

Third cycle

LOVE IS LOVE

*The LGBTIQ+ community in Lebanon
by Proud Lebanon*



Proud Lebanon is a non-religious, non-political, non-partisan civil rights society that aims to promote sustainable social and economic development in Lebanon and the region and is working on achieving protection, empowerment and equality for marginalized groups through community service activities. Proud Lebanon started its activities in August 2013 and has been registered since April 2014 as a Lebanese non-profit civil society.

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Lebanon received ten suggestions on sexual orientation and gender identity during its second cycle review and 'noted' them all. "Repealing Articles 487, 488, 522, and 534 of the Penal Code," as well as "decriminalizing homosexuality and ensuring non-discrimination on the basis of sexual orientation and gender identity," are among the proposals.

Proud Lebanon is pleased to share with you the following study, which addresses difficulties faced by Lebanon's LGBTIQ+ population on a variety of fronts, including civil and political rights as well as social and economic rights.

The following report is intended for submission to Lebanon's third cycle of the Universal Periodic Review.

Law and Legal Development

Since its draft and publication, the Lebanese Penal Code has adopted a repellant view of the LGBTIQ+ individuals and their rights, as well as criminalizing some related acts and behaviors.

Article 534 of the Lebanese penal code criminalizes sexual intercourse that happens against the order of nature, for it states: "any carnal union against the order of nature shall be punished with imprisonment for up to one year."

However, this article is only targeted to criminalize gays, not recognizing same-sex sexual intercourse between women as "unnatural".

Actually, the enforcement of the articles 534 and 521 LPC related to the criminalization of same-sex and transgender behavior is rare.

The chronological showcase of rulings has shown a slow, but promising change. Multiple rulings are criticizing the interpretation of the mentioned article, denying same-sex relationships to be against the order of nature. Still, the possibility of arrest continues. The refusal to take the anal probe examination in police stations is used as a presumption against the individual.

On a more positive note, some political parties and deputies cooperated with Proud Lebanon to issue the draft of a proposal to amend article 534 of the Lebanese penal law. The law draft was not put forward since Proud Lebanon was advised by some political parties that it was not the time to submit such a law draft proposition.

- 2012: The Minister of Justice issued an order in August calling for a prohibition on anal 'examinations' for individuals suspected of same-sex sexual behavior.¹
- 2014: A judge dismissed a claim against a transgender woman suspected of having same-sex sexual intercourse with a male in March, according to reports.²
- 2017: In January, news broke that a Lebanese court had ruled that same-sex sexual behavior was not a criminal, but rather a personal right.³
- 2018: Should the right-wing Christian Democratic Kataeb party achieve a majority in the forthcoming election, they would eliminate the present legislation criminalizing same-sex conduct as a significant element of their social program⁴.

Nearly 100 political candidates campaigned for the decriminalization of homosexuality during the May elections.⁵

A Lebanon district court of appeal ruled in July that consensual intercourse between persons of the same sex is not illegal. In four consecutive verdicts between 2007 and 2017, lower courts rejected to prosecute homosexual and transgender persons for the crime of same-sex intercourse contrary to nature.⁶

¹<https://www.hrw.org/report/2013/06/26/its-part-job/ill-treatment-and-torture-vulnerable-groups-lebanese-police-stations>

² https://www.huffingtonpost.co.uk/dan-littauer/lebanon-gay-rights_b_4896786.html

³<https://www.smh.com.au/world/lebanese-court-rules-homosexuality-is-not-a-crime-but-persecution-continues-20170210-gu9src.html>

⁴ <https://www.metroweekly.com/2018/03/gay-sex-decriminalization-made-priority-for-lebanon-partys-agenda/>

⁵ <https://edition.cnn.com/2018/05/04/middleeast/lebanon-elections-lgbt-rights-intl/index.html>

⁶ <https://www.hrw.org/news/2018/07/19/lebanon-same-sex-relations-not-illegal>

Recommendations to the Lebanese Parliament:

