



### 1. Is it illegal in Lebanon to engage in bisexual/homosexual relationships?

#### Criminal Law

Although the Lebanese *Penal Code* does not directly refer to homosexuality, sexual acts between men or between women are criminalised in practice, under Article 534 which prohibits “carnal relationships against nature.”<sup>1</sup> Articles 518 – 522 of the *Penal Code* also criminalise “shameless acts”, or “indecent acts” which carry penalties of up to six months.<sup>2</sup> These provisions are used to target sexual activity which is deemed socially unacceptable, particularly homosexual relationships and women who have sexual relationships outside marriage.

Lebanon’s system of criminal justice operates under a civil law structure, which means that precedents from higher courts are not formally binding as those in common law jurisdictions. The combination of this definitional lacuna, and Lebanon’s civil law structure has made it possible for a Lebanese district court in Batroun in December 2009 to reject the prevailing interpretation of Article 534, and find that homosexual acts were not defined ‘against nature’, and therefore were not criminalised under the Article.<sup>3</sup> An English translation of the decision provided by the Lebanese Lesbian, Gay, Bisexual and Transgender (LGBT) advocacy NGO Helem<sup>4</sup>, can be found on their website [www.helem.net](http://www.helem.net).

In his decision, Suliman J argues:

Given that the human being is a part of nature, one of its elements and a cell in its cells, one can not say that any human act or behaviour is against nature... [T]he concept of the ‘unnatural’ is related to society’s mindset and its acceptability of new natural patterns which he’s not familiar with or that are not acceptable yet; whereas man is part of nature and one of its elements... If it rained in summer, if a

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<sup>1</sup> Safra Project 2004, ‘Country Information Report: Lebanon’, *Resource Project for LBTQ Muslim women*, [http://www.safraproject.org/Reports/SP\\_Country\\_Information\\_Report\\_Lebanon.pdf](http://www.safraproject.org/Reports/SP_Country_Information_Report_Lebanon.pdf) – Accessed 28 June 2010, Attachment 1

<sup>2</sup> ‘The Status of Women with Alternative Sexualities in Lebanon: Report for the 33<sup>rd</sup> CEDAW Convention 2005’, Helem 2005, <http://www.iwraw-ap.org/resources/pdf/Lebanon%5B2%5D.pdf> – Accessed 29 June 2010, Attachment 2

<sup>3</sup> ‘Lebanese Judge Rules Against the Use of Article 534 To Prosecute Homosexuals’ 2009, *Bekhsos.com* <http://www.bekhsos.com/web/2009/12/lebanese-judge-rules-against-the-use-of-article-534-to-prosecute-on-grounds-of-homosexuality/> – Accessed 24 June 2010, Attachment 3

<sup>4</sup> Helem (the Arabic acronym of “Lebanese Protection for Lesbians, Gays, Bisexuals and Transgenders”), leads a peaceful struggle for the liberation of the Lesbian, Gay, Bisexual and Transgender (LGBT) community in Lebanon from all sorts of legal, social and cultural discrimination. Helem is a non-governmental non-profit organization. It presented its notification of association to the Lebanese Ministry of Interior on 4 September 2004. Although it focuses on gay and lesbian issues, Helem membership is open to any person who shares their values based on the Universal Declaration of Human Rights. Helem is also strongly opposed to any kind of segregation, both in the services it offers or in the struggle it leads. [www.helem.net](http://www.helem.net) - Accessed 1 July 2010.

heat wave struck in winter, or if a tree bore fruit after its usual time, it is all in accordance with the system and laws of nature for it is nature itself.<sup>5</sup>

The wider implications of this judgement for the interpretation of Article 534 and other discriminatory articles of the *Penal Code* are difficult to determine due to the lack of detailed English source material.<sup>6</sup>

### **Islam, the Shari'ah and homosexuality**

Lebanon is a parliamentary democracy and utilises a secular judicial system based on the French Civil Code in all Constitutional, Civil, Commercial and Criminal jurisdictions. In order to preserve a delicate peace, Lebanon ensures political representation of its three main religious communities through a customary rule providing that the three key positions in the State are each held by a representative of the Christian Maronite (President), Sunni Muslim (Prime Minister) and "Chia'a Muslim" (Speaker of the House) communities.<sup>7</sup>

Reflecting the demographic needs of the Lebanese population, first instance Personal Status Courts were also established to deal with family and personal law matters, including marriage, inheritance and other related matters, and administered exclusively by clergy. These Courts are subject to the review of the higher Civil Courts.

