



August 2016

Refugee Documentation Centre

Country Marriage Pack

Lebanon

Disclaimer

Country Marriage Packs (CMPs) are prepared by researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. CMPs contain a selection of representative links to and excerpts from sources under a number of categories for use as Country of Origin Information. Links are correct at the time of publication. Please note that CMPs are not, and do not purport to be, exhaustive with regard to conditions in the countries surveyed or conclusive as to the merit of any particular claim to refugee status or protection.

1. Types of Marriage

Civil marriage

The *United States Department of State* report:

“Religious groups perform all marriages; there are no formalized procedures for civil marriage. The government recognizes civil marriage ceremonies performed outside the country, however, irrespective of the religious affiliation of each partner in the marriage.” (United States Department of State (10 August 2016) *2015 Report on International Religious Freedom – Lebanon*)

The *UN Human Rights Council* state:

“In recent years, some couples have succeeded in claiming their right to register a civil marriage (namely, a marriage outside the system of religious laws) in Lebanon. Although no civil marriage law has been formally adopted in Lebanon and the legal basis of registration is often contested, their civil marriages are considered valid. Nonetheless, these couples are issued merely with a family civil certificate, not with any proof of marriage. This has serious implications for their children. The Special Rapporteur was informed of alleged death threats made to a child born to a couple whose civil marriage had been registered in Lebanon, where the child is regarded as a “natural child”, a status that will entail difficulties in registering the child for school. The practice of registering civil marriages was discontinued by decision of the Minister of the Interior.” (UN Human Rights Council (30 November 2015) *Report of the Special Rapporteur on freedom of religion or belief on his mission to Lebanon*)

The *Immigration and Refugee Board of Canada* state:

"An official from the Embassy of Lebanon in Ottawa provided the following information in correspondence with the Research Directorate:

Although there is not a system for civil marriage in Lebanon, a civil marriage of a couple married outside Lebanon is recognized by the Lebanese authorities on the condition that the marriage should be officially registered in the Lebanese Embassy or Consulate in the country where it took place (28 Sept. 2007)." (Immigration and Refugee Board of Canada (16 October 2007) *Lebanon: Civil marriage; whether the marriage of a couple married outside Lebanon is recognized if the couple returns to Lebanon*)

Religious marriage

The *United States Department of State* report:

"Official recognition of a religious group allows baptisms and marriages performed by the group to receive government sanction. Official recognition also conveys other benefits, such as tax-exempt status and the right to apply the religious group's codes to personal status matters. The government permits recognized religious groups to administer their own family and personal status laws in areas such as marriage, divorce, child custody, and inheritance. Shia, Sunni, recognized Christian, and Druze groups have state-appointed, government-subsidized clerical courts to administer family and personal status law." (United States Department of State (10 August 2016) *2015 Report on International Religious Freedom – Lebanon*)

The *Immigration and Refugee Board of Canada* state:

"Anne Françoise Weber notes the absence of a [translation] "civil status code in Lebanon" (Weber 2008, sect. 8). The KAFA representative states that the absence of a civil code prevents Lebanese couples from entering into a civil marriage in the country (12 Mar. 2015). Similarly, other sources state that only religious marriages can be entered into in Lebanon (Assistant Professor 12 Mar. 2015; Professor of Anthropology 13 Mar. 2015). According to the Professor of anthropology, [translation] "[t]he Lebanese constitution states that civil status is a matter for the religious communities, [who are] responsible [...] for transmitting the data to the State. Because of this, there are [only] religious marriage[s] in Lebanon, which [constitutes] a means of preventing interreligious marriages" (Professor of anthropology 13 Mar. 2015).

Two sources state that many future couples go abroad to enter into a civil marriage, which they subsequently have recognized by the Lebanese government (KAFA 12 Mar. 2015; Professor of anthropology 13 Mar. 2015). The Professor of anthropology stated [translation] "that it is enough for the couple to declare their marriage at the Embassy of Lebanon" in the country where it was celebrated for the marriage to be recognized by the Lebanese civil status office (ibid.)." (Immigration and Refugee Board of Canada (27 March 2015) *Lebanon: Treatment by society of couples who enter into an interreligious marriage, including when a Muslim woman marries a non-Muslim man; the possibility of resettling in a predominantly Christian region (2014 March 2015)*)

The *Embassy of the United States in Beirut, Lebanon* state:

"All marriages in Lebanon are performed by a religious authority and are registered in the husband's jurisdiction of birth. Those wishing to have a civil marriage must marry

outside the country. In cases of interfaith relationships, either partner can convert to the faith of the other for the purpose of marriage.” (Embassy of the United States in Beirut, Lebanon (Undated) *Marriage Information*)

Proxy marriage

Information on proxy marriage in Lebanon was not found in sources consulted by the Refugee Documentation Centre.

