

LEBANON

“ The LGBTIQ+ community in Lebanon, documenting stories of torture & abuse.”

Proud Lebanon



Index

Page 2: **About Proud Lebanon**

Page 3: **Introduction**

Page 4: **The legal perspective**

- ◆ Page 4: **Legislation: From a wrong translation to legal persecution**
- ◆ Page 5: **LGBTIQ+ Rights' violations and discrimination**

Page 12: **The socio-cultural stigma, taboo and censorship**

Page 15: **Practical recommendations towards Equality and Respect for All**

About Proud Lebanon

Proud Lebanon is non-religious, non-political, non-partisan civil rights society that aims to promote

sustainable social and economic development in Lebanon and the region and will be working to achieve protection, empowerment and equality for marginalized groups through community service activities. Proud Lebanon started its activities in August 2013 and is registered since April 2014 as a non-profit civil society.

Mission

“Proud Lebanon” aims to build on the capacities of the survivors of discrimination.

“Proud Lebanon” is dedicated to promote tolerance in Lebanon and the region, where people are effectively empowered and to ensure the well-being of individuals.

Throughout its work Proud Lebanon assessed the needs of the community as following:

- 1- Psycho-medical support
- 2- Legal Follow up and Advice
- 3- Socio-Economic assistance
- 4- Awareness raising on issues of concern
- 5- Capacity Building
- 6- Advocacy

In order to answer these needs, Proud Lebanon Initiative defined its objectives and undertook several activities to reach them:

Overall Objective: Improve the Well-being of marginalized individuals in Lebanon

- Specific Objective 1: Support vulnerable individuals in accepting their identity and overcoming discrimination and rejection (psycho-social support).
- Specific Objective 2: Guarantee the well-being of the community (medical).
- Specific Objective 3: Improve the protection framework for individuals in Lebanon (legal).
- Specific Objective 4: Empower marginalized individuals to become agents of change.
- Specific Objective 5: Empower the national Lebanese community and work on involving allies who share the same cause and morals.

Introduction

The preamble of the Lebanese constitution proclaims: "Lebanon is a sovereign, free, and independent country. It is a final homeland for all its citizens. It is unified in its territory, people, and institutions

within the boundaries defined in this constitution and recognized internationally. Lebanon is Arab in its identity and in its affiliation. It is a founding and active member of the League of Arab States and abides by its pacts and covenants. Lebanon is also a founding and active member of the United Nations Organization and abides by its covenants and by the Universal Declaration of Human Rights. The Government shall embody these principles in all fields and areas without exception."¹

Article first of the universal declaration of Human Rights states that "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood". Proceeding with the second Article, "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty."

Lebanon has also ratified the convention against torture and other inhuman and degrading punishments and, as clearly confirmed in the Lebanese constitution and the declaration of human rights, all human beings are born free and must be equal in rights. However the reality in Lebanon shows huge violations when it comes to the implementation of the covenants and international treaties and the rights consecrated by the latter.

In addition, Lebanon still prosecutes LGBTIQ+ people under the Article 534 of the Penal Code, which states that "*any carnal union against the order of nature shall be punished with imprisonment for up to one year.*" which makes it for this category of people, a daily struggle to obtain what is supposed to be basic human rights: Social justice, protection and respect. Although the Lebanese Psychiatric Society stated twice (In 2013 and 2016)² that homosexuality is not a disorder and demanded to abolish this article. Unfortunately, until the actual date torture and abuse are still practiced towards LBGTIQ+ people for the sole reason of their sexual orientation or identity whether by public law enforcement officers or individuals.

Despite the steps adopted to prevent the use of torture, many torture and degrading treatment cases in Lebanon are still observed and documented, and this report shall present them from social, psychological and legal (especially Human rights Law) perspectives.

The legal perspective

¹ <https://goo.gl/Pp5TJN>

² <https://goo.gl/TDiSFR>

I- Legislation: From a wrong translation to legal persecution

Lebanon still prosecutes LGBTIQ+ relations under Article 534 of the Penal Code, which states: “any carnal union against the order of nature shall be punished with imprisonment for up to one year.”