Although the secular *Penal Code* provides for the arrest and prosecution of homosexual activity, it is important to note that:

Even if there are no official *shari'ah* laws in a country with a Muslim majority, *shari'ah*'s position [on] homosexuality and gender diversity is still relevant as many Muslims believe that they should live their live[s] in accordance with *shari'ah*, whether it is imposed by the government or not.<sup>8</sup>

The *Safra Project Country Information Report* on Lebanon further notes that:

Generally it can be said that according to the *shari'ah* sexual relations are only allowed within a (heterosexual) marriage. Therefore, most sexual relations outside marriage qualify as adultery or fornication, both of which are sinful and punishable by flogging for unmarried men and women, or death for married men and women. Some traditional Muslim scholars have argued that lesbian or gay sexual relations would always take place outside of a marriage (as recognised by

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<sup>5</sup> 'Lebanese Judge Rules Against the Use of Article 534 To Prosecute Homosexuals' 2009, *Bekhsos.com* <http://www.bekhsos.com/web/2009/12/lebanese-judge-rules-against-the-use-of-article-534-to-prosecute-on-grounds-of-homosexuality/> – Accessed 24 June 2010, Attachment 3

<sup>6</sup> The US Department of State relied on reporting from the Lebanese queer rights NGO, Helem for information on this decision. US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – Lebanon*, March, Section 6 <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136073.htm> – Accessed 16 March 2010 – Attachment 4. For an overview of the judicial system in Lebanon see:

Samad, F. 2008, 'The Lebanese Legal System and Research', *GlobaLex New York University Law*, <http://www.nyulawglobal.org/Globalex/Lebanon.htm#> – Accessed 30 June 2010, Attachment 11. Discussion points on the ramifications of Article 534 and its possible annulment are here: 'Notes on Article 534' 2009, *Gay-Straight Alliance in Lebanon* <http://www.g-sail.org/drupal/?q=node/9> – Accessed 24 June 2010, Attachment 12

<sup>7</sup> Samad, F. 2008, 'The Lebanese Legal System and Research', *GlobaLex New York University Law*, <http://www.nyulawglobal.org/Globalex/Lebanon.htm#> – Accessed 30 June 2010, Attachment 11. There have been recent agitations for civil law system to extend to personal law matters, for a discussion see Antelava, N. 2010, 'Young Lebanese demonstrate for secularism in Beirut', *BBC News*, 25 April [http://news.bbc.co.uk/2/hi/middle\\_east/8642911.stm#](http://news.bbc.co.uk/2/hi/middle_east/8642911.stm#) – Accessed 1 July 2010, Attachment 13

<sup>8</sup> Safra Project, 'Muslim Moral Instruction on Homosexuality', [http://www.safraproject.org/Reports/Muslim\\_Moral\\_Instruction\\_on\\_Homosexuality.pdf](http://www.safraproject.org/Reports/Muslim_Moral_Instruction_on_Homosexuality.pdf) – Accessed 1 July 2010, Attachment 10

*shari'ah*) and that therefore the *shari'ah* position [on] (heterosexual) adultery and fornication also applies to all same-sex sexual relations.<sup>9</sup>

For example, Helem notes the testimony of a young gay Lebanese man who was insulted and repeatedly beaten by his family and, “threatened to be killed by his brothers and his father for ‘tarnishing the family’s honor.’”<sup>10</sup>

As the Canadian Immigration Review Board notes, the term for ‘homosexual’ in Lebanon is frequently translated as ‘deviant’ or ‘pervert’<sup>11</sup>, reflecting social and religious attitudes to the LGBT community; and mirroring the inclusion of homosexual acts within the ‘unnatural’ or ‘shameless’ sexual activity prohibited by the *Penal Code*.<sup>12</sup> Further discussion of the influence of Islam and community attitudes on the lived experience of queer Lebanese in Lebanon see *Interpretation of Homosexuality in Lebanese Society* published by Helem.<sup>13</sup>

## 2. Are such relationships punishable by up to one year in gaol?

Yes, the punishment for conducting a ‘carnal relationship against nature’ (Article 534) is up to one year in prison under Article 538 of the *Penal Code* 1943.<sup>14</sup> Lebanese police use the combination of Article 534 and complimentary Articles of the *Penal Code* (particularly Articles 518 – 522), as an excuse to arrest, detain and intrusively physically examine<sup>15</sup> perceived members of the LGBT population.

