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Fourth COUNTRY REPORT: DPNA - Lebanon

Update Thematic Dossier #4: Youth Equal Opportunities

Topic to be explored:

Equal Rights and Opportunities for LGBTI People

INTRODUCTION OF LGBTI RIGHTS AND OPPORTUNITIES

Lebanon is a country located in the Middle East bordered by Syria from the North and East, Palestine from the South and the Mediterranean Sea from the West. Lebanon's population is 6,184,701 (July 2015 est.) according to the world Factbook. Geographically and actuality speaking, Lebanon is a religious country, bordered by Muslim countries.

In Lebanon, religious leaders have great power and respect within their respective communities. The Lebanese society, still very much influenced by religion and old mores, considers homosexuality as a deviation from normal. Stories about gays and lesbians battling for their rights and facing great danger are always reported in the local and international press. LGBTI people living in Lebanon are experiencing rough times not being able to enjoy their rights nor opportunities freely. Adding to that not being able to be themselves on a daily basis. This message of intolerance is very dangerous, especially in a country like Lebanon where people still commit "honour killings" and where stigmatization has a direct bearing on one's physical integrity, as well as on his/her personal and professional life.

A poll done by the Pew Research Center in 2007 showed that 79% of Lebanese believed "Homosexuality should be rejected", as opposed to 18% who believed "homosexuality should be accepted".

LAWS AND INSIGHTS ON HOMOSEXUALITY IN LEBANON: Article 534

Impacted by religious leaders, article 534 of the Lebanese Penal Code prohibits having sexual relations that are "contradicting the laws of nature", it states: "Any sexual intercourse contrary to the order of nature is punished by imprisonment for up to one year." The vaguely worded article has and is still being used to crackdown on the LGBT community in Lebanon. As a practical matter, enforcement of the law is varied and often occurs through occasional police arrests. For example, in August 2014, the Internal Security Forces Morals Protection Bureau conducted a raid on Hammam EL Agha, a Turkish bathhouse in Beirut, resulting in the arrest of 27 Syrians, both employees and customers. According to a report co-produced with LGBT rights group Helem and published

by Wansa on Legal Agenda's website, the stated reason for the raid was the suspected "presence of Homosexual Individuals." In April 2013, the mayor of Dekwaneh, a suburb north of Beirut, ordered security forces to raid and shut-down a gay-friendly nightclub. Several club-goers were arrested and forced to undress in the municipal headquarters, where they were then photographed naked. This operation was condemned by numerous gay rights activists. Lebanon's interior minister of the interim government, Marwan Charbel, supported the mayor of Dekwaneh saying, ""Lebanon is opposed to homosexuality, and according to Lebanese law it is a criminal offense."

While Lebanon remains far from an LGBT-friendly country, activists have been able to log a few wins. In particular, two landmark rulings in 2009 and 2014 set important legal precedents in the fight to abolish Article 534. The judges in both cases acquitted defendants charged under 534, arguing that conceptions of nature are socio-cultural constructs, making it impossible to designate any behaviour categorically unnatural.

- On 11 December 2009, the Lebanon-based LGBT organization Helem launched a report that would target the legal situation of homosexuals in the Middle East and North Africa. A Lebanese judge in Batroun ruled against the use of article 534 to prosecute homosexuals.
- On 28 January 2014 a Lebanese judge of Jdeideh court, Beirut, ruled out a case against an intersex-born self-identified woman accused of having "unnatural" sexual relationship with a man. The ruling rendered the article 534, which is historically used to prosecute same-sex relationships, inapplicable for the case. This law was banned in 2014.

INSIGHTS

On the 30th of August 2003, leading Shiite cleric Sayyed Mohammed Hussein Fadlallah has emphasized the importance of the death penalty in deterring criminals and pacifying societies. When counting the 3 cases where, according to Islam, the death penalty should be imposed, he included homosexuality as the 3rd one, stating that it has a negative impact on a "normal" relationship between a man and a woman, and consequently, on society at large.

The Lebanese Christian TV channel "Télé Lumière" triggered a state-led crusade against alleged devil worshippers in 2003. This witch hunt also targeted gay and

Lesbian party-goers while homosexual acts were repeatedly mentioned as being inherent to satanic rituals, further fuelling homophobia.

In December 2002, Helem recorded the testimony of a gay Lebanese young man who was insulted by his entire family and repeatedly beaten up and threatened to be killed by his brothers and his father for "tarnishing his family's honour". His testimony was then taped by the human rights non-governmental organization (NGO) Hurriyat Khasa (Personal Freedoms) and shown during the conference entitled "Human dignity in the penal code" (May 2003).

There were at least 2 reported murders of gay men in 2003, multiple accounts of physical and verbal violence, death threats and ostracism by family members, accounts of beating, stone-throwing, spitting and insults by neighborhood youth or intolerant passers-by, as well as in one case at least, the rape of a gay inmate.

CORPORATE HOMOPHOBIA

Dunkin' Donuts is another example of the discrimination that LGBT people face. Its policy at the Downtown Beirut and Ashrafieh franchises in 2002 and 2003 was to randomly ask "gay looking" men to leave the premises because, in the management's view, these clients' external appearance can compromise the place's family environment. These customers have also been regarded as "trouble-makers".

Lay-offs attributed to one's sexual orientation have been also reported: Helem was informed by two gay school teachers in two separate incidents in 2002 and 2003 that they were fired upon knowledge of their sexual orientation.