Lebanon’s successive penal systems were inspired by different laws. The first system was inspired by Islamic Law until the issuance of the Ottoman Penal Code (1858), which derived from the French Penal Code (1810).

Over the years, Lebanese law has continued to be mainly inspired by the French legal framework (1810 Penal Code and its further amendments) and the existence of Article 534 in the current Lebanese Penal Code is to a certain extent incidental and anecdotal:

In the French Penal Code of 1810, the principle of non-criminalization of homosexuality was already adopted. However, on August 6, 1942, Maréchal Petain signed an order to amend the law with regard to homosexuality. Article 334 (paragraph 1) of the French Penal Code was set to criminalize direct relations between persons of the same sex involving a minor under the age of 21. This article does not punish homosexuality in general but same-sex intercourse with minors, and was set specially to criminalize sexual assaults perpetrated by German soldiers against French children during the Second World War.

Lebanese law was accordingly amended to remain in line with the French Penal Code but the article was mistranslated into Arabic: indeed, the part in the French article which specified that it was directed at criminalizing relations involving *minors only* was not reflected in the translation. Since then, and because of this wrong translation, Article 534 of the Lebanese Code has been used by the Judiciary to punish any same-sex relationships, even those between consenting adults.

Some quite recent rulings of Lebanese courts however constitute interesting precedents for the decriminalization of LGBTIQ+ relations:

- ✓ The first decision was pronounced in Batroun in 2009 by Judge Mounir Sleiman, who stated: “consensual same-sex relations were not “unnatural,” and therefore couldn’t be subjected to legal penalty”.
- ✓ The second decision was pronounced in Jdeide in 2014 by Judge Naji El Dahdah, who rejected a case against a transgender woman sued under article 534 - stating that “Gender identity is not only defined by the legal papers”;
- ✓ The third decision was pronounced in Jdeide in 2016 by Judge el Kontar, stating that the interpretation of article 534 should be compatible with covenants and treaties ratified by Lebanon and incorporated in the Lebanese Constitution.
- ✓ The latest decision was pronounced in Jdeide in 2017 by Judge Rabih Maalouf, who stated: “this article does not apply as long as homosexuality is exercised as a right and in a non-abusive manner, in other words, in respect for others”.

The ruling recognizes that sexual orientation cannot be criminalized as such, being part of the sacrosanct right to privacy - in other words, reiterating the sacredness of personal freedom, as long as its fulfillment does not harm others.

Even if the Judiciary system seems to progressively evolve towards a decriminalization of LGBTIQ+ relations, Article 534 remains extremely ambiguous and is still being used by security forces as ground for the arrest of LGBTIQ+ people on the sole basis of their gender identity or sexual orientation.

The discriminatory nature of Article 534 also constitutes a serious breach of Lebanon's international commitments in terms of human rights, notably the Universal Declaration of Human Rights and the International Covenant on civil and political rights.

As long as Article 534 exists as such in the Lebanese Penal Code, it will continue to give room for violations perpetrated against LGBTIQ+ people who live in Lebanon in a quite hostile and conservative social environment.

II- LGBTIQ+ Rights' violations and discrimination

The LGBTIQ+ people in Lebanon are part of vulnerable communities, victims of unpunished discriminations from private individuals, or public institutions and public officers. Reasons of such treatment can be associated with the social stigma and prejudices about them which are the result of the Lebanese mentality (presupposing an illness, a contrariety to religious principles, or even a resemblance to “devil worshipers”³), supported and reinforced by article 534 of the Lebanese Penal Code which interpretation criminalizes them⁴. By its existence, such a legal text hardens the acceptance of this community and the democratization path of Lebanon because, prior to recognizing and admitting LGBTIQ+ rights of marriage, adoption and other civil rights equal to those recognized to other citizens (as what has happened in Europe, USA and many other countries), the first and most fundamental step would be to “decriminalize” them. The battle is then dual.