Traditional marriage/other

Information on traditional/other marriage in Lebanon was not found in sources consulted by the Refugee Documentation Centre.

2. Formalities of Marriage (Consent, Minimum Age, Registration, Documents required)

The *United States Department of State* report:

“The legal age for marriage is 18 for men and 17 for women. Family matters are governed by confessionally determined personal status law, and minimum ages acceptable for marriage differ accordingly.” (United States Department of State (13 April 2016) *2015 Country Reports on Human Rights Practices – Lebanon*)

The *UN Committee on the Elimination of Racial Discrimination* state:

“Freedom to marry is protected in Lebanon as part of the general protection accorded to individual liberties. Citizens wishing to marry are subject to the laws of the denomination to which they belong, in accordance with article 10 of Decree No. 60 L.R., which regulates religious communities in Lebanon. Article 10 also stipulates that Lebanese citizens belonging to a duly recognized community are subject to the Civil Code in matters relating to their civil status. However, no civil status act has ever been enacted in Lebanon. Nonetheless, Lebanese law recognizes the legal effect of all civil marriages contracted by Lebanese nationals abroad, provided that they were contracted in accordance with the formalities applicable in the country concerned. Such marriages are placed under the jurisdiction of the civil courts, which apply whatever foreign Civil Code the spouses choose. However, if both spouses are Muslims and at least one of them is Lebanese, the marriage remains subject to the sharia or denominational courts, which apply the denominational law applicable to that community.

If Lebanese citizens wish to get married without being subject to denominational laws, especially where the spouses are from two different communities, they generally contract a civil marriage in a foreign country where such marriages are recognized by law.” (UN Committee on the Elimination of Racial Discrimination (31 August 2015) *Consideration of reports submitted by States parties under article 9 of the Convention; Combined eighteenth to twenty-second periodic reports of States parties due in 2006; Lebanon* [5 August 2015] [CERD/C/LBN/18-22])

The *Immigration and Refugee Board of Canada* state:

“On 15 March 2005, a representative from the Embassy of Lebanon in Ottawa provided the following information during a telephone interview. A Shiite Lebanese man can marry a Sunni Palestinian woman without any problems in Lebanon, even though the woman is not Lebanese. For this marriage to be recognized, two male witnesses (who are not necessarily related to the couple) and a religious authority (a sheik in this case) must be present. If the parents do not approve of the marriage, the couple can still marry as long as the woman is at least 18 and has already been married and divorced. A woman who is over 18 and who is getting married for the first time must obtain the authorization of a male relative. The representative also said that there are no temporary marriages in Lebanon because all of the marriages are performed by religious authorities before they are registered with the government, which renders the marriage religiously and legally valid.” (Immigration and Refugee Board of Canada (17 March 2005) *Lebanon: Formalities of a marriage between a Sunni Palestinian woman and a Shiite Lebanese man; whether the authorization of the woman's family and parents is required for a permanent or temporary marriage; whether a temporary marriage performed between two parties without a witness or a civil or religious authority is legal and is religiously or morally valid* (1998-Mar. 2005))

The *Immigration and Refugee Board of Canada* state:

“In 16 March 2010 correspondence with the Research Directorate, the Consul at the Embassy of Lebanon in Ottawa stated that a Lebanese citizen married outside Lebanon must register his or her marriage in the Lebanese embassy of the country where the couple got married; if they no longer live in that country, they can register their marriage through the Lebanese embassy by mail.

According to information provided on the Embassy of Lebanon in Ottawa's website, to register a marriage with the embassy, the husband and wife must fill out a request of marriage registration form, provide their recent original personal and family Ikhraj Kayd [Civil Registry Record (Lebanon n.d.c)] with two photocopies, and provide the long form of the Canadian marriage certificate with two photocopies (Lebanon n.d.a; Lebanon n.d.b). According to the Consul, a similar procedure is followed by other Lebanese embassies, but embassies in Asia, Africa and Central Europe also require that marriage certificates be sealed and stamped by the Ministries of Foreign Affairs of the host countries (Lebanon 16 Mar. 2010). In cases where a spouse is not a Lebanese citizen, the embassy also requires his or her birth certificate and a photocopy of his or her current passport (ibid.; Lebanon n.d.a; Lebanon n.d.b).