As Helem’s 2005 *Report to the 33<sup>rd</sup> CEDAW Convention* notes in relation to women:

[A]rticles 518 - 522 of the Penal Code refer to ‘shameless acts’ or ‘indecent acts’ which carry a penalty of up to six months imprisonment. Combined, these laws allow for the persecution and harassment of lesbians as well as heterosexual women who are sexually active outside of marriage. There have been numerous cases where such heterosexual women as well as lesbians were subject to harassment, intimidation, and blackmail by the Lebanese authorities who are not held accountable for their actions.<sup>16</sup>

### Application of Article 534

Over the last five years, a cautious campaign for protection of the human rights of the LGBT community in Lebanon has been gaining momentum. *Helem* is currently talking with legal experts on how to approach lawmakers and lobby to have Article 534 abolished, and have recently published a report, *Homosexual Relations in Penal Codes: General Study on Laws in*

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<sup>9</sup> Safra Project, ‘Muslim Moral Instruction on Homosexuality’, [http://www.safraproject.org/Reports/Muslim\\_Moral\\_Instruction\\_on\\_Homosexuality.pdf](http://www.safraproject.org/Reports/Muslim_Moral_Instruction_on_Homosexuality.pdf) – Accessed 1 July 2010, Attachment 10

<sup>10</sup> Editor 2005, ‘Interpretation of Homosexuality in the Lebanese Society’, 1 January, <http://www.helem.net/node/17> – Accessed 28 June 2010, Attachment 14

<sup>11</sup> [http://www.irb-cisr.gc.ca:8080/RIR\\_RDI/RIR\\_RDI.aspx?id=451593&l=e](http://www.irb-cisr.gc.ca:8080/RIR_RDI/RIR_RDI.aspx?id=451593&l=e) – Accessed 1 July 2010.

<sup>12</sup> For instance in 2009, *Gay travels through the Muslim World*, the first gay travel guide translated into Arabic, was translated as *Pervert travels through the Muslim World*, Sandels, A. 2009, “‘Pervert travels in the Muslim world’ – does ‘gay’ equal ‘shazz’?”, *Menassat*, 9 July, <http://www.menassat.com/?q=en/news-articles/6942-pervert-travels-muslim-world-does-gay-equal-shazz#> – Accessed 1 July 2010, Attachment 15

<sup>13</sup> Editor 2005, ‘Interpretation of Homosexuality in the Lebanese Society’, 1 January, <http://www.helem.net/node/17> – Accessed 28 June 2010, Attachment 14

<sup>14</sup> UK Home Office, CIPU report 2002, *Country Assessment: Lebanon* April (no longer available online), as reprinted in Safra Project 2004, Resource Project for LBTQ Muslim women, *Country Information Report: Lebanon*, [http://www.safraproject.org/Reports/SP\\_Country\\_Information\\_Report\\_Lebanon.pdf](http://www.safraproject.org/Reports/SP_Country_Information_Report_Lebanon.pdf) – Accessed 28 June 2010, Attachment 1

<sup>15</sup> See for instance, Mroue, B. 2009, ‘Lebanese gays make rare public move in Arab world to annul a law that imprisons them’, *Associated Press Newswires*, 10 May – Attachment 5.

<sup>16</sup> ‘The Status of Women with Alternative Sexualities in Lebanon: Report for the 33<sup>rd</sup> CEDAW Convention 2005’, Helem 2005, <http://www.iwraw-ap.org/resources/pdf/Lebanon%5B2%5D.pdf> – Accessed 29 June 2010, Attachment 2

*Arab Countries with Reports on Lebanon and Tunisia* dealing with the “effect of Article 534 on the political, civil, economical, social and cultural rights of gays and lesbians and other individuals who wish to express their sexual orientation and needs.”<sup>17</sup> The decision in the Batroun district court in December 2009 is evidence that small but significant institutional shifts are now possible.

However, Lebanese lawmaker and human rights activist Ghassan Mokheiber, has observed that, “it could take years to annul Article 534” and that there were “traditions [in Lebanon] that we have not been able to get beyond.”<sup>18</sup> As Juliane von Mittelstaedt and Daniel Steinvoth, comment in their 2009 article, ‘The Gay Sons of Allah - Wave of Homophobia Sweeps the Muslim World, “[e]ven in liberal Lebanon homosexuals run the risk of being sentenced to a year in prison.”<sup>19</sup> The most recent US Department of State’s 2009 *Report on Human Rights Practices in Lebanon* also indicates that, “[d]iscrimination against homosexual activity persist[s]”.<sup>20</sup>

While prosecution of defendants charged with offences under Article 534 is rare, Nizar Saghieh, a lawyer from the Lebanese Human Rights organisation *Hurriyyat Khassa* (Private Liberties), highlighted the fact that although few have been brought to trial, “many young men” were charged under the Penal Code:

Of course, our lawyers do not hesitate to defend people for practicing homosexuality without covering it up under another issue. However, it is rare that we are solicited for such cases, as homosexual practices are rarely prosecuted by themselves. They are generally prosecuted when there is some other crime, or the homosexual act involves a minor, or there are some other special circumstances. One of the cases we have addressed involved Hizballah, whose security forces arrested many young men for same-sex sexual acts in 2003 and delivered them to the Lebanese police. **The men were charged under the current penal code, which penalizes “unnatural” copulation with up to one year of imprisonment. They were released shortly afterward and, as yet, no hearing date has been set.**<sup>21</sup>

Various sources also point to the secondary and perhaps main effect of the Article - that it makes homosexuals hesitant to seek recourse to, or protection from, the police for things like theft or harassment due to the fear that they will themselves be arrested.