Aside from article 534 which by itself constitutes a discrimination towards a category of individuals, LGBTIQ+ people face *de facto* two types of discrimination: First, social harassment and inability to resort to law enforcement officers or courts to file complaints and ask for protection because it results to a denunciation of their sexual orientation or gender identity, and therefore their criminalization. And second, harassment by public law enforcement officers themselves, their discriminatory treatment towards LGBTIQ+, and violation of basic human rights and basic legal principles related to

³ A comparison made by one of the founders of JAD (Jeunesse Anti Drogue) at a conference organized by this non-profit organization in collaboration with the Beirut Bar Association on February 1st 2017, themed around “Drug use- problems and solutions”. I am still trying to understand the pertinence of this statement and its relation to the conference theme, especially to solutions proposed to Drug Use.

⁴ Article 534 of the Lebanese Penal Code punishes “*any sexual intercourse contrary to the order of nature*” with up to one year in prison.

investigative and criminal procedures. Examples are many.

A joint report prepared by *Helem* and *Arab Foundation for Freedoms and Equality (AFE)* points out that LGBTIQ+ can't refer to public bodies in case of arbitrary termination of employment or any form of discriminatory denial of services or rights, because of resulting harassments; and in cases that did refer to these bodies their complaint was not followed. In one case in 2013, two women in the northern region of Lebanon were ordered by the police to refrain from residing in the city for indecency after they were being blackmailed to be outed by an anonymous individual.⁵

In another case, a homosexual man, after inviting to his room a newly met person, was blackmailed for money by the latter who threatened to denounce his homosexuality to public authorities claiming to have a strong "wasta"⁶.

LGBTIQ+s could then be easily dragged into helpless situations, robbed and blackmailed with the threat of denouncing their behavior, knowing that they wouldn't file complaints because any investigation would "disclose" them.

Another report published by *Helem* highlights a case from 2009 in which a woman reported her son to the police for suspected "homosexuality" because he was "acting like a woman." This was enough for the public prosecutor to arrest and interrogate the young man and force him to submit to an anal examination⁷. A similar case was outlined by Human Rights Watch: "*Walid, 24, told Human Rights Watch that his mother told the police to arrest him and detain him for a night at the police station in order to "scare" him out of being gay, a request he says the police complied with.*"⁸

These incidents reveal an illegal process of initiating investigations, interrogating and arresting people based only on their appearances and mannerisms, with no other tangible and material evidence of a "sexual intercourse", which is itself criminalized by article 534, and not the appearance or look.

"Police often arrest individuals arbitrarily and without evidence on the grounds of what the police themselves describe to be "suspicious behavior." Police may even arrest individuals on the grounds of specific appearances ascribed to members of these groups—for example, because someone "looks gay" or "looks suspicious""⁹. As if one was to be interrogated or arrested on the sole basis that "he

⁵ Joint Report by Helem and AFE, "*Universal Periodic Report on Homosexuality and Gender in Lebanon*", Submission of Universal Periodic Review (UPR) on its 23rd Session to the Office of the High Commissioner for Human Rights, March 2015.

⁶ Interviewed individuals by *Proud Lebanon*, 2016.

⁷ Helem, "*Homosexual Relations in the Penal Codes: General Study Regarding the Laws in the Arab Countries with a Report on Lebanon and Tunisia*", 2010, available on <http://www.helem.net/node/188>

⁸ Human Rights Watch Report, "*It's part of the job*", *Ill-treatment and Torture of Vulnerable Groups in Lebanese Police Stations*, 2013, available on <https://www.hrw.org/report/2013/06/26/its-part-job/ill-treatment-and-torture-vulnerable-groups-lebanese-police-stations>