- Pass comprehensive anti-discrimination legislation that includes effective mechanisms to identify discrimination based on gender identity and sexual orientation.
- Introduce legislations that enable for a straightforward administrative procedure based on self-declaration to alter one's name and gender marker.
- Article 534 of the Lebanese Penal Code, which makes "sexual intercourse contrary to the order of nature" illegal, should be repealed.
- Amend article 521 of the Lebanese Penal Code to include trans women in the definition of women and to ensure that they are not arrested for "masquerading as women to access women's places."
- In reference to Slovenia's, Norway's, Sweden's, Austria's, Spain's, Canada's and Czechia's recommendation during the 2nd cycle of the UPR for Lebanon, Lebanon should decriminalize sexual relations between consenting adults of the same sex with a view to bringing its legislation in compliance with the Covenant, and take all measures necessary repeal article 534 of the Lebanese Penal Code. This recommendation has been noted and not supported. In this round, We recommend that these countries would pressure on the fact that Lebanon should adopt this recommendation.
- To accentuate the application of the recommendations Lebanon has adopted on the second UPR cycle related to the training of public sector personnel in human rights and to include non discrimination and protection training as well as the ones regarding the fight against torture

Discrimination and Violence:

In recent years, there have been instances of discrimination and violence against LGBT persons.

Transgender women are particularly vulnerable to physical and verbal assault, as well as service discrimination.

- 2013: Human Rights Watch published a study in June detailing the abuse of LGBT persons in custody. Detainees, including LGBT individuals, were beaten, handcuffed in awkward positions for hours, and denied food, drink, and medication by security agents.⁷
- 2014: Local NGOs in Beirut decried the arrest of 27 individuals in August over suspicions of sexual orientation. According to reports, the raid was carried out after the guys were accused of having "sexual contacts" with other males.⁸
- 2018: In May, the police canceled events planned to honor the International Day Against Homophobia and Transphobia, and Hadi Damien, the organizer of Beirut Pride Week, was temporarily detained. He was then questioned about allegedly "encouraging immorality and violating public decency." In return for his release, the authorities wanted Damien to sign a promise canceling the remainder of the festival's festivities.⁹
- Lebanese General Security officials attempted to put an end to NEDWA, an LGBT convention, in October. The third day of the meeting was disrupted by police, who allegedly seized the names and contact

⁷ <https://www.hrw.org/report/2013/06/26/its-part-job/ill-treatment-and-torture-vulnerable-groups-lebanese-police-stations>

⁸ <https://www.naharnet.com/stories/en/143099>

⁹ <https://www.amnesty.org/en/latest/news/2018/05/lebanoncrackdown-on-beirut-pride-an-outrageous-attempt-to-deny-human-rights-of-lgbti-people/>

information of all attendees, including those from countries with restrictive laws such as Egypt and Iraq.

- 2019: In September, a report published in Lebanon chronicled the treatment of transgender women, stating that they experience systemic violence and discrimination in job, healthcare, housing, and other areas.¹⁰
- 2020: According to NGOs referenced in the US Department of State report, governmental and social prejudice against LGBT individuals continues, and LGBT refugees have experienced physical violence by local gangs. The community's reliance on centers, social networks, and non-governmental organizations (NGOs) for emotional and financial assistance was put at danger during the COVID-19 lockdown.

Street harassment and Social Stigma:

LGBTIQ+ individuals tend to practice self-censorship to protect themselves in public. Stigma, prejudice, and discrimination contribute to a hostile and stressful social environment, which can lead to mental health issues. The latter includes stress processes such as prejudice incidents, rejection expectancies, hiding and concealment, internalized homophobia, and ameliorative coping mechanisms.

In addition, The invitation of transgender people on local talk show, while also inviting religious figure or health experts only for the purpose of shaming the LGBTIQ+ individuals and enforce the normative assumptions that LGBTIQ+ individuals hold a disease that must be cured.

The Internal Security Forces has interfered with events connected to gender and sexuality on several occasions, in breach of international human rights standards, undermining the rights of human rights advocates working on gender and sexuality problems by restricting free expression and assembly in Lebanon. Many LGBTIQ+ themed movies, For instance, “Ashab wala aaz”, that mirrored real societal issues and tackled several taboo topics that

¹⁰ <https://www.hrw.org/report/2019/09/03/dont-punish-me-who-i-am/systemic-discrimination-against-transgender-women-lebanon>

the society denies its existence and hates talking about, was subject to strong criticism.¹¹

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Recommendations:

- Engage in strong advocacy in order to build support for the LGBTIQ+, influence people to support it and try to change legislations that affect it.