The Consul indicated that it takes approximately three months in order for the marriage to become registered with the Lebanese Civil Status office (Lebanon 16 Mar. 2010). He also stated that there are no time restrictions for registering a marriage that occurs outside Lebanon (ibid.).” (Immigration and Refugee Board of Canada (16 March 2010) *Lebanon: Procedures to register a civil marriage that has taken place outside of Lebanon with Lebanese authorities; whether the procedure is different for Lebanese citizens who marry non-Lebanese citizens; whether there are time restrictions on registering such a marriage*)

The *United Nations Statistics Division* state:

“...Relevant documents that are required to register marriages and divorces are ID cards for both parties involved in the marriage (or divorce), the presence of witness(es), and religious marriage record (for marriage) or marriage certificate (for divorce).” (United

3. Divorce

The *United States Department of State* report:

“Nonrecognized religious groups may own property and may assemble for worship and perform their religious rites freely. They may not perform legally-recognized marriage or divorce proceedings, however, and they have no standing to determine inheritance issues. Members of these groups do not qualify for certain government positions.” (United States Department of State (10 August 2016) *2015 Report on International Religious Freedom – Lebanon*)

The *UN Human Rights Council* state:

“...Indeed, the absence of civil law options in Lebanon creates situations that are problematic also from the perspective of freedom of religion or belief. For instance, Catholics wishing to find a way out of an unhappy marriage often convert to Islam. Others convert to other Christian denominations that have a more lenient approach to divorce. The availability of a civil law alternative would certainly not alter the strict interpretation of the indissolubility of marriage under Catholic canon law; however, people would at least be less likely to turn to another religion without really believing in its teachings. Significantly, after having formally converted to Islam, some wish to return to their previous religious community, which may be difficult or even impossible. In such cases, the question of what “conversion” actually means, and how genuine it is, needs to be asked. While ultimately no one has the right to pass judgement on the authenticity of another person’s conversion, religious law relating to matters of personal status raises issues in this regard because it mixes religious and legal motives. It should be recalled that, in exceptional cases, persons convert from one branch of Islam to another (for example, from Sunni to Shia Islam) in order to benefit from more favourable inheritance conditions.” (UN Human Rights Council (30 November 2015) *Report of the Special Rapporteur on freedom of religion or belief on his mission to Lebanon*)

Human Rights Watch state:

“The extent of discrimination in divorce varies across religious confessions. For example, Shia, Sunni and Druze women enjoy a greater ability to end their marriages before their religious courts than do Christian women, who are subject to laws that are generally more restrictive in their approach to divorce for both spouses. Women appearing before Sunni and Druze courts can more easily end their marriages than Shia women who appear before Ja’fari Courts because they are able to initiate “severance” cases to end their marriage...” (Human Rights Watch (October 2015) *Human Rights Watch Submission to the CEDAW Committee of Lebanon's Periodic Report, 62nd session; October 2015*)

The report also states:

“Women subject to Sunni, Shia, and Druze personal status laws have only a conditional right to end their marriage, unlike men from these groups, who have an absolute right to unilaterally terminate a marriage at will. While legally spouses may

agree to share the right to dissolve the marriage by giving the wife *`isma*, or irrevocable power to initiate divorce herself, in the marriage contract the practice is largely rejected in a society in which divorce is widely considered to be a male right. Only three out of the 150 divorce judgments before Ja`fari and Sunni courts that Human Rights Watch reviewed were issued based on the wife's exercise of the *`isma*, and none of the women interviewed had inserted this clause in their marriage contracts." (Ibid)

Human Rights Watch state:

"Sunni and Shia laws in Lebanon grant men an absolute right to divorce while women only have a conditional right to divorce. Under these laws, spouses may agree to share the right to dissolve the marriage by giving the wife the *`isma*, or the power to divorce without her husband's consent. In practice, this is rarely done and largely rejected by society. Of 14 Muslim women interviewed, none had the *`isma* clause in their marriage contracts, and only 3 of the 150 reviewed divorce judgments before Ja`fari and Sunni courts were issued based on the wife's exercise of the *`isma*. One court cleric said:

Because of hormonal changes due to their period, they [women] find it difficult to make the right choices. How, then, can they possess the power to divorce?

Without the *`isma*, Sunni women can only initiate a divorce by filing for severance—dissolution of the marriage by judicial order for reasons specifically enumerated under religious law." (Human Rights Watch (19 January 2015) *Unequal and Unprotected: Women's Rights under Lebanese Personal Status Laws*)

4. Marriage between Non Nationals and Nationals

The *Office of the United Nations High Commissioner for Human Rights* state:

"Non-national woman (non-Lebanese) married to a national husband (Lebanese)

Non-national wives of Lebanese husbands may apply and obtain Lebanese citizenship one year from the date of registration of the marriage in the Civil Status Office: Article 5.