Charbel Maydaa, an activist working with Helem, has recently observed this phenomena, commenting that it has, “been several years since a man was thrown in prison for being gay... [he asserts that Article 534] remains a threat”.<sup>22</sup> In fact, Lebanese attorney and legal researcher Nizar Saghieh has observed that he,

thought Article 524 wasn’t implemented... but it is with both men and women. And... was surprised to find a number of prosecutions on the basis of 534... [Mr Saghieh observed] a kind of social schism between the general discourse on gay

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<sup>17</sup> ‘Lebanese Judge Rules Against the Use of Article 534 To Prosecute Homosexuals’ 2009, *Bekhsos.com* <http://www.bekhsos.com/web/2009/12/lebanese-judge-rules-against-the-use-of-article-534-to-prosecute-on-grounds-of-homosexuality/> – Accessed 24 June 2010, Attachment 3.

Note: at the time of writing, Helem were in the process of raising funds to have the report translated into English (email correspondence between Researcher and Ghassan Makarem 30 June 2010).

<sup>18</sup> Mroue, B. 2009, ‘Lebanese gays make rare public move in Arab world to annul a law that imprisons them’, *Associated Press Newswires*, 10 May – Attachment 5.

<sup>19</sup> von Mittelstaedt, J. & Steinvoth, D. 2009, ‘The Gay Sons of Allah – Wave of Homophobia Sweeps the Muslim World’, *Spiegel Online International*, 17 September – Attachment 6

<sup>20</sup> US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – Lebanon*, March, Section 6 <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136073.htm> – Accessed 16 March 2010 – Attachment 4

<sup>21</sup> Saghieh, N. & Scalenghe, S. 2004, ‘We Invite People to Think the Unthinkable – An Interview with Nizar Saghieh about gay/human rights in Lebanon’, 2004, *Middle East Report*, No. 230 Spring, Middle East Research and Information Project, Attachment 9

<sup>22</sup> Mroue, B. 2009, ‘Lebanese gays make rare public move in Arab world to annul a law that imprisons them’, *Associated Press Newswires*, 10 May – Attachment 5

rights found in Beirut, for example, and the court, where people are being arrested and prosecuted.<sup>23</sup>

Article 534 is also used within families to control the behaviour of family members, particularly children who are thought to be homosexual.<sup>24</sup> As the Lebanese Equality for Gay and Lesbians (LEGAL) 2001 Report noted that these laws are also enforceable where the sexual activity takes place in private homes, and between consenting adults.<sup>25</sup>

### **3. Are the authorities against homosexuals, bisexuals and lesbians, or will they protect them?**

Like Lebanese society more broadly, the attitude of police and service providers to the LGBT community in Lebanon is experiencing an incremental shift toward tolerance. However, this progress is slow and is hampered by what Bassan Mroue describes as a, “deep-seated taboo in Arab countries against even discussing homosexuality. Everyone from religious leaders to family members condemn homosexuality.”<sup>26</sup> While certain areas of Beirut are considered to be popular with the queer community, these areas are periodically targeted by businesses and police.<sup>27</sup>

Indeed, in comparison with other Arab countries, Georges Azzi, Helem co-founder, commented to the newspaper *Now Lebanon* that, “homosexuals tend to be more accepted in Lebanon even though homosexual conduct is technically illegal”.<sup>28</sup> But Azzi’s optimism is significantly qualified, observing in an interview with *Deutsche Presse Agentur* article in July 2008 that this comparatively liberal attitude towards homosexuality,

is mainly true for the capital Beirut and not the country’s rural areas. The hardships of being homosexual in rural Lebanon still [include] threats of expulsion from the family home or death.<sup>29</sup>

The article in *Now Lebanon* dated 23 February 2009 indicates that Helem’s Georges Azzi had said “that while there is a ‘bit of freedom’ for homosexuals in Lebanon, he emphasized that it remains ‘fragile.’”<sup>30</sup> Beirut has the only gay and lesbian organization in the Arab world (Helem, which means ‘dream’ in Arabic), but notes elsewhere that “[t]he existence of Helem is being tolerated for the time being but the Interior Ministry has yet to grant it an official permit. ‘And it’s hard to imagine that we ever will be given one’.”<sup>31</sup>

### **Treatment of the LGBT community by police**

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<sup>23</sup> ‘Lebanese Judge Rules Against the Use of Article 534 To Prosecute Homosexuals’ 2009, *Bekhsoos.com* <http://www.bekhsoos.com/web/2009/12/lebanese-judge-rules-against-the-use-of-article-534-to-prosecute-on-grounds-of-homosexuality/> – Accessed 24 June 2010, Attachment 3

