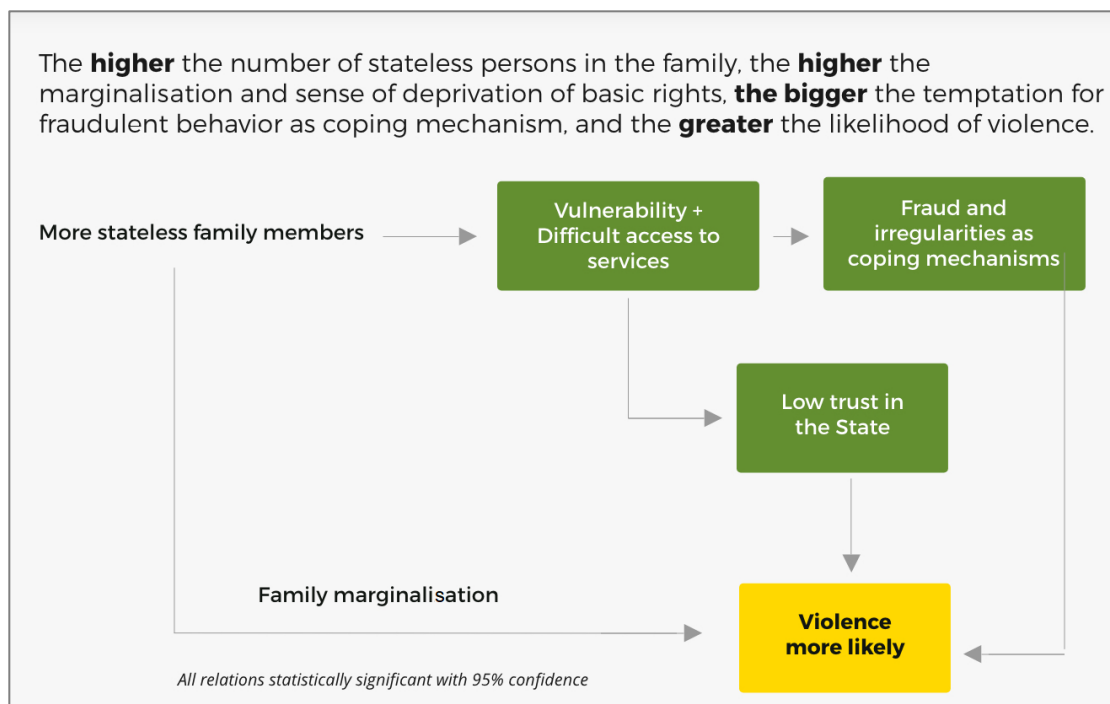


Figure 14 - Statelessness and violence

Statelessness may breed violence, but the story does not end here. The survey inquired about whether stateless people have been detained and if so, whether they have been treated differently while in detention because of their stateless condition. It turned out that detention breeds even more violence. Half of those arrested said they were mistreated because they were stateless (violence, humiliation, and discrimination). This means that stateless people are caught in a vicious circle where statelessness triggers violence which, in case of arrest or detention, causes further violence.

This is best evidenced by statements made by stateless persons surveyed in Tripoli:

⁵⁸ Gottfredson, Michael, and Travis Hirschi. 1990. *A general theory of crime*. Stanford, CA: Stanford Univ. Press. See also *Control Theories of Crime and Delinquency*, Michael Gottfredson, Routledge, January 29, 2018.

"During investigation, they arbitrarily took side with the party that had an ID." Beddawi respondent, 31 January 2019

"They humiliated me and called me Ebn Haram." Zahriyeh respondent, 29 January 2019

"I was beaten extensively during the investigation because I don't have an ID." Beddawi respondent, 31 January 2019

"They beat me and cut my hair then kept me in the police station six days before processing my case." Hadid respondent, 29 January 2019

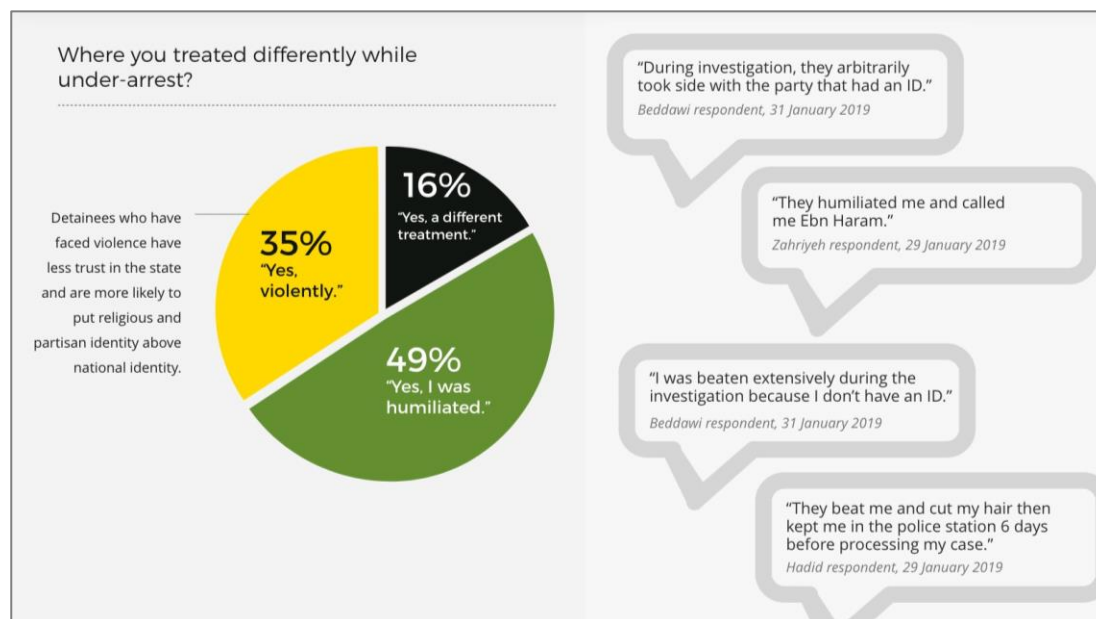


Figure 15 - Detention

Claiming the Lebanese Nationality

In Lebanon, there are two types of lawsuits that can be filed in order to claim the Lebanese nationality. The first is a civil status lawsuit filed before the Sole Civil Judge at the civil court by non-registered stateless. A MAQ person whose father is a non-registered stateless, i.e. their grandparent is Lebanese,⁵⁹ can also resort to the mentioned Sole Civil Judge, either alone if the father has passed away, or jointly with their father if he is alive, or just separately if the father refuses or cannot attend the court. In the latter case, the judge can summon the father to court throughout the process to prove the lineage. In fact, this lawsuit consists of the late birth registration of a person who has not been registered by at least one of their parents before turning one year old, given that the father is Lebanese. This is stipulated in article 12 of the Law of Documenting Personal Status (1951). The second lawsuit is a Nationality lawsuit filed before the First Instance Court⁶⁰ by persons who - or whose ancestors - have not been enrolled in the 1932 census or any previous ones. Among those individuals are under-study and MAQ persons, especially those of non-Lebanese, unknown or unprovable origins.⁶¹

In brief, both lawsuits start with the plaintiff submitting a request to be officially registered on his father's name at the Directorate of Personal Status with all required supporting documents that are available, including birth certificate, parents' IDs, and parents' marriage certificate. An authorised person or legal guardian can submit the lawsuit on behalf of a person, as long as the former also submits the authorisation or legal stewardship document to the court too. For the civil status lawsuit, a proof of lineage, in the form of a judicial decision, from the relevant religious court could be required along with the other available required documents. Subsequently, the relevant Sole Civil Judge in each court will ask the plaintiff to notify the State usually represented by the Cases Commission before the Ministry of Justice and also asks the General Security and the Directorate of Personal Status to submit a report regarding the case and, when necessary, conduct an investigation.