1- Healthcare discrimination:

Many transgender people said they were afraid of being reported to the police for their gender non-conformity because of stigma, discrimination by healthcare providers, a lack of awareness among providers about trans-specific health requirements, and the threat of being reported to the police.

¹¹ <https://www.egypttoday.com/Article/6/112123/'Ashab-Wala-A'azz'-Realistic-or-Morally-Degrading>

¹² <https://www.amnesty.org/en/latest/news/2018/05/lebanoncrackdown-on-beirut-pride-an-outrageous-attempt-to-deny-human-rights-of-lgbti-people/>

¹³ <https://www.pinknews.co.uk/2018/10/04/police-lebanon-lebt-conference-beirut/>

NGOs primarily focus on HIV treatment and sexual health care, but they seldom assess overall health needs.

- 2019: A report issued in Lebanon in September detailed the treatment of transgender women, claiming that they face systemic violence and discrimination in the workplace, healthcare, and housing, among other sectors.¹⁴

Recommendations to the ministry of Health:

- Adopt the World Health Organization's new "gender incongruence" category. Make it clear that gender incongruence is not a mental illness and should not be treated as such.
- Ensure that LGBTIQ+ people may get the medical and psychological help and support they need without facing prejudice.
- Ensure that everyone has access to the greatest possible level of gender affirming health care, based on their free, prior, and informed consent.
- Ensure that the public health system provides gender affirming health care or, if not, that the expenses are covered or reimbursable under private and public health insurance programs.
- To broaden the pool of experts, ensure that medical schools offer training in gender affirming surgery and hormone therapy.
- Ensure that health-care professionals, such as psychologists, psychiatrists, and general practitioners, as well as social workers, get training on the needs of LGBTIQ+ people in conjunction with community-based groups.
- Develop a complaints system for patients to report situations of denial of treatment, stigma, or discrimination in the health care system.
- Issue clear guidelines to all public and private hospitals and clinics stating that conversion therapy has no medical basis; closely monitor hospitals, clinics, and mental health practices to determine whether

¹⁴ <https://www.hrw.org/report/2019/09/03/dont-punish-me-who-jam/systemic-discrimination-against-transgender-women-lebanon>

conversion therapy is being practiced; and, if it is, hold errant facilities and practitioners accountable, including suspending their licenses.

2- Employment Discrimination:

LGBTIQ+ people are being turned down from jobs because of how they represent their gender identities. Hence why they are more likely to conceal their gender and sexual identity.

In the event of employment, individuals face uneven treatment in terms of working conditions or perks.

The absence of responsibility and protection from discrimination on the basis of sexual orientation and gender identity under Lebanese law inhibits LGBTIQ+ people from seeking aid and encourages employers' perception of impunity in discriminatory activities.

Trans women's economic disadvantage is exacerbated by the difficulties to altering gender markers on official papers.

Due to their inability to keep employment, "sex work" is their only alternative¹⁵.

Recommendations:

- Introduce a modified Labor bill into parliament that incorporates protections against discrimination based on gender identity and sexual orientation.
- Issue a circular advising all businesses that discrimination against LGBTIQ+ individuals in the workplace would be penalized by law once a labor legislation protecting against gender identity discrimination is passed.

¹⁵ <https://www.hrw.org/report/2019/09/03/dont-punish-me-who-i-am/systemic-discrimination-against-transgender-women-lebanon>

3- Torture in detention centers:

LGBTIQ+ people have claimed being forced to confess and detained while being refused access to a lawyer. They are denied food and drink, the chance to make a phone call, and are physically tortured in overcrowded quarters.

Trans women were detained in male-only cells.

Nine of the trans women questioned by Human Rights Watch revealed how the police forced them to confess to crimes after they were jailed.

A 27-year-old trans woman from Lebanon, told how the LSF imprisoned her without reason because of her gender presentation, then mistreated her in custody and compelled her to sign a pressured confession.¹⁶

When incarcerated, members of the LGBTIQ+ community are required to undergo HIV testing and are regularly transferred to Roumieh prison's blue block, which houses HIV-positive inmates. The blue building is known to be a mental health facility, which does not justify relocating LGBTIQ+ people there.

Some law enforcement officers bully LGBTIQ+ detainees, which often leads to bullying, rape, sexual assault, and abuse from their fellow convicts.