<sup>24</sup> Mroue, B. 2009, ‘Lebanese gays make rare public move in Arab world to annul a law that imprisons them’, *Associated Press Newswires*, 10 May – Attachment 5

<sup>25</sup> Lebanese Equality for Gay and Lesbians (LEGAL) (no longer available online), *Guide & Legal Institute Yearly Report 2001*, as reprinted in Safra Project 2004, Resource Project for LBTQ Muslim women, *Country Information Report: Lebanon*, [http://www.safraproject.org/Reports/SP\\_Country\\_Information\\_Report\\_Lebanon.pdf](http://www.safraproject.org/Reports/SP_Country_Information_Report_Lebanon.pdf) – Accessed 28 June 2010, Attachment 1

<sup>26</sup> Mroue, B. 2009, ‘Lebanese gays make rare public move in Arab world to annul a law that imprisons them’, *Associated Press Newswires*, 10 May – Attachment 4.

<sup>27</sup> For example, Marabet, S. 2004, ‘Disavowed Homosexualities in Beirut’, *Middle East Report*, No. 230 (Spring), pp 30- 33, Attachment 16

<sup>28</sup> Sandels, A. 2009, ‘Talking to: Helem coordinator Georges Azzi’, *Now Lebanon*, 17 May – Attachment 20.

<sup>29</sup> ‘Homosexuality is becoming less of a taboo in Lebanon’ 2008, *Deutsche Presse Agentur*, 8 July – Attachment 14.

<sup>30</sup> Sandels, A. 2009, ‘Out in force’, *Now Lebanon*, 23 February <http://www.nowlebanon.com/NewsArchiveDetails.aspx?ID=81261> – Accessed 25 November 2009, Attachment 5.

<sup>31</sup> von Mittelstaedt, J. & Steinvorth, D. 2009, ‘The Gay Sons of Allah – Wave of Homophobia Sweeps the Muslim World’, *Spiegel Online International*, 17 September – Attachment 7.

In June 2008, *Bekhsoos* magazine discussed the recent history of police treatment of the LGBT community in Lebanon:

The police have made vast improvements in terms of dealing with cases of homosexuality. In the near past, it was very common for policemen to... abuse or blackmail gay men who report cases of robbery or abuse and dismiss them as perversions. In recent years... the morality police department, known as Hobeich Police Station, has become more aware of violence facing gay men, although much of the malpractice still happens today.”<sup>32</sup>

*Bekhsoos* has also recently observed:

[i]n popular gay cruising locations such as Ramlet El Bayda, a stretch of beach in Beirut, gay men are more often than not picked up by other men who then steal their money by threatening (with or without weapons) to report them to the police.<sup>33</sup>

The Safra Project quotes the Canadian Immigration Review Board (IRB), stating that in reaction to the increased visibility of ‘homosexuals’, “the number of sentences and convictions have increased in proportion”<sup>34</sup> although no supporting statistics were provided.

Although an *Associated Press Newswires* article in May 2009 refers to Georges Azzi saying that “treatment by police has improved in recent years”, he also refers to a 2008 incident where:

A murdered man was discovered to have been gay, and police rounded up several of his friends for questioning, Azzi said. The men were forced to undergo rectal exams meant to determine if they were gay, then were “verbally and physically abused,” he said. “It is a very humiliating test,” Azzi said. “We intervened and got them out, but they were traumatized.”<sup>35</sup>

A 2009 article on the Helem website emphasises, “[s]tate agents’ behavior with LGBT individuals in Lebanon [is] marred by a string of human rights violations as well as by frequent violations of Lebanese law.” According to the article, the vice squad headquarters commander in Hobeich kept records of LGBT persons and put them under surveillance. The “authorities frequently interfered with the privacy of suspected LGBT persons”, and there had been reports of private homes “reportedly raided upon tips coming from disapproving neighbors or vindictive acquaintances.” The article indicates that:

[e]ven LGBT individuals who have sought police protection after having been abused by third parties have been reportedly subjected to the same kind of treatment by the police or the military police... [and as] a result of this lack of protection, LGBT individuals are more prone to be targeted by criminals who know that these vulnerable victims won’t venture to the police and report a robbery without forced entry, or a mugging in a renowned gay cruising area, or rape during a date that turned ugly. If these LGBT victims do report what happened to them, they would end up being themselves prosecuted.<sup>36</sup>

### **The Sassine Square Incident**

In January 2009, two men were allegedly engaging in homosexual activity in Achrafieh were dragged into nearby Sassine Square and severely beaten. The incident has been the subject of

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<sup>32</sup> Nadz 2008, ‘LGBTQ-phobia in Lebanon’, *Bekhsoos*, June – Attachment 17.

<sup>33</sup> Nadz 2008, ‘LGBTQ-phobia in Lebanon’, *Bekhsoos*, June – Attachment 17.