⁹ *Ibid.*

looks like he has committed a crime”. Examples are many: two men arrested in a car in Dbayeh- no intercourse nor flirting being discovered *in flagrante*- and brought into interrogation and detention on the sole basis of being in a parked car at night¹⁰; a transgender arrested at Raouche at night while making conversation with a man after being approached and demanded ID by an officer who, noticing that the appearance does not correspond to the gender indicated on the identity card, and informed by the person herself that she was a transgender, considered it was enough to bring her to the Ramleh Bayda police station to initiate investigations, and have her undressed for an identity check, even though there is no text that criminalizes the difference of sex appearance with the gender mentioned on the ID¹¹; A similar arbitrary interrogation was reported by two men arrested and investigated for hash use, when the investigation took a turning point after the officers discovered on their phones a conversation between both of them calling each other “Habibi” (my love in Arabic), which was sufficient to initiate an investigation about their eventual homosexuality, accompanied with torture in order to get their confessions, in addition to names of homosexuals in Lebanon¹².

The “*Hammam Al-Agha*” incident on August 9th, 2014 during which the Morals Protection Bureau of the Lebanese police raided the Turkish bathhouse in Beirut and arrested all the employees and the customers at the scene in addition to the owner reveals this illegal process of initiating investigations in addition to other legal infringements that will be treated.

“Investigations into the *Hammam al-Agha* case began with a routine investigation by the General Directorate of General Security (hereafter General Security) into the case of a foreigner who had lost his identification documents. The report mentions the following reasons for initiating investigations: “[The foreigner’s] behavior, as well as his discourse, was found to be uneven. The [officer] heading the [security] branch was informed of this, and ordered us to take [the foreigner’s] statement and search the mobile phone in his possession. The phone was found to contain sexual videos of males amongst themselves, as well as exchanges of a sexual nature between [the foreigner] and others, about massages and sexual acts. We then proceeded to take [his] statement.”

(...) The report did not mention what it was about the foreigner’s behavior or speech that indicated the possibility that a crime might have been committed. It was merely considered “uneven”, as if the

¹⁰Interviewed individuals by Proud Lebanon, 2016.

¹¹Sarah Wansa, “Detained Transgender in Lebanon: This is What Happened to Me”, Legal Agenda, 23/2/2016, available on <http://legal-agenda.com/en/article.php?id=3129>

¹²BecharaMaroun, « Liban : Détenu et battu pendant trois semaines pour homosexualité et un test de drogue... négatif », L’Orient le Jour, 2/7/2015

investigators simply “didn’t like his look”.¹³

Moreover, the investigation itself with this foreigner, the statement and mobile phone search were launched without the prosecutor’s prior authorization, in violation of Articles 40 and 47 of the Lebanese Code of Criminal Procedure which require the judicial police to obtain a mandate from the Public Prosecution in order to search individuals and investigate crimes that are not discovered *in flagrante*.

Other numerous legal infringements were to happen during and after this raid, whether with:

First, the arrest warrants issued by the public prosecutor against all customers present on the scene, despite the fact that they were charged with crimes punishable by prison sentences of under a year, which is a violation of articles 46 and 107 of the Code of Criminal Procedure which require the occurrence of a misdemeanor *in flagrante* punishable by a prison sentence of over a year, in order to issue an arrest warrant, these two conditions not being fulfilled¹⁴;

Second, the detentions: “After being detained for periods of time ranging between four and ten days, all those arrested were released by the Single Criminal Judge in Beirut. With the exception of the owner, bail for their release was set at amounts ranging between LL 100,000 [US\$66] and LL300, 000 [US\$200]. The decision to impose bail on the arrested Lebanese customers, and to release four of them more than five days after their arrest, constitutes a violation of Article 113 of the Code of Criminal Procedure. The latter requires the automatic release of those arrested without bail five days after their arrest, if they are Lebanese and if the misdemeanor they are charged with is punishable by a prison sentence of under two years, and if they have no prior convictions.”¹⁵

Third, the confiscation and search of phones of arrested people, a common process adopted by law enforcement officers, but which “actually constitutes a violation of Law 140/1999 which prohibits any kind of wiretapping, surveillance, interception or disclosure of exchanges made through any means of communication (such as mobile phones or email), except by a written and justified court order issued by an investigating judge”¹⁶;

¹³Ghida Frangieh, “The Hammam al-Agha Raid: Collective Prosecution in Violation of Individual Rights”

Legal Agenda, 18/9/2014, available on <http://legal-agenda.com/en/article.php?id=3029>

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Ibid.