Recommendations to the ministry of Interior:

- Issue explicit rules on how LGBTIQ+ inmates should be treated, together with clear lines of accountability and a list of suitable penalties.
- Ensure that prisoners, including transgender people, are aware of the current complaint channels, that complaints are processed discreetly and quickly, and that detainees can file complaints without fear of retaliation.
- Ensure that all ISF and GSO personnel can be identified by their name and rank badges on their uniforms.

¹⁶ <https://2009-2017.state.gov/documents/organization/220575.pdf>

- Prohibit security personnel from questioning persons who are reporting infractions about their legal residence status, sexual orientation, or gender identity.
- Ensure that groups advocating for LGBTIQ+ rights are free from harassment and intimidation.

4- Impunity to report Abuse:

Due to threats and fear of public exposure, LGBTIQ+ people do not submit complaints against law enforcement.

They lack confidence in the criminal justice system's ability to provide justice. The lack of anti-discrimination laws fosters an environment that allows law enforcement officers to mistreat people without consequence.

According to our study, respondents claimed they would not disclose crimes against them for fear of being blamed or having their plea rejected because of their non-conformity to gender identification.

Moreover, the Police refuses to respond to trans people's complaints about access protection and other fundamental human rights.

LGBTIQ+ persons are more likely to seek justice through a credible NGO.

Recommendations to the Office of the Public Prosecutor:

- Security officers who break surveillance regulations, perform unlawful invasions of privacy and arbitrary searches , should be prosecuted.
- Ensure that all complaints of torture are heard by competent civilian courts.
- Ensure that accusations against security forces are promptly addressed, particularly in situations of torture, when the OPP is required to respond within 48 hours.
- Issue explicit policy guidelines to guarantee that reported acts of violence against transgender people are investigated and prosecuted effectively and fairly.
- Issue a direction to the Internal Security Forces (ISF) at all levels to cease from detaining trans women in female-only venues in violation of Article 521.

Recommendations to the ministry of Justice:

- Introduce thorough gender identity training for judges, including the right to legal gender recognition, transgender inmates' right to be detained according to their gender identification, and gender-based violence against trans individuals.
- Ensure that transgender people's gender identification is legally recognized in all facets of their dealings with the legal system.
- Direct the public prosecutor and investigating judges to look into any complaints of security forces torturing and mistreating LGBTIQ+ people.
- Ensure that those who discriminate against, abuse, mistreat, or inflict violence on LGBTIQ+ people are held responsible, and that the sanctions imposed are proportionate to the seriousness of the crime or harm committed.

5- Domestic violence:

LGBTIQ+ individuals report the experience of extreme violence, mostly by men, due to the expression of their gender identity. Their relatives abuse them by enforcing corrective measures to avoid ruining the family image. Also, neighbors can report LGBTIQ+ individuals to the police which could be a big threat to them.

6- LGBTIQ+ asylum seekers:

According to a survey conducted by Human Rights Watch¹⁷, trans women refugees in their home countries have experienced extreme violence such as physical abuse, arrests, torture, militia kidnapping, death threats, and more. Although Lebanon has a reputation for being more liberal than its neighbors, they indicated that their lives in Lebanon are "the Same" and occasionally worse.

Because of their lack of legal status and fear of incarceration, they are unable to report violations to security authorities.

7- Vulnerability of LGBTIQ+ individuals that do not have class privilege:

LGBTIQ+ people can utilize power based on socioeconomic status and personal/familial ties to protect themselves against arbitrary imprisonment, harassment, and violence.

For instance, a 42-year-old Lebanese trans woman who is also a performer, told Human Rights Watch how an IF officer harassed and assaulted her at a checkpoint until he realized who she was.

LGBTIQ+ people who lack social ties are more vulnerable to abuse.

8- The effect of Covid-19:

LGBTIQ+ persons are particularly affected by the COVID-19 problem. LGBTIQ+ persons require secure and dignified health care, as well as protection from safety and security hazards posed by mobility limitations and aid in regaining lost wages. The difficulties encountered by LGBTIQ+ persons during the COVID-19 crisis are sometimes exacerbated by ingrained legal, social, and economic disparities.

Discrimination experienced by LGBTIQ+ people in families, communities, workplaces, and other contexts, in addition to needs in the relief phase, will present additional challenges for re-establishing livelihoods and managing stress during recovery phases, particularly after the Beirut port explosion.