<sup>34</sup> Canada IRB as quoted in Safra Project 2004, Resource Project for LBTQ Muslim women, *Country Information Report: Lebanon*,

[http://www.safraproject.org/Reports/SP\\_Country\\_Information\\_Report\\_Lebanon.pdf](http://www.safraproject.org/Reports/SP_Country_Information_Report_Lebanon.pdf) – Accessed 28 June 2010, Attachment 1

<sup>35</sup> Mroue, B. 2009, ‘Lebanese gays make rare public move in Arab world to annul a law that imprisons them’, *Associated Press Newswires*, 10 May – Attachment 4.

<sup>36</sup> ‘Human Rights in Lebanon’ 2009, Helem website, 16 January <http://helem.net/node/126> – Accessed 24 November 2009 – Attachment 10.

conflicting reports. The US Department of State's 2009 report on human rights practices in Lebanon indicates that "LAF [Lebanese Armed Forces] soldiers allegedly discovered two men engaged in homosexual activity" in Beirut in January 2009, beat and then "detained the men at police barracks on the attorney general's order until their release a few days later."<sup>37</sup>

In February 2009, Helem organised what:

may have been the only gay rights protest in the Arab world... nearly two dozen gays and lesbians waved rainbow flags in a downtown Beirut square, carrying banners demanding homosexual rights. They protested what they said was the beating of two gay men by police.<sup>38</sup>

Alexandra Sandels in her *Now Lebanon* article, 'Out in force', in February 2009, stated

[t]he demonstration was a direct response to a recent incident of anti-gay violence in Achrafieh, in which two men allegedly engaging in sexual conduct in the entrance of a building were dragged out onto nearby Sassine Square and severely beaten.<sup>39</sup>

Another article in *The Daily Star* dated 30 March 2009 refers to Helem criticising "the violent assault of two gay men by members of the Lebanese Armed Forces in Beirut's Sassine Square area" in January 2009. "According to the group, the men were detained at a military barracks and were handed over to the civil authorities, who continue to detain them."<sup>40</sup>

This research has been unable to definitively determine the perpetrator group.

The report also indicates that the government permitted the demonstration organised by Helem and held in Beirut on 25 February 2009 to protest the "attack by security forces against two gay men... and against the homophobic provisions of the law... and there was no violence from any source reported against the demonstrators."<sup>41</sup>

Other recent reports include:

- A September 2009 article which indicates that the Lebanese authorities in Beirut "had arrested the owners of several movie theaters... for screening pornography, in addition to 'facilitating homosexual encounters' inside those theaters, a statement said"<sup>42</sup>;
- An article in *The Daily Star* in August 2009 refers to the effects of Article 534 of the Lebanese penal code and indicates that homosexuals "in 'gay' cruising areas are often afraid to carry condoms with them because, if caught, police can use this as evidence of their sexual behaviour." Helem "has also found it difficult to even pass out condoms in gay clubs, as many establishments don't want to attract the attention of the police."<sup>43</sup>
- The *Associated Press Newswires* article dated 10 May 2009 indicates that:

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<sup>37</sup> US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – Lebanon*, March, Sections 1(c) & 6 <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136073.htm> – Accessed 16 March 2010 – Attachment 4.

<sup>38</sup> Mroue, B. 2009, 'Lebanese gays make rare public move in Arab world to annul a law that imprisons them', *Associated Press Newswires*, 10 May – Attachment 5

<sup>39</sup> Sandel, A. 2009, 'Talking to: Helem Coordinator Georges Azzi', *NOW Lebanon*, 17 May, <http://www.nowlebanon.com/NewsArchiveDetails.aspx?ID=93725#> – Accessed 1 July 2010 – Attachment 20

<sup>40</sup> Mahdawi, D. 2009, 'Local gay rights organization to receive award in US', *The Daily Star*, 30 March – Attachment 8.

<sup>41</sup> US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – Lebanon*, March, Sections 1(c) & 6 <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136073.htm> – Accessed 16 March 2010 – Attachment 4.

<sup>42</sup> 'Authorities arrest adult-movie-theater owners' 2009, *The Star*, 17 September – Attachment 21.

<sup>43</sup> Beydoun, A. 2009, 'Lebanese rights group fighting gay stigma surrounding AIDS', *The Daily Star*, 10 August – Attachment 22.