Civil Lawsuit: Processes and Obstacles

The personal status lawsuit in Lebanon is based on the Law of Documenting Personal Status (1951) and its amendments. The map below shows the process and approximate fees of each stage in Lebanese Pounds.

⁵⁹ This means that the grandparent appears on the records of the census of 1932 residents' registers, available at the Ministry of Interior and Municipalities.

⁶⁰ First Instance Civil Court handling personal status cases.

⁶¹ Unprovable origins include individuals whose great grandfather was Lebanese but passed away without leaving any tangible proof of his Lebanese nationality (Lost or destroyed ID...) or is still alive but lacks any official documentation of his Lebanese nationality.

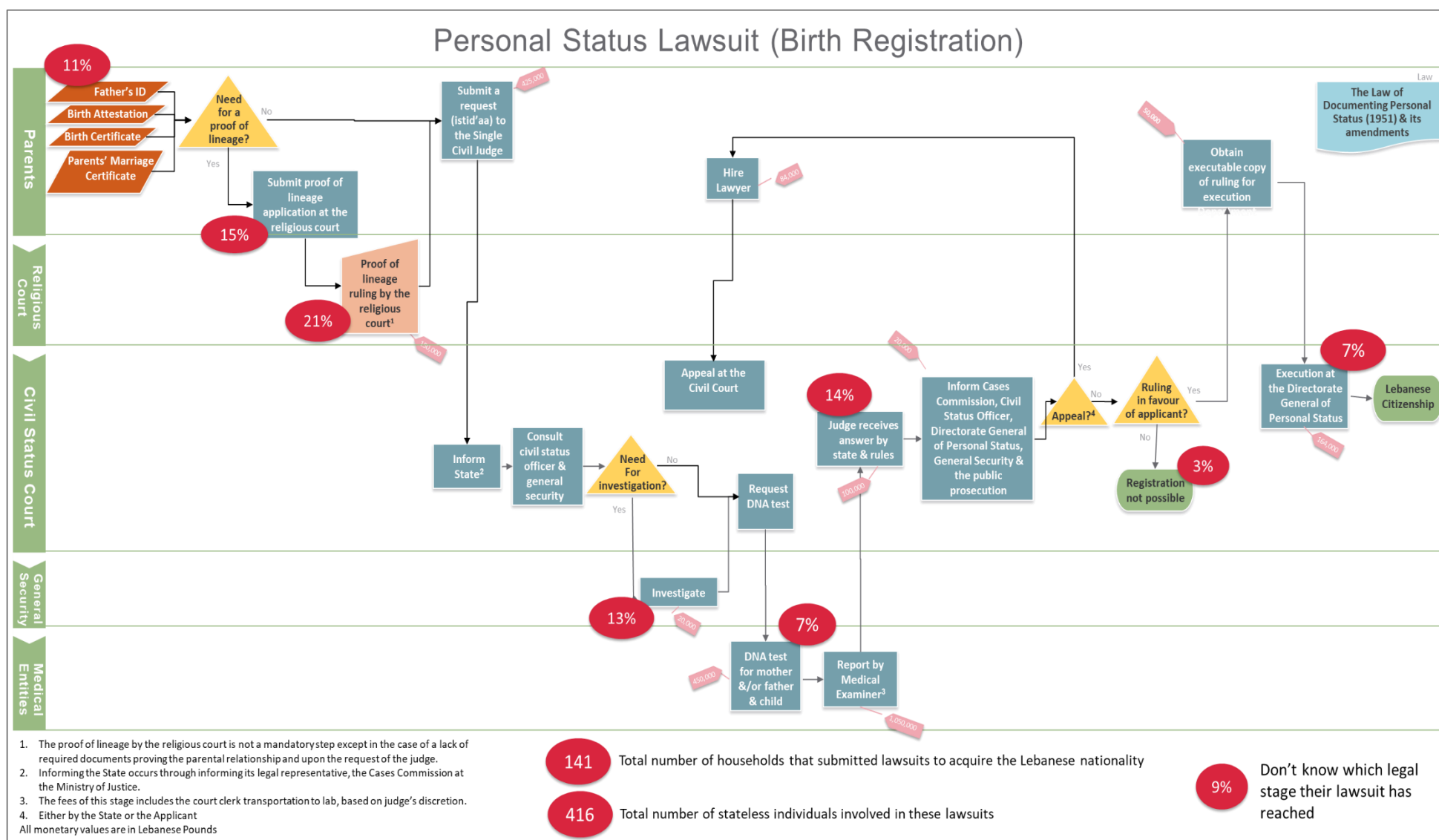


Figure 16 - Legal map of a personal status lawsuit (birth registration)

The registration case is submitted before the Sole Civil Judge with the required documents, including birth certificate, mother and father identification, and marriage certificate. The proof of lineage by the religious court is not a mandatory step except in the absence of required documents to prove the parental relationship, and upon the judge's discretion. As the plaintiff notifies the State represented by the Committee of Cases at the Ministry of Justice, the judge consults the Civil Status Officer and General Security who are both not bound by any timeframe. As such, extended delays can take place at this stage even though the procedure is expected to take a few months. Subsequently, DNA testing takes place, and a memorandum representing the position of the State vis-a-vis the case is submitted by the Committee of Cases to the Judge. The Committee of Cases is not bound by any timeframe either. Once the judge receives the State's answer, the plaintiff is notified and given the right to respond. A ruling is then issued and both parties are notified. At this stage, both the plaintiff and any State entity may appeal the ruling. The reasonable expected time for a typical lawsuit, excluding exceptionally complicated cases, should be around one year.

To know more about practical cases in the city of Tripoli, a percentage reflecting the number of Tripolitan individuals who have reached each stage is inserted in red on the above map, based on the results of the survey. 64% of surveyed stateless individuals in Tripoli have started a registration procedure, while the remaining respondents (36%) did not seem to have started any administrative or legal process to claim the Lebanese nationality.

Among those who said they have started some procedure, 9% of the respondents do not know which legal stage their lawsuit has reached. Another 11% declared having approached Mukhtars or the Serail in Tripoli in order to acquire the necessary documents to file a lawsuit, such as birth certificate and parents' marriage certificate but have not completed this stage yet. The challenge at this point is often due to the inaccessibility of the midwife who has delivered the respondent and could have passed away without providing any officially signed and stamped birth attestation.

Fifteen percent of the respondents said they have applied their documents to the religious court and are stuck at this level for prolonged periods due to the lack of sufficient documents or the need to provide additional proofs. 21% have completed their legal process at the religious court, have acquired a proof of lineage and are thus ready to transition to the civil court. A common barrier at this stage is financial disability, since this court's fees are higher than the previous one.