But recently, there was an increase in the acceptance of LGBT people by the society. And that happened especially after the Lebanese National Center for Psychiatry declassified the non-heterosexual sexual orientations as mental disorders, stating that: "Homosexuality in itself does not cause any defect in judgment, stability, reliability or social and professional abilities". And that makes Lebanon the first Arab Country to declassify homosexuality as a disease.

GOOD PRACTICES

Several NGOs, association and groups in the civil society have been acting out, defending LGBT people rights and seeking to provide them with opportunity

within the society and ensure them their liberties and rights. These organizations have staged several demonstrations, lectures and fundraisers concerning LGBT in Lebanon. Notably:

- Proud Lebanon;
- Hurriyat Khassa (Private Liberties);
- LGBT Lebanese Community;
- Helem;
- LGBT Social Movements;
- Meem: Meem was founded to support lesbian, bisexual, transgender, queer, and questioning women in Lebanon. The group offers community support, psychological counseling, an activity center, legal support, social events, and the opportunity to work on social change. Meem also hosts a Womyn House that serves as an activity and resource centre in Beirut;
- Legal Agenda: monitors law and public policy in Lebanon, documents the mistreatment of marginalized communities by the criminal justice system and engages in legal activism aimed at securing the rights of vulnerable groups.

Lebanon is the first Arab country with its own gay periodical, entitled Barra ("Out"). A trial issue was published in March 2005 with two full issues that followed in summer 2005 and spring 2006.

In 2009, "Bareed Mista3jil" is a book published by the Lebanese lesbian Feminist Collective (FC) organization in Beirut. The organization is also called Nasawiya and is a group of activists who are involved in gender justice work. Available in both English and Arabic versions, the book is a collection of 41 true and personal stories from lesbians, bisexuals, queer and questioning women, and transgender persons from all over Lebanon. The book was launched in Masrah Al Madina by the Feminist Collective and IndyAct. Selected stories from "Bareed Mista3jil" were selected and read both in English and Arabic.

In May of 2015, Proud Lebanon, a Lebanese non-profit organization, marked the International Day against Homophobia (IDAHOT) by launching a media campaign. The campaign consisted of an awareness ad featuring several prominent Lebanese artists and celebrities calling on the Lebanese government to provide equal rights to all citizens and residents regardless of sexual-

orientation, nationality, etc. The ad makes particular emphasis on the rights of the LGBT community to live in a society free of homophobia.

HUMAN RIGHTS ORGANIZATIONS

The human rights community is just starting to include sexual orientation and gender identity in its agenda, thanks to the NGOs MIRSAD which first broke the silence and Hurriyat Khasa which is actively lobbying for the decriminalization of homosexuality in Lebanon.

MIRSAD is the first human rights NGO on record to advocate for the human rights of the LGBT community in Lebanon by defending freedom of expression in the case of the website gaylebanon.com in 2000.

Hurriyat Khasa is now spearheading the "Human Dignity in the Penal Code" Forum which aims for, among other amendments, the annulment of article 534. Hurriyat Khasa started by including gay rights in its own objectives in 2002. In 2003, the NGO submitted its plan of action to civil society at large which now adopted them in the shape of recommendations for the reform of the Penal Code. These recommendations have been endorsed by 15 Lebanese NGOs so far. Thanks to Hurriyat Khasa, gay rights are now part of a national agenda for the implementation of human rights in Lebanon. Helem works closely with Hurriyat Khasa in planning and executing events related to the Human Dignity Campaign, as well as in investigating arrests of gays and lesbians.

The Lebanese chapters of Amnesty International are also pioneers in terms of human rights since they introduced the notions of respect and tolerance towards gays and lesbians in their human rights and peace education youth camp in the summer of 2003. This activity was co-organized by Amnesty International and a number of Lebanese NGOs.

Other human rights NGOs have also supported gay rights, be it directly or indirectly: League of Lebanese democratic women, Mouvement social, Nouveaux droits de l'homme, Foundation for human and humanitarian rights, Lebanese association for human rights, Rassemblement Canadien pour le Liban...

CONCLUSION

Despite the recent positives, being gay in Lebanon is still a taboo. In a country drenched in sectarianism, debates about homosexuality are easily dismissed in the name of religion and homosexuals are accused of promoting debauchery.

People in Lebanon, and across the region, still act like homosexuality doesn't exist in our society, it's important that we start the conversation and get the issues out in the open, so people can start acknowledging it and then decide their stance on. The fight for LGBT rights comes later on. We can start at school and local communities level paving the way to higher levels of tolerating LGBT.

The LGBT community is increasingly visible in Lebanon and sometimes tolerated, mainly in Beirut where a vibrant underground gay scene is concentrated, where a few sympathetic articles have been published and where some rare and daring public statements have been made. However, this timid tolerance neither applies to most Lebanese households, Christian and Moslem alike, nor rules out the ever-roaming threat of state persecution which regularly enforces article 534 of the penal code all over the country.

State and societal persecution have already pushed scores of Lebanese LGBT into exile while those who remain in Lebanon lead a daily struggle to survive in the absence of any kind of protection.

The only ray of hope in this bleak situation is the unwavering will of a number of Lebanese NGOs not to compromise on basic values enshrined in the Universal Declaration of Human Rights. Although there's much to be done so that lesbians, gays, bisexuals and transgenders be treated with dignity in Lebanon, the work has begun.