Still, harassment occurs. Alexander, a gay man at the February protest, said he was recently beaten up by two men on a motorcycle as he walked in a Beirut suburb. The two attacked the 27-year-old after he ignored them. “They broke my glasses, bruised my face and caused several injuries in my body,” said Alexander, who spoke on condition he be identified by his first name only for fear of further harassment. “People in the street watched without coming to defend me.”<sup>44</sup>

- An article in *Now Lebanon* dated 17 May 2009 quoted Helem’s Georges Azzi who described the “different types of harassment” Lebanese homosexuals face, including harassment from the Government:

In terms of the government, it’s the same for everyone in the LGBTI community. As long as the law [534] exists, there will be no protection for them. Incidents like the one in Sassine are a result of 534. The assailants have still not been punished. They think it’s ok to beat up gay men,” he said.<sup>45</sup>

- An article in *Bekhsoos* magazine dated June 2008 indicates that homosexuals continue to be the victims of serious violence and harassment in a variety of public, private, education and vocational settings. The community is subjected to a variety attacks including physical and verbal abuse, rape, job loss and eviction. *Bekhsoos* continues,

lesbians commonly face verbal abuse and sexual harassment on the street based on their attire, mannerisms, and in case of any minimal public display of affection... Men, however, especially effeminate men and trans women, face much harsher abuse. On the street, they will very probably have “louti” or “foufou” (tr. faggot) yelled at them. Or they will be profanely propositioned for sexual acts. In a few incidents, effeminate men have been beaten up or slapped on the street. They also get fired from their jobs or not hired at all. In schools and colleges, they face strong bullying from others. Such forms of violence are considered macho behavior by Arab men.<sup>46</sup>

- In 2003, the Government and media claimed the existence of a ‘devil worshipping cult in Lebanon. In March 2003, police raided Acid nightclub (a popular gay friendly environment) and arbitrarily arrested 10 people “on devil worshipping allegations. They confiscated identification cards from almost 50 people and many individuals reported physical violence when simply asking about what was happening.”<sup>47</sup>

### International reporting

Some reporting has been more enthusiastic about the level of freedom the LGBT community experience in Lebanon, including the US Department of State’s 2009 report on human rights practices in Lebanon which reported that the Lebanese government had permitted a public demonstration organised by Helem and held in Beirut in February 2009 “to protest an attack by security forces against two gay men... and against the homophobic provisions of the law”; and also that gay rights demonstrations held in May 2009 for the International Day Against Homophobia, were held without violence.<sup>48</sup>

Similarly, an article in *The New York Times* dated 2 August 2009 interviewed Raed, a young gay man working in Beirut:

[who] pointed out that a police booth is located close to Bardo, one of the most popular gay gathering spots on most nights of the week... [The police] ‘know that

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<sup>44</sup> Mroue, B. 2009, ‘Lebanese gays make rare public move in Arab world to annul a law that imprisons them’, *Associated Press Newswires*, 10 May – Attachment 5.

<sup>45</sup> Sandels, A. 2009, ‘Talking to: Helem coordinator Georges Azzi’, *Now Lebanon*, 17 May – Attachment .

<sup>46</sup> Nadz 2008, ‘LGBTQ-phobia in Lebanon’, *Bekhsoos*, June – Attachment 9.

<sup>47</sup> Helem 2009, ‘Human rights in Lebanon’, 16 January, <http://www.helem.net/node/126> – Accessed 24 June 2010, Attachment 18

<sup>48</sup> US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – Lebanon*, March, Section 6 <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136073.htm> – Accessed 16 March 2010 – Attachment 4.



Bardo is a gay place, but they have never really blinked an eye about that,' Raed said. 'When I go out from Bardo I always feel at ease hugging my friends - of course in a decent way - in front of the police. This is the kind of change I am talking about. Although the laws still incriminate homosexual acts, we as gays here don't feel that much threatened by it anymore.'<sup>49</sup>

This positive reporting has attracted criticism from NGOs working in the area for greatly exaggerating the levels of freedom experienced by the queer community (particularly in comparison with the gay tourism industry), and for extending by analogy, the liberal attitude of Beirut to the rest of Lebanon.

In August 2009, *The New York Times* referred to Beirut as representing "a different Middle East for some gay and lesbian Arabs: the only place in the region where they can openly enjoy a social life denied them at home." The article indicates that "[g]ay life in this city is still inching out of the shadows, to be sure, but it seems to have developed a steady forward momentum since the end of Lebanon's 15-year civil war in 1990 - and especially in the calm that has followed the brief 2006 war between Hezbollah forces and Israel." The article also refers to the rally held by Helem in February 2009 following "a widely publicised beating of two gay men by police officers" in Beirut and indicates that the "rally - as well as Lebanon's elections in June, won by moderate political parties - has buoyed the spirits of gay men and lesbians in Beirut, yet still they have hardly turned cavalier about their public behavior."<sup>50</sup>

This article was criticised in Arab news service *Menassat* later in August, which argued that

the [*New York Times*] article is the story of one person's night-out on the town. Patrick [Healy] hung out with some, as his writing betrays, seriously well-off, upper-middle class Lebanese and foreign gay men partying in Beirut, on the occasion of a fun event held at a seriously expensive beach resort to which most gay people I know could never afford the entrance fee... Reacting to Healy's *New York Times* piece... with an excellent critique published on *Globalgayz*, Richard Ammon writes, "'Inching out'" is far more an apt description for Beirut than 'Provincetown.' The majority of gays here only show themselves at night and are not out to their families. There certainly is nothing that resembles a 'gay neighborhood.'<sup>51</sup>