Thirteen percent have already submitted their documents to the civil court and are/have been undergoing an investigation by the General Security. Another barrier to transition from this stage to the following one is the relatively high cost of the DNA test. As such, many end up lagging for long periods until they can secure the needed lump sum for the DNA test. Seven percent are currently undergoing a DNA test, or have recently done so and are waiting for the issuance of the medical report. Fourteen percent have progressed all the way to the final stage and are still waiting for the judge's ruling. This stage is often characterised by long waiting periods.

Three percent have received rejections on their lawsuits and have not appealed, and the remaining 7% have already received a positive ruling from the judge, went through the enforcement process of the judgement, but are still waiting for the implementation of the latter at the Personal Status Directorate. One of the main reported barriers at this stage is the reluctance of official entities to uphold this judgement and facilitate its implementation. This stage is also characterised by long waiting periods.

The table below summarises the main challenges at each stage of the lawsuit, along with its consequences, average money spent and duration based on median calculations. High cost is due to court and DNA

expenses in addition to large amounts of bribes as well as brokerage fees paid for hired commission-based individuals who work on securing the required documents for applicants. The entire process has been taking 6 to more than 10 years.

PERCENTAGE (of respondents currently at this stage)	26%	21%	20%	14%	10%
PROCESS	Documents preparation and submission	Transition from religious to civil court	Civil court	Judge's ruling	Decision release
SUB-PROCESSES (refer to map figure 20)	Documents submitted to Mukhtar (11%) Documents submitted to religious court (15%)	Obtained proof of lineage from religious court (21%)	General Security investigation (13%) DNA testing (7%)	Waiting for judge ruling (14%)	Received rejections on lawsuit (3%) Received positive ruling but are awaiting execution (7%)
CHALLENGES	Difficulty in retrieving required documents: birth certificate, parents' marriage certificate, etc.	Lack of legal knowledge. Need to hire lawyer. Higher costs at the civil court.	High DNA and medical costs. Extended investigation periods by General Security.	Administrative delays.	Delays in execution of ruling. Pending cases.
CONSEQUENCES	Prolonged process. Bribes. Loss of hope by applicant at early stages. No follow-up.	Lawsuit stuck at the religious court level.	Bottleneck before crucial DNA stage.	Long waiting period	Long waiting periods despite positive ruling. Case rejections despite positive DNA results. High fees paid in vain.
MONEY SPENT (median)	1,350,000 LBP 1,778 USD	4,750,000 LBP 3,150 USD	5,250,000 LBP 3,483 USD	7,500,000 LBP 4,975 USD	12,000,000 LBP 7,960 USD
DURATION (median)	5 years	6 years	7 years	8 years	More than 10 years

Table 3 - Registration lawsuit stages

Nationality Lawsuit: Mission Impossible?

The nationality lawsuit is filed before the First Instance Court.⁶² The Cases Commission at the Ministry of Justice is notified and inquiries are made for clarification/investigation by relevant authorities. The court at this stage will request the Personal Status Directorate to submit a report on the subject matter and will ask the General Security to start its investigation. Both reference bodies are not bound by a timeframe. In practice, the lawsuit slows down at this stage and Personal Status Directorate and General Security take a significant amount of time to get back to the court with the results of the investigation. Based on the investigations and the responses by all parties, the court can either approve or refuse the lawsuit. However, the judge has no timeframe or deadlines for the release of his ruling. If the judge accepted to grant the Lebanese nationality to the plaintiff, it is still possible for the Lebanese State to appeal the decision. In case the judge issues a negative decision, the plaintiff can appeal.

In practice today, most of nationality lawsuits turn into very lengthy procedures. This is due to the difficulty in finding evidence in support of unknown nationality or ancestor belonging to the Ottoman Empire and residency in Lebanon, as well as the fact that the means of proof of nationality are case-sensitive, and their provision and study could require an extended timeframe. In some cases related to the 1994 naturalisation decree, it is also due to the controversy that followed the decree and its subsequent challenge before the State Council by the Maronite League.

⁶² First Instance Civil Court handling personal status cases.

The New Lebanese Nationality Program

On November 2015, the Lebanese Parliament adopted Law 41 “Reacquiring the Lebanese Citizenship” under which members of the Lebanese diaspora may reacquire the Lebanese citizenship in case they fulfil one of two conditions: if the applicants have their name or the names of their paternal ancestors, or second degree male relatives on their father's side, listed (i) on the records of the census of 1921-1924, either residents or immigrants’ registers, or (ii) on the records of the census of 1932, immigrants’ registers, available at the Ministry of Interior and Municipalities. The law consists of a unique article stating the conditions and required documents for the application.

The political and religious grounds for this law, mainly favoured by Christian political parties aiming at readjusting the demographic balance, created a major inequity between two categories of right holders: applicants for citizenship living on the Lebanese territory on the one hand, and foreign nationals of Lebanese origin living abroad on the other hand.

In fact, those requesting the Lebanese nationality and living in Lebanon need to go through a long and cumbersome procedure to prove their affiliation and their residency before judicial courts, and have to wait for extended periods of time waiting for the latter’s decision. Whereas those living abroad have a specific and trackable procedure with specific time limits for each phase.

Based on the unique article of Law 41/2015, a special committee is assigned to look into the files of those who wants to re-acquire the Lebanese nationality. This reduces the costs and the burden of a complicated judicial procedure that those living on the Lebanese territory have to go through. When it comes to the requested documents nothing is mentioned about the DNA, the proof of filiation or other similarly expensive documents, which have often led applicants living on the Lebanese territory to abandon the process sometimes before even starting it effectively.

This law, which is only effective for 10 years and will expire in 2025 is in sharp contrast with the current nationality law and the 1951 Law of Documenting Personal Status that stateless people have to follow in order to register and legalise their status. Major differences are highlighted in the table below.

	Stateless Registration	Recuperation of Nationality (Law no. 41 "Reacquiring the Lebanese Citizenship")
TARGET AUDIENCE	Residing in Lebanon.	Born and residing abroad.
MEANS OF PROOF OF LINEAGE	Means and proofs as stated by Law. (Bureaucratic and complicated procedures)	Any available mean or proof even if issued by foreign authorities or a photocopy.
NEEDS COURT?	Yes	No (Committee decision only)
NEEDS DNA?	Yes	No
OF LEBANESE DESCENT?	Yes (as long as he is listed on the records of the census of 1932, residents registers)	Yes (If the person has his name or the names of his paternal ancestors, or second degree male relatives on their father's side, listed on the records of the census of 1921-1924, either residents or immigrants registers, and/or the records of the census of 1932, immigrants registers)
LEGAL MARRIAGE REQUIRED?	No (child will be registered as “illegitimate”)	No (child gets nationality and is marked “illegitimate”)

Table 4 - Recuperation of nationality Law and stateless registration

Conclusion

In summary, this study's main purpose is to assess statelessness in Tripoli in terms of both problem scale and socio-economic dynamics. Firstly, we find that lack of birth registration is the lead cause of statelessness in Tripoli. This is often due to non-registered marriages between parents, but also to families' negligence and ignorance. On the one hand, this is relatively solvable as the Lebanese legal system allows for such persons to claim the civil registration. On the other, this process has proved to be lengthy, costly and significantly cumbersome, which has rendered many families hopeless too soon and has discouraged others from even thinking about starting one. This legal process is even more complex and lengthy for cases of statelessness inherited from stateless ancestors of non-Lebanese or unknown origins. As such, limitations in the Lebanese legal system continue to contribute towards the persistence of statelessness. So does the lack of awareness around the importance of civil registration.