National woman (Lebanese) married to a non-national husband (non-Lebanese)

There is no provision for Lebanese women to pass on their nationality to non-national husbands.

A draft law (as yet unapproved) is in consideration that will give women the right to pass on their nationality to their husbands, with the exception of Palestinian refugees." (Office of the United Nations High Commissioner for Human Rights (Undated) *Laws and procedures relating to acquisition, change and retention of nationality upon marriage between a national and non-national*)

Bertelsmann Foundation state:

"Citizenship is passed on exclusively through paternal lineage and is denied to the children of Lebanese mothers with foreign husbands, with the notable exception of children born out of wedlock. By the same token, naturalization is easily available to

female foreign spouses, but unavailable to males. However, the practical consequences of these inequalities have been mitigated by recent regulations that accord free long-term residency permits to foreign spouses of Lebanese women and their children, while lifting the requirement to obtain a work permit.” (Bertelsmann Foundation (2016) *BTI 2016; Lebanon Country Report*)

Marriage between Two Non Nationals

Information on marriage between two non-nationals in Lebanon was not found in sources consulted by the Refugee Documentation Centre.

References

Bertelsmann Foundation (2016) *BTI 2016; Lebanon Country Report*

http://www.bti-project.org/fileadmin/files/BTI/Downloads/Reports/2016/pdf/BTI_2016_Lebanon.pdf

Embassy of the United States in Beirut, Lebanon (Undated) *Marriage Information*

<http://lebanon.usembassy.gov/marriage.html>

Human Rights Watch (October 2015) *Human Rights Watch Submission to the CEDAW Committee of Lebanon's Periodic Report, 62nd session; October 2015*

http://www.ecoi.net/file_upload/1930_1446200190_int-cedaw-ngo-lbn-21901-e.pdf

Human Rights Watch (19 January 2015) *Unequal and Unprotected: Women's Rights under Lebanese Personal Status Laws*

<http://www.refworld.org/docid/54be51bd4.html>

Immigration and Refugee Board of Canada (27 March 2015) *Lebanon: Treatment by society of couples who enter into an interreligious marriage, including when a Muslim woman marries a non-Muslim man; the possibility of resettling in a predominantly Christian region (2014 March 2015)*

<http://www.refworld.org/docid/5649a0dd4.html>

Immigration and Refugee Board of Canada (16 March 2010) *Lebanon: Procedures to register a civil marriage that has taken place outside of Lebanon with Lebanese authorities; whether the procedure is different for Lebanese citizens who marry non-Lebanese citizens; whether there are time restrictions on registering such a marriage*

<http://www.refworld.org/docid/4e02e2422.html>

Immigration and Refugee Board of Canada (16 October 2007) *Lebanon: Civil marriage; whether the marriage of a couple married outside Lebanon is recognized if the couple returns to Lebanon*

<http://www.refworld.org/docid/474e89531e.html>

Immigration and Refugee Board of Canada (17 March 2005) *Lebanon: Formalities of a marriage between a Sunni Palestinian woman and a Shiite Lebanese man; whether the authorization of the woman's family and parents is required for a permanent or temporary marriage; whether a temporary marriage performed*

between two parties without a witness or a civil or religious authority is legal and is religiously or morally valid (1998-Mar. 2005)

<http://www.refworld.org/docid/42df611e29.html>

Office of the United Nations High Commissioner for Human Rights (Undated) *Laws and procedures relating to acquisition, change and retention of nationality upon marriage between a national and non-national*

<http://www.ohchr.org/Documents/Issues/Women/WRGS/RelatedMatters/UNAgencies/UNRAW.doc>

UN Committee on the Elimination of Racial Discrimination (31 August 2015) *Consideration of reports submitted by States parties under article 9 of the Convention; Combined eighteenth to twenty-second periodic reports of States parties due in 2006; Lebanon [5 August 2015] [CERD/C/LBN/18-22]*

http://www.ecoi.net/file_upload/1930_1465471182_g1519559.pdf

UN Human Rights Council (30 November 2015) *Report of the Special Rapporteur on freedom of religion or belief on his mission to Lebanon*

<http://www.refworld.org/docid/56c2e5c34.html>

United National Statistics Division (Undated) *Lebanon - Legal framework for the civil registration system*

<http://unstats.un.org/unsd/vitalstatkb/Attachment70.aspx?AttachmentType=1>

United States Department of State (13 April 2016) *2015 Country Reports on Human Rights Practices – Lebanon*

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dlid=252935>

United States Department of State (10 August 2016) *2015 Report on International Religious Freedom – Lebanon*

<http://www.refworld.org/docid/57add85f13.html>