Fourth, the HIV tests conducted on arrested people. Besides the fact of these tests being completely irrelevant to investigations, they were conducted without the consent of those arrested and by a Morals Protection Bureau investigator, not by a physician, in violation of articles 32 and 42 of code of Criminal Procedure which requires the appointment of a physician to examine those arrested if they request it, and in violation of their privacy and of the confidentiality of information regarding their health;

The “Hammam Al agha” investigations were accompanied and followed by torture, which is unfortunately very usual, even conventional, especially regarding vulnerable individuals. Reports by Human rights organizations have documented common torture techniques such the use of “*Falaqa*”(beating the victim with sticks, batons, or whips on the soles of the feet), “*al-farrouj*” (“the chicken”, under which the victim’s hands are tied behind their back while the soles of his feet are beaten), “*al-watwat*” (“the bat”, making the victim walk on all fours until she reaches the entrance of the room while kicking her from behind)¹⁷. In cases of LGBTs, torture is practiced in order to- and not only - get confessions from the victims about their sexual orientation, who they are having sex with, and even how, a dual violation of the right of physical integrity and the right of privacy.

People arrested after the raid of “Hammam AL-Agha” reported that they were not interrogated on the first day of their arrest, or even on the second, but that the first two days were set aside for terrorizing them, in order to make them confess to “engaging in sodomy”. The interrogations even focused on how they have sex, and on finding out who among them plays the “active” role and who plays the “passive” one¹⁸, information that are legally speaking useless and irrelevant for the proof or the qualification of the crime, since the only intercourse between homosexuals is sufficient for officers and courts to consider them criminals. The modalities and scenarios of this intercourse could have no legal pertinence or repercussions, which reflects this common and rooted abuse of power in public institutions and law-enforcement officers in Lebanon.

These practices are moreover condemned by article 401 of the Lebanese Penal Code, which punishes “*Anyone who inflicts violent practices not permitted by the law against another person with the intention to extract a confession of a crime or information related to it*”. And Even though Lebanese law prohibits the use of forced confessions to convict people of crimes, 30 former detainees told Human Rights Watch that courts used such confessions to convict them despite their having informed the court that the confessions were obtained by force.¹⁹

¹⁷ Human Rights Watch Report, “*It’s part of the job*”, *Ill-treatment and Torture of Vulnerable Groups in Lebanese Police Stations*”, seen° 6.; Sarah Wansa, “*Torture at Every Stage: The Unofficial Narrative of the Hammam al-Agha Raid*”, *Legal Agenda*, 12/11/2014, available on <http://legal-agenda.com/en/article.php?id=3043>.

¹⁸ Sarah Wansa, “*Torture at Every Stage: The Unofficial Narrative of the Hammam al-Agha Raid*”, *ibid*.

¹⁹ Human Rights Watch Report, “*It’s part of the job*”, *Ill-treatment and Torture of Vulnerable Groups in Lebanese Police Stations*”,

Another example of torture and degrading treatment is the use of anal examinations, which are still practiced despite having no medical value and being condemned by circulars of the Order of physicians and the Ministry of Justice.

Shady, a Syrian refugee reports his nightmare in Rehanieh military police station where he was tortured to confess of his homosexuality so he can be punished for being gay. *“Officers took him into a room and told him to undress. “I will insert this into your anus to determine how many times you’ve had sex,” Shadi said an officer told him. He inserted the rod, causing Shadi to scream out in pain and beg the officer to stop.”*²⁰ Law-enforcement officers do not only arbitrarily practice this illegal and inhuman treatment, but judges in certain cases, order it.

In 2014, five men were arrested in the Msaytbeh neighborhood after the police had received a call informing them of “illegal activities” taking place in an apartment, not even a public place! The investigations were followed by a court order to conduct anal tests to “prove” their homosexuality²¹

Other recurrent humiliating treatments are the verbal and psychological violence and abuse, many- if not all LGBTIQ+ arrested reporting being harassed.