Secondly, we find that statelessness encourages individuals to engage in bribery and fraud, in order to access the most basic human rights that they are not entitled for, simply because they don't hold any official identification documents. Stateless persons in Lebanon do not have access to public health services, cannot own property, neither work formally or move around freely within the city due to the fear of being arrested at checkpoints. This doomed situation, along with many societal misperceptions about what stateless persons can and cannot access, has pushed many to drop out of school, thinking they won't be able to complete education (although stateless persons do have the right to complete education) neither be employed afterwards anyway. As for societal interactions, statelessness has proved to be a source of embarrassment and perceived exclusion. All of this urges for the implementation of a firm strategy targeting social cohesion as well as the protection of the rights of the stateless.

Thirdly, Mukhtars are found to be a fundamental intermediary between the stateless and state, as their written attestation is the main identification document that the majority of the stateless in Tripoli - and Lebanon - hold, in addition to the Laissez-passer passport issued by the General Security. Mukhtars are considered a main source of information regarding stateless persons by public entities, especially General Security. However, this stateless-Mukhtar relationship is not free of abusive powers, often characterized by some Mukhtars' overpricing of stateless documents and issuance of fraudulent documentation. While some Mukhtars have developed a specialty in statelessness affairs, others refuse to deal with any statelessness cases either due to the high responsibility associated with it or their lack of interest in helping "non-Lebanese" as they've stated.

Fourthly, this study was able to identify around 2,200 Lebanese stateless individuals currently living in Tripoli and estimate that number to be equivalent to 27,000 in all of Lebanon. This number currently accounts for less than 1% of the Lebanese population, which does not seem of a significant concern. Nevertheless, at calculated population growth rates, we estimate statelessness in Tripoli to double within 15 years. This means that any postponement to resolve this issue will result in a bigger challenge.

The importance of this study is multifaceted. While most other studies on statelessness in Lebanon have been confined to analysing the legal context and history of legislation that is currently behind the

existence of statelessness today, this study has taken the first step towards a nationwide strategy for resolving statelessness. The combination of quantitative and qualitative assessments, informed by direct insights from the stateless themselves who have contributed to the implementation of this study, has added great value and accuracy to its findings and has set the grounds for firmer future solutions. The collected database adds more importance to that as it is considered a first pilot step towards a potential national mapping of statelessness that would be informed by lessons learned from this study. Moreover, by adopting a participative approach, the study has created a louder word of mouth around the issue of statelessness and the importance of resolving it. It raised awareness among Tripolitan neighbourhoods and encouraged families to take action towards avoiding statelessness whenever possible.

Moreover, the study has detected links between statelessness and violence. A regression analysis showed that statelessness breeds violence manifested in encouraged fraud, street violence and detention. In addition to that, it shows that violence and discrimination has been exercised by public entities upon the stateless, in particular those in vulnerable situations such as detention. This highlights the need for further research in the areas of access to justice and conflict resolution as well as the urgent need to put limits to statelessness in general.

As for the ways to proceed towards eradicating statelessness in Lebanon, the following section provides an extensive list of tailor-made recommendations that are specific for Lebanon, as well as Tripoli.

Recommendations

This report has estimated 27,000 Lebanese stateless persons and 2,200 in Tripoli. These individuals are caught in a vicious circle where lack of citizenship and poverty are mutually reinforcing. While the stateless do not always have a clear understanding of their rights and obligations, state institutions are adding opacity through complex procedures and unexplained bureaucratic delays. Registration procedures take decades at a time people are looking for short term economic survival and adaptation amid recession and a rampant refugee crisis. These procedures are also expensive. They require thousands of dollars from household that have an average income of a few hundred dollars. Moreover, stateless individuals are in a relative deprivation and discrimination situation with regards to all kinds of services including education, health, mobility, employment, and property ownership. This situation is in clear violation of Lebanon's commitment to various international conventions and principles, mainly the International Covenant on Civil and Political Rights.

Sixty-seven percent of Lebanese stateless individuals are born of a registered Lebanese father and 70% are born of a registered Lebanese mother. All of them are born in Lebanon and most have long historical Lebanese roots. Most of them also have a strong sense of belonging to the Lebanese State. They have good reasons to hope. Many have attempted to resort to legal means to register themselves and their family and recover their right to have rights. They do have the will. These indicators reflect a clear opportunity for the state to bring the problem to an administrative and technical level and solve it through practical measures. Several initiatives can be taken to tackle the root causes through awareness, transparency, efficient processes, and diligent follow up. Those measures involve various public institutions including the Ministry of Interior, Ministry of Justice, General Security, Ministry of Education, Ministry of Health, Ministry of Social Affairs and Ministry of Labour. Civil society can support the project through awareness and provision of legal aid.

The following recommendations outline these measures dividing them into four categories: detection, reduction, protection and prevention of stateless persons. They take into consideration previous experiences including the under-study classification, naturalisation decrees (1994 and others), and the latest nationality recuperation law. All these initiatives were highly political, this report is an attempt to bring the topic back to a technical level.

General

1. Raise public awareness around the issue of Lebanese statelessness people.
2. Recognize the actual number of Lebanese stateless persons in Lebanon (around 27,000) and depoliticize the problem through a campaign which will put the solution at a technical level.

Detection

3. Start a nationwide mapping of stateless people in collaboration with the Central Administration of Statistics and with the support of the Council of Ministers.
4. Collect, collate, and consolidate data related to stateless individuals from relevant public entities: schools, hospitals, prisons, Internal Security Forces, General Security, etc.
5. Create a hotline for information and support to stateless persons at the Ministry of Interior. This hotline will be temporary and shall last until statelessness has been eliminated.

Reduction

6. Conduct an extended investigation of the status of people who have filed lawsuits to further detect at which stage they are, and what type of legal and administrative impediments they are facing, as most surveyed stateless families lack the legal knowledge to accurately describe which court stage they have reached. Start with a pilot in Tripoli to derive strategic recommendations to optimize bureaucratic processes and locate quick wins.
7. Introduce administrative deadlines for General Security and Civil Status Officer responses to court requests related to statelessness. This can be done through a decision rendered by the Minister of Interior and Municipalities requesting that stakeholders abide by the delays and deadlines. In this case, stateless persons with pending cases before the judiciary should have the possibility to report any breach of specified delays and deadlines to the Ministry of Interior and Municipalities by means of a hotline to be created as provided in recommendation number 5.
8. Introduce administrative deadlines for legal responses sent by the Committee of Cases at the Ministry of Justice regarding stateless cases.
9. Set deadlines for the enforcement of court decisions by the Directorate of Personal Status. This should be done by means of a ministerial decision rendered by the Minister of Interior and Municipalities.
10. Initiate a draft law valid for a specific period of time which creates a special administrative process for resolving stateless cases without the need to resort to courts and sets up simplified means of proof of lineage and nationality. This law will separate stateless cases from the regimes of the current legislations, mainly nationality law and the 1951 Law of Documenting Personal Status.
11. Under the same law, exempt all Lebanese stateless plaintiffs of court fees upon filing any nationality or registration related lawsuits.
12. Reduce DNA testing costs for stateless individuals by increasing the number of subsidized laboratories and developing medical expertise in governmental hospitals.