The article in *Bekhsoos* magazine dated June 2008 indicates that "[f]amily pressure and threat of being ostracized remains the single biggest fear facing the LGBT community in Lebanon." The article continues:

Hundreds of cases of LGBT being ostracized from their families have been reported in the last 10 years. This form of homophobia is manifested in different ways: gay men commonly get kicked out of their homes, denied inheritance, or in rarer cases sent out of the country by their parents. Lesbians face different problems with their family and are more likely to get put under house arrest, forced into a marriage with a man, but in rarer cases do get kicked out of their homes as well.

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<sup>49</sup> Healy, P. 2009, 'Beirut, the Provincetown of the Middle East', *The New York Times*, 2 August – Attachment 13. See also Luongo M. T. 2010, *A Lebanon write-up*, February, <http://www.beirut2010.com/MichaelLuongo's%20Review.pdf> – Accessed 25 June 2010, Attachment 19, "it is technically illegal to be gay in Lebanon, but the country suffers cognitive dissonance on this issue. HELEM the main gay rights group in Lebanon, is working on this issue. In short, I loved Lebanon and never want to leave. The locals made sure I had a good time and I hope to return as often as possible."

<sup>50</sup> Healy, P. 2009, 'Beirut, the Provincetown of the Middle East', *The New York Times*, 2 August, <http://travel.nytimes.com/2009/08/02/travel/02gaybeirut.html> – Accessed 1 July 2010 – Attachment 13.

<sup>51</sup> Kawzally, S. 2009, 'Oh, the fun we'll have! Selling (out) gay Beirut', *Menassat*, 19 August – Attachment 15.

...Families who learn about their children's homosexuality also prefer to hide the shame of this news in their communities and villages, so in many cases they refrain from actively expelling their children, and tighten their restrictions on them instead.<sup>52</sup>

An earlier *Agence France-Presse* article dated 5 November 2007 refers to the comments of Linda Shartouni Zahm, a researcher in social psychology at the Lebanese University, who said that although “[s]een from the outside, Lebanon is a liberal country which respects personal freedoms”, there were “homosexuals who receive death threats from members of their own families, others who are expelled from school or some who have to leave Lebanon”. The article also refers to some homosexuals in Lebanon leading double lives, including a man who, when he told his father he was homosexual, was told to “get married, have children and live your sexual life in parallel – discreetly”.<sup>53</sup>

### **Non – government service providers**

According to a survey of over 70 Lebanese physicians conducted in 2009 by Helem, ‘Homophobia in Clinical Services In Lebanon: A Physician Survey’, more than 80 per cent of physicians practicing in semi urban and rural areas perceived homosexuality as a disease that needs medical assistance, over 75 per cent thought it was a disease that required medical assistance. Less than 7 percent (6.9 percent) of semiurban doctors surveyed thought homosexuality was ‘an acceptable behaviour’. Only 34 percent of physicians surveyed were willing to attend to homosexuals, compared with 60 percent of urban physicians.<sup>54</sup>

In urban areas, almost 66 per cent of physicians thought homosexuality was disease that required psychological counselling, and almost half thought homosexuals required medical intervention. Seventeen percent of urban doctors thought homosexuality was an acceptable behaviour.<sup>55</sup>

For information on:

- societal and family attitudes toward LGBT people;
- violence perpetrated by non-state actors; and
- further information on treatment of the LGBT community by authorities, see *Research Response LBN36239* 16 March 2010.<sup>56</sup>

An Immigration and Refugee Board of Canada response to information request dated 9 November 2007 includes information on the legal status of homosexuals in Lebanon and their treatment by the authorities and society in general.<sup>57</sup>

### **Attachments**

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<sup>52</sup> Nadz 2008, ‘LGBTQ-phobia in Lebanon’, *Bekhsoos*, June – Attachment 9.

<sup>53</sup> ‘Lebanese gays come out of closet, but quietly’ 2007, *Agence France-Presse*, 5 November – Attachment 17.

<sup>54</sup> Survey, 2009, og 16

<sup>55</sup> Survey, pg 16

<sup>56</sup> RRT Country Research 2010, *Research Response LBN36239*, 16 March – Attachment 8; also see RRT Country Research 2007, *Research Response LBN31497*, 16 March – Attachment 7

<sup>57</sup> Immigration and Refugee Board of Canada 2007, *LBN102624.FE – Lebanon: Legal status of homosexuals; treatment of homosexuals by the authorities and the population (2005 – October 2007)*, 9 November – Attachment 18.

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