After being dragged from Raouche to the station for being a transgender, the latter recounts being photographed by the supervising officer sending videos to his friends saying “ we present to you this man...”, being asked to perform oral sex, or forced to sleep tied to a chair in the interrogation room for three days because “If we put him with the men, they’ll impregnate him, and if we put him with the women, he’ll assault them.”²²

One of the arrested people after the “Hammam Al-Agha raid” recalls one of the investigators saying while torturing him *“I can tell from your touch that you’re a faggot”*²³

A more inhuman practice reported was the conscious deprivation of a homosexual during his nine-month detention from his nervous medications and HIV treatment!²⁴

Other similar incidents covered by the media reveal more on these humiliating and demeaning

seen06.

²⁰ Human Rights watch, «Lebanon: Syrian Refugee’s account of Torture. Detained, Beaten, Abused on suspicion of being gay”, 21/12/2016, available on <https://www.hrw.org/news/2016/12/21/lebanon-syrian-refugees-account-torture>

²¹ Georges Azzi, “Lebanon’s LGBT community is still suffering abuses”, 25/8/2014, available on <https://now.mmedia.me/lb/en/reportsfeatures/561407-more-needs-to-be-done-to-protect-the-rights-of-lebanons-lgbt-community>

²²Sarah Wansa, “Detained Transgender in Lebanon: This is What Happened to me”, see n°9.

²³Sarah Wansa, “Torture at Every Stage: The Unofficial Narrative of the Hammam al-Agha Raid”, n°15.

²⁴Interviewed individuals by Proud Lebanon, 2016.

practices against LGBTIQ+ individuals²⁵, one of those flagrant ones being the Ghost incident in Dekwaneh, an arbitrary arrest by municipality officers of homosexuals and transsexuals at a Club, followed by a violent episode at the station during which they were not only beaten, but also “forced to kiss” and to undress while pictures were taken and sent to journalists.²⁶

These discrimination and legal infringements are certainly not only faced by LGBTIQ+, in a country where corruption and human rights violations are commonly accepted, even banalised. Yet, the status of LGBTIQ+ under Lebanese law makes them more vulnerable to Social and public abuse; that is a precarious status triggered by article 534 of the Lebanese Penal Code.

The existence itself of article 534 is discriminatory and raises violations, whether by its vague formulation punishing “*any sexual intercourse contrary to the order of nature*” without defining and delimiting the order of nature, thus leaving elements of the crime imprecise and giving a large margin of interpretation to the judges, which contradicts fundamental principles of criminal law such as the necessity of definition of the crime, and the strict interpretation by the judge; or whether by its violation of Human Rights and principles enshrined in the Universal Declaration of Human Rights which is incorporated to the Lebanese constitution, in the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social, and Cultural Rights, and other conventions and international treaties ratified by Lebanon, which have priority over article 534 and should be applied by jurisdictions, in accordance with the Lebanese principle of hierarchy of norms stated in article 2 of the Lebanese code of civil procedure :

“The courts shall comply with the principle of the rules of hierarchy. In the event of conflict between the provisions of international treaties and those of ordinary law, the former shall take precedence over the latter.”

According to all these principles, four Lebanese rulings have dismissed the application of article 534 concerning individuals accused of homosexuality²⁷, and one ruling has recognized the right of

²⁵ See for example the Ghost Incident in Dekwaneh: Karim Nammour “Dekwaneh Municipality declares the No Gay Land”, 31/5/2013, Legal Agenda, available in Arabic on: <http://legal-agenda.com/article.php?id=389&lang=ar>; And the cinema Plaza incident in Beirut: SimaKotecha, “Lebanon's gay-friendly reputation challenged by abuses”, 25/11/2013, available on: <http://www.bbc.com/news/world-middle-east-25057067>

²⁶ See Joe Maalouf’s broadcast “EntaHorr”: Ghost Documentary on 1