13. Raise awareness about the effectiveness and enforceability of the 1994 naturalisation decree, and the irreversibility and binding character of State Council Decision 484 which entitle the children of those naturalised in 1994 to be registered as Lebanese nationals.
14. Produce and promote a clear list and admissibility criteria for alternative documents to be presented when birth or marriage certification and other similar proofs do not exist: school certificates, medical records, vaccination booklets, employment documents, Mukhtar reports, etc. These criteria shall be recognized by the judiciary as potential proof that will contribute to the success of the case.
15. Develop in collaboration with the Ministry of Interior, Ministry of Justice, and General Security, well-articulated credibility indicators for testimonials whenever documents are not available, such as specificity, efficiency and consistency of information. These indicators will help reduce the risk of arbitration in the “power of appreciation” granted to judges while deciding on sensitive cases such as statelessness.
16. Collect, organize and digitize data related to internal procedures within public administrations involved with statelessness including but not limited to all relevant circulars, decisions, instructions, and practices. This will make the data publicly available and allow for more transparency and awareness in how stateless cases are being handled at different stages whether within the Ministry of Interior or at the judiciary level.
17. Initiate 10-days national registration campaigns within a year or two where relevant stakeholders will process, register, and document cases through a one stop shop located in main cities around the country, and reaching out to outskirts and remote areas.
18. Setup a mobile legal clinic to raise awareness about registration and resolution of stateless cases, and provide legal support at low or no cost. This legal clinic can be constituted of intern lawyers and volunteers under the supervision of the Beirut and Tripoli Bar Associations, and potentially in collaboration with law departments in prominent universities.
19. Produce KPIs and simple outcome indicators for the Ministry of Interior and Ministry of Justice to publish annual statistics related to stateless cases submitted, in process, resolved, delays, etc.
20. Pilot an automated system for stateless case processing through linking and easy data sharing between the Ministry of Justice, General Security, and Ministry of Interior.
21. Assess gaps in knowledge of Mukhtars with regards to statelessness and provide SOPs and trainings.
22. Develop Mukhtar oversight in order to improve accountability and transparency through the Ministry of Interior.

Protection

23. Unify stateless identification cards, enforce the Laissez-passer passport as the only recognizable document and have the Mukhtar play an intermediary point between the stateless and General Security.
24. Awareness campaign for stateless people - as well as the general public including employers, healthcare centres and schools - about their right to education, health, employment, movement, and legal procedures to solve their cases.
25. Develop inter-ministerial collaboration between the Ministry of Interior and the Ministry of Education whereby every student enrolled in a school gets a full yearly subsidy on Laissez-passer until graduation. This can be achieved by means of a decree to be rendered by the Council of Ministers upon the proposition of the Minister of Education.
26. Collaboration between the Ministry of Labour and the Ministry of Interior to recognize the right of work for Laissez-passer holders. More specifically, laissez-passer holders can be included within the annual decision rendered by the Minister of Labour that allows foreigners (Palestinians and Syrians) and under-study individuals to practice some professions that are usually restricted to Lebanese nationals.
27. Training related to statelessness in relevant security institutions such as police stations, check points, and prisons to better instil human rights values and improve these stakeholders' treatment of stateless individuals.
28. Develop efficient oversight, transparency and reporting mechanisms of schools, hospitals and relevant public institutions with regards to processing stateless cases.
29. Facilitate a 10-year valid residency to difficult cases where proof of eligibility faces major obstacles due to death, physical impossibility, and other similar reasons. This could consist of the Laissez-passer passport validated for 10 years, potentially at a discounted fee.

Prevention

30. Setup a one-stop-shop remote registration process upon birth through the Directorate of Personal Status.

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Appendix A - Lebanon Ratification of International Conventions

Treaty or Convention	Year	Signed by Lebanon	Ratified by Lebanon	Impact on the stateless Status
Universal Declaration of Human Rights (UN): Article 15	1948	Yes	N/A	<i>"Everyone has the right to a nationality. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality."</i>
Convention Relating to the Status of Stateless Persons (UN)	1954	No Fear of giving the nationality to Palestinians (for confessional reasons as well as to preserve the Palestinians' right of return to their homeland)	No	The definition of statelessness and the recognition of basic rights were set.
Convention on the Reduction of Statelessness (UN)	1961	No Fear of giving the nationality to Palestinians (for confessional reasons as well as to preserve the Palestinians' right of return to their homeland)	No	It provides solutions for states to prevent the proliferation of stateless people.
The Convention on the Nationality of Married Women	1957	No	No	This convention prevents the statelessness of women due to changes in her marital status.
International Covenant on Civil and Political Rights (UN): Article 24	1966	Yes	Yes	<i>"Every child shall be registered immediately after birth and shall have a name. Every child has the right to acquire a nationality."</i>
The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW): Article 9	1979	Yes	Yes, except article 9 on nationality transmission and article 16 (c, d, f and g) regarding the elimination of discrimination against women during marriage and divorce.	<i>"States Parties shall grant women equal rights with men to acquire, change or retain their nationality."</i>
The Convention on the Rights of Child (UN): Article 7	1989	Yes	Yes	<i>"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."</i>
Convention on the Rights of Persons with Disabilities (UN): Article 18	2006	Yes	No	<i>"Every child born with a disability has the right to a nationality."</i>

Covenant on the Rights of Child in Islam (Organization of Islamic Cooperation): Article 7	2005	Yes	No (It revolves around children rights according to Shari'a only.)	The covenant guarantees the right to registration and nationality for every child. If their parents are unknown, the child should be "guaranteed" (Kafala) but not adopted. The State should make the necessary efforts to resolve statelessness.
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The Inter-American Court of Human Rights issued a landmark decision on 7 October 2005, affirming the human right to nationality as the gateway to the equal enjoyment of all rights as civic members of a state. The Court's ruling marked the first time that an regional human rights tribunal unequivocally upholds the international prohibition on racial discrimination in access to nationality.

In 2011, UNHCR held a Ministerial Meeting on Refugees and Stateless Persons in Geneva to commemorate the 50th anniversary of the 1961 Convention. This resulted in 60 states signing statelessness related pledges and sharing best practices in statelessness reduction, in addition to acceding to one or two of the UN statelessness conventions.⁶³

UNHCR's efforts to tackle statelessness continued in 2014 as it launched its 10 year campaign to end statelessness. The campaign induced collaboration with governments to eradicate statelessness and resulted in 10 good practice papers or action plans, some of which are listed below:

- Ensuring that every birth is registered, thereby helping to establish legal proof of parentage and place of birth.
- Removing gender discrimination from nationality laws.
- Establishing Standard Operating Procedures for the determination of stateless individuals and the protection of their rights.
- Encouraging changes to legislation or government policy (low-cost approach to address statelessness).
- Eliminating discrimination because of race, ethnicity, religion, gender or disability.

⁶³ UNHCR, *Ministerial Intergovernmental Event on Refugees and Stateless Persons* (2012).

Appendix B - Case Studies

The Case of Thailand

Thailand has the third largest population of stateless in the world, reaching around 1,000,000 individuals. Most of them are members of various ethnic minorities living in highland areas, nomads living at the borders and children of ancestors who fled neighbouring countries in warzones. As such, in 2008, Thailand began taking action to reduce statelessness and prevent future births of stateless individuals.

One of the first measures taken by Thailand was removing racial discrimination from its civil registration law, in order to allow children born to non-Thai parents in Thailand to register and acquire a birth certificate. Secondly, in 2010, Thailand developed an online birth registration programme by the Ministry of Interior to link hospitals and district registration offices. As such, once a birth is registered at the hospital, the registrar officials receives all the data and is prompted to issue a birth certificate. Consequently, officials can contact parents who have not yet registered their child's birth after leaving hospitals.

In parallel, Thailand began publicly raising awareness on the importance of registration through the distribution of manuals on nationality and civil registration all around the country. It also took action towards building the capacity of local civil registration officials through trainings held annually. Thailand's awareness raising campaign actually started since 2008 through establishing community networks to improve villagers' ability to advise others in their community on civil registration. In addition to that, it created a dedicated "Nationality Clinic" government website for information and counselling, and initiated a helpline for providing advice on registration and documentation.

As a result, by 2017, 159,831 children of stateless parents and 454 foundlings had benefited from these reforms by accessing their right for civil registration and more than 681 hospitals adopted the online registration system. The Thai government also benefited from up-to-date statistics on birth rates and population trends, which helped it better manage resources and development plans.⁶⁴

The Case of Jordan

Since the outbreak of the Syrian war, Jordan has hosted over 650,000 Syrian refugees in addition to more than 82,000 refugees from other countries such as Iraq, Yemen and Sudan.⁶⁵ A large number of these vulnerable groups, especially Syrian refugees, lack one or all means of self-identification. This could either be due to civil registries being destroyed during the Syrian war or lost or confiscated documents while fleeing Syria. As such, these persons have become stateless and are doomed to transfer their statelessness to their newborn children. Another cause of statelessness of Syrian refugees living in Jordan is the restrictions on movement preventing parents from approaching registration offices or embassies to register the birth of their children. Additionally, family separation due to war is another factor leading to

⁶⁴ UNHCR, *Good Practice Paper - Action 7: Ensuring birth registration for the prevention of statelessness* (2017).

⁶⁵ UNHCR, *Fact Sheet: Jordan February 2018* (UNHCR, 2018).

households without fathers and thus resulting in stateless children as a consequence of the patriarchal nationality law in Syria. The only exception where nationality can be transferred from the mother to her child is if the father is unknown. For cultural reasons, women are reluctant to report that the father is unknown in such cases because the child would then be considered illegitimate, making the mother sinful in the shaming societies of Syria and Jordan.

As such, in 2014, Jordan began its mission to reduce the statelessness of children of Syrian refugees born in Jordan or born in Syria but could not register and obtain documentation before fleeing to Jordan due to the crisis. Jordan's first measure taken was making birth and marriage registration procedures more accessible through mobile civil registration offices and Shari'a courts inside refugee camps. The government introduced expedited court procedures for non-registered children above the age of one by accepting documents of informal marriages instead of official marriage certificates, and introduced two waiver periods for refugees to regularise their marriages free of charge. Shari'a courts have also been lenient by accepting photocopies of original documents and evidence by an unofficial witness of the parents' wedding instead of a marriage certificate.

Secondly, Jordan strengthened legal aid and counselling services and established an information hotline and help desks to ensure a two-way communication with communities. Moreover, Jordan engaged communities as agents of change through the distribution of awareness brochures on birth and marriage registration procedures and ensured access to good quality maternal health services for all mothers.

The realised impact was a 12-fold increase in the birth certification of refugees in camps in 2016 (3,642) and 2015 (3,645) compared to 2013 (295). The risk of statelessness among Syrian refugee children was substantially reduced in Jordan as well as risks of trafficking, illegal adoption and their possible denial of basic rights to health and education.⁶⁶

⁶⁶ *Ibid.*

Appendix C - The 1994 Naturalisation Decree

The Political Context

The 1994 Naturalisation Decree was issued against the backdrop of the Syrian control over Lebanese politics. Following the 1989 Taif Agreement and the subsequent end of the Civil War in 1990, the Syrian regime maintained troops in Lebanon and exerted extensive political control over the post-war authorities. Initially scheduled in 1994, the first post-war parliamentary election was hastily held in 1992, based on an electoral law that was heavily decried by most of the Lebanese Christian political class. Electoral districting was designed to favour political parties that supported Syrian hegemony. Boycott of the 1992 election was massive. According to official numbers, only 29% of the electorate participated in the election. Boycott was particularly massive among Christians with a mere 13% turnout in their ranks.

While the Syrian regime had its allies elected, and controlled all the seats in the first post-election government, there was a fear that a similarly low turnout would taint the 1996 election as well. The need to increase the electorate with potentially loyalist voters was one of the drivers for the 1994 Naturalisation Decree.

Also noteworthy is that the last local elections (for Mukhtars and municipal councils) took place in 1967. These elections kept being postponed until 1998. Therefore, Mukhtars, i.e. locally elected officials competent on issues of personal status, who were in place before the 1994 Naturalisation Decree had been either elected in 1967 or politically appointed by the central government upon vacancy of the elected official.

The 1994 Decree

The issue of granting the Lebanese nationality to citizens who had not received it before the Civil War re-emerged after the end of the conflict. Shortly after the appointment of the first Rafik Hariri government in 1992, a committee headed by then-Interior Minister Bechara Merhej, including then-Director General of General Security and Director General of Personal Status, was set to establish the naturalisation process. In July 1993, the committee issued an application form to be filled by those who wish to receive the Lebanese nationality, including details that confirm their connection to Lebanon (ownership of property, filiation, residence, education, etc.). The application form was made available across the country through Mukhtars, who had to sign and confirm each request. Once filled, it was the role of security apparatuses, mainly General Security, to conduct thorough investigation into the validity of the request and the applicant's background.

On 20 June 1994, Decree No 5247 was signed by then-President of the Republic Elias Hraoui, Prime Minister Rafik Hariri, and Interior Minister Bechara Merhej, granting the Lebanese nationality to 202,527 individuals.⁶⁷ These individuals came from 80 countries: 42% of them were Syrian nationals, 16% Palestinians, 6% "from the rest of the world including descendants of Lebanese immigrants." While

⁶⁷ Merhej, *Marsoum Al Tajnis Rakim 5247 Al Kossa Kamila* (2013), p. 152-153.

stateless individuals constituted the second largest group of naturalised, they only amounted to 36% of the total,⁶⁸ i.e. 56,000, out of whom 32,000 individuals with under-study status.

Endless Controversies

The 1994 Naturalisation Decree triggered a wave of controversies that is still unfolding, including among others:

- The lack of transparency around criteria of naturalisation. While former Minister Bechara Merhej insisted that security institutions conducted investigations into the cases, and that elements confirming the individual's residence in and connection to Lebanon were examined, there were no clear conditions stated in the decree or in any official document published before the final decision.
- Suspicion of fraudulent activities and lack of due diligence by Mukhtars and other civil servants because of political interference.
- The political controversy related to the sudden replacement of Bechara Merhej on 1 September 1994 by then-deputy Prime Minister Michel Murr; the latter being suspected of benefiting from the numbers of naturalised people who got registered in his own electoral district of Metn. Mr. Merhej also deplores that the correction of mistakes and further investigation of fraud cases, which he had initiated, stopped when he left the Interior Ministry.
- The much larger number of Muslim individuals among the naturalised (up to 75% of the total), which caused a strong Christian resentment and led to a challenge submitted by the Maronite League against the decree before the State Shura Council on 26 August 1994.

The Aftermath of the 1994 Decree Today

The legal challenge before the State Shura Council has only led to a decision to forward the list of naturalised individuals to the Ministry of Interior to conduct further investigation. A mere two hundred people (less than 0.1%) had their naturalisation revoked in 2011. Nonetheless, the political and sectarian controversies have had a strong impact on several subsequent processes. Even when some legal and administrative actions are supposed to unfold in a straightforward way, in fact, these actions are often stalled whenever they are linked to individuals naturalised in 1994. For example:

1. Children of naturalised fathers who, for many reasons (omission by the father or by state authorities), were not granted the Lebanese nationality alongside their father, may in theory file a lawsuit to get registered and/or naturalised. In fact, legal experts still debate the type of lawsuit that needs to be filed (personal status or nationality) and the competent jurisdiction. Moreover, these cases if and when open, have very rarely led to a final ruling. It is worth mentioning in this respect that a remarkable decision has been rendered lately by the Court of Cassation under No 38 dated 2/7-2015⁶⁹ clearly stating that children of naturalised fathers, who were not granted the

⁶⁸ Hourani, *The 1994 Naturalisation Decree* (2011).

⁶⁹ وحيث أن طلب قيد المميزين [...] على خانة والدهما انم يشكّل في هذه الحالة دعوى نفوس وليس دعوى جنسيّة طالما ثبت ان هذا الأخير يحمل الجنسيّة اللبنانيّة منذ تاريخ اكتسابه لها بموجب المرسوم 1994/5247 [...] وطالما ان والديه طالبي القيد كانا قاصرين عندما اكتسب والهما الجنسيّة.

Lebanese nationality alongside their fathers, can file a lawsuit before the Sole Judge on the grounds that their case is a civil status case and not a case of nationality.

2. The Naturalisation Decree has only partially addressed the case of under-study individuals. It only covered those, among them, who applied for the nationality while not addressing the case of individuals whose files should have been under-study for decades by then.
3. The politically charged nature of the decree has made most judges refrain from ruling on cases pertaining to naturalised individuals.
4. The sectarian nature of Lebanese politics and society has weighed heavily on judiciary and administrative processes related to nationality. While unwritten, authorities have sought to avoid further sectarian divisions on these issues by seeking some form of balance across regions and confessions before moving forward with individual cases. This consideration has been further delaying pending cases.

Appendix D - Key Informants List

Key Informant Name	Title	Organization	Interview Method	Date
Anna Sterzi	Statelessness Focal Point	UNHCR	In person	17-Oct-2018
Adib Nehmeh	Research Consultant - Expert on Tripoli	-	In Person	12-Nov-2018
Mustapha Al Cha'ar	President	Jensiyati Karamati	In Person	13-Nov-2018
Maral Tutelian	Director General	Central Administration of Statistics	Phone Call	13-Nov-2018
Mohamad Al Ahdab	Tripoli Office Director	Ministry of Social Affairs	In Person	14-Nov-2018
Alice Keiruz Sleiman	President	National Committee for addressing the needs of stateless children in Lebanon	In Person	15-Nov-2018
Laura Sfeir	President	The Lebanese Council to Resist Violence Against Women	In Person	16-Nov-2018
Mayssa Schinder	Lawyer	The Lebanese Council to Resist Violence Against Women	In Person	16-Nov-2018
Samira Trad	President	Frontiers Ruwad	In Person	23-Nov-2018
Brigitte Chelebian	Director	Justice Without Frontiers	In Person	23-Nov-2018
Bassam Assaf	Ex-Mukhtar and Political Scientist	-	In Person	03-Dec-2018
Wadih Rahhal	Ex-Director	Baabda Personal Status Office	In Person	18-Dec-2018
Bechara Matta	Ex-Director Retired Judge	Institute of Legal Studies	In Person	18-Dec-2018
Anonymous	-	General Security	In Person	09-Jan-2018
Ali Al Hajj	Clerk (Head of Registrar)	Shiite Jaafari Court in Beirut	In Person	27-Feb-2018

In addition to 29 in person interviews with 29 different Mukhtars from Tripoli (five in Qobbeh, eight in Tebbeneh, one in Remmeneh, one in Haddadin, two in Sweiqqa, one in Mheitra, three in Nouri, three in Tal, and five in Mina).

Appendix E - Main Questionnaire

Are you stateless?

- Yes
- No*

*Thank the respondent and end the survey

Name:

Gender:

- Male/Female

Civil status:

- Single/Married*/Divorced*/Widowed*

*Number of kids:

*Year of marriage:

1- What are the documents that you possess?

Multiple answers

Birth certificate	<i>Ta'arif</i> card	<i>Ta'arif</i> certificate	Laissez-passer	Under-study card	Syrian nationality	Palestinian travel document	Other document, specify:

2- What is the nationality of your family members?

Multiple answers. Specify the number of children, siblings and wives in the cell.

	Lebanese nationality			Stateless	Syrian nationality	Other nationality, specify:	I don't know
	Before 1994	Since 1994	I don't know				
Father							
Mother							
Wife(ves)							
Children							
Siblings							

3- What is the reason that led to your statelessness?

One answer

- Your father is Lebanese but your birth is not registered

Why?

- Logistical reasons (the registration centre is far, bureaucracy, etc.), specify:
- Political reasons (does not recognize the Lebanese entity, etc.), specify:
- Family reasons (divorce, unregistered marriage, etc.), specify:
- Administrative reasons (missing documents, family register missing, etc.), specify:
- Financial reasons
- Ignorance
- Negligence
- Absence of the father, specify:
- I don't know
- Other, specify:

- Your father is stateless

Why?

- His birth is not registered
- The family is originally from Wadi Khaled
- The family has Bedouin, gypsy origins
- The family has Lebanese origins but is not registered, specify:
- The family has non-Lebanese origins but has been living in Lebanon since a long period of time, specify:
- I don't know
- Other, specify:

- Your nationality is understudy

4- Date of birth*:

If the respondent is born in 1993 or before (above 25 years old), please ask:

Why didn't you register in the 1994 naturalisation decree?

One answer

- My family didn't know about the decree
- My family didn't trust the seriousness of the initiative
- My family didn't register for financial reasons
- My family registered but I didn't, specify:
- The request was rejected
- The file was lost
- I don't know
- Other, specify:

5- Who do you think is responsible today for your statelessness?

- Your family
- The State
- Both, but it's more the family's fault
- Both, but it's more the State's fault

6- Where is your family originally from?*

Specify the country for each city/province:

- Lebanon
- Syria
- Palestine
- Other

*If the country is not Lebanon, please ask:

Since when does your family live in Lebanon?

7- Including the respondent, how many stateless persons live in this household?

8- Does any of your family members have the Syrian nationality?

- Yes, specify who and since when:
- No
- I don't know

9- In general, what are your daily concerns? I will read eleven options please pick the three most important ones:

- Basic needs (water, electricity, etc.)
- Education (getting education and the quality of education)
- Healthcare (getting healthcare and its quality)
- Unemployment and lack of job opportunities
- The security situation
- Getting arrested
- Freedom of movement
- The ability to acquire property
- Being insulted
- The Syrian refugee phenomenon

- Sectarianism
- Nothing
- Other, specify:

10-To whom would you go if your wallet was stolen?

One answer

- Internal security forces
- The Mukhtar
- A politician
- No one

11-To what extent do you trust the following entities:

	To a great extent	To some extent	Not at all	I don't know
Mukhtar				
State				
General Security				
Internal Security Forces				
Lebanese Army				

12-Do you avoid mentioning that you are stateless?

- Yes, why?
- No
- I don't know

13- Do you feel that the social perception changes when people know you are stateless?

- Always*
- Most of the time*
- Sometimes*
- Never
- I don't know

*Please ask

How do you deal with this perception?

14-How do you get health services? I will read six options, please select the two most important ones

Two answers

- Clinic
- Pharmacy
- Home healthcare (midwife, etc.)
- Hospital, through mediation (political, local...)

- Hospital, using a friend or a relative's ID card
- I don't get health services
- Other, specify:

15-Imagine that one of your family members is extremely sick and needs an expensive treatment. Would you likely be able to get the money for the treatment?

- Very likely*
- Moderately likely*
- Very unlikely*
- Impossible

*Please ask,

What are the available options to get the money for the treatment?

16-Does your family have properties (home, car, etc.)

- Yes*
- No

*Please ask, in whose name is it registered?

17-How does statelessness affect your family life?

One answer

- Tension
- Exploitation
- Humiliation
- It doesn't affect it

18-Do you go out of Tripoli

- Daily?
- Weekly?
- Monthly?
- Never, Why?

19-Are you afraid of being arrested on checkpoints?

- Yes*/No

*How do you deal with it?

- I avoid movement
- I get help from family and friends
- I know how to avoid checkpoints
- Other, specify:

20-Do you work?

- Yes*, specify:
- No

*Please ask:

Do you feel that you are being exploited at work?

- Always
- Often

- Occasionally
- Never
- I don't know

Imagine that your boss is not paying your full salary, and owes you now a large amount of money and is threatening to fire you if you ask for your money. How likely is such a scenario for you?

- Very likely
- Moderately likely
- Moderately unlikely
- Very unlikely

How would you react to get your money back?

One answer

- I beg him
- I pick a fight
- I seek external intervention (political leader, religious leader, etc.)
- I ask for the help of a colleague
- I don't do anything
- Other, specify:

How likely is it that you get your money back?

- Very likely
- Moderately likely
- Moderately unlikely
- Very unlikely

21-Have you ever been arrested or placed under investigation?

- Yes*
- No

*Please ask:

Were you treated differently because you were stateless?

- Yes, specify:
- No

22-In the past year, did you (or any of your family members) face any of these issues:

Multiple answers

- Disputes with the security services*
- Family disputes*
- Street violence*
- Drug abuse*
- Domestic violence*
- I didn't face any of these problems

* Please ask:

Was the problem solved?

- Yes
- No

*Please ask:

What did you do to solve the problem?

Was the solution fair?

- Yes
- No

23-On a scale from 1 to 10 (1 being not at all and 10 being completely) to what extent do you feel capable of controlling your future as a stateless?

1-2-3-4-5-6-7-8-9-10

24-Would you encourage your daughter (or sister or grand-daughter) to get married to improve her situation today?
If the respondent is a single woman, are you willing to get married to improve your situation today?

- Yes
- No
- I don't know

25-Are you willing to use your friend or relative's ID:

- To move freely on checkpoints
 - Yes
 - No
- In case of health emergency
 - Yes
 - No

26-Did the idea of registering your kids under someone else's name occurred to you?

- Never
- It occurred, but I didn't do it
- It occurred, and I did it

27-What defines your identity today? Rate the options from the most important to the least important:

Country	Confession	Family	Political party

28-Do you belong (or benefit from the help of) any political or charity organization?

- Yes, specify
- No

29-In a conflict scenario, would you join (or your son, or your husband, or your brother if the respondent was a woman) the Lebanese Army as a reserve if you were asked to?

- Yes
- No
- Possible
- I don't know

30-In your opinion, what are the most important rights? I will read seven options, please pick the three most important ones

- Mobility rights
- Education rights
- Healthcare rights
- Inheritance rights
- Political and election rights
- Employment rights
- Security and safety rights

31-Have you tried to acquire the Lebanese nationality?

- Yes*
- No**

*If the answer is Yes, please ask:

Through whom?

Multiple answers.

- Lawyer
- An organization, specify:
- The Mukhtar, specify:
- A political leader, specify:
- A religious leader, specify:

When did you apply for the Lebanese nationality?

What stage did you reach?

- Started my application through the Mukhtar
- Obtained a proof of lineage
- Did the DNA test
- Went through the General Security investigation
- My file was transferred to the judge
- I don't know

Why didn't you get the nationality yet?

One answer

- Slow procedures/bureaucracy
- The lawyer has no experience
- Abuse from the lawyer and the responsible authorities
- Religious and political reasons
- Financial incapacity to continue the procedure
- Rejection or suspension of the file
- Other, specify:

How much money did you pay?

- Specify the amount
- I don't know
- I don't want to reveal

**If the answer is No, please ask:

Why?

- I don't know with which entity I should communicate
- A stateless cannot acquire the Lebanese nationality

- I don't trust anyone
- The situation of the stateless people will only change if there is a political decision
- I don't want to change my nationality
- I don't have the financial capacities
- Other, specify:

32- Have you tried to acquire a nationality other than the Lebanese nationality?

- Yes, specify:
- No

33- If you had the opportunity to emigrate, would you do it?

- Yes, to which country?
- Possibly, to which country
- No
- I don't know

34- Level of education

- Elementary school
- Middle school
- High school
- University studies
- I didn't go to school*

Why didn't you go to school/continue your education?

If the respondent has kids, ask the following questions:

35- The age of each one of your kids:

36- Are your children going to school?

- Yes, regularly**
- Yes, irregularly*/**
- No, they stopped going to school*
- No, they never went to school*

*If the answer is 2,3 or 4 please ask:

Why they didn't go regularly to school?

**If the answer is 1 or 2 please ask:

To which school are the children going?

Do they face any harassment or embarrassment at school because they are stateless?

- Always*
- Often*
- Occasionally*
- Never
- I don't know

*Please ask:

Can you specify the entity?

- The administration
- The students

- The teachers
- Other, specify:

Can you give us more details?

How do you deal with this harassment?

- I complain to the school administration
- I remove the children from school
- I teach my children to ignore the harassment
- I teach my children to defend themselves
- Other, specify:
- I don't do anything

37-Can you give us your monthly income in Lebanese pounds:

38-Can you give us the monthly family income in Lebanese pounds:

39-Are you the main source of income in the house?

- Yes
- No

40- Location details:

- Area:
- Street:
- Building:
- Floor:
- Next to:
- Phone number:

41-Religious belonging:

- Muslim Sunni
- Muslim Shiite
- Druze
- Alawite
- Maronite
- Greek Catholic
- Greek Orthodox
- Armenian Orthodox
- Armenian Catholic
- Other Christian (minorities)
- Other
- I don't want to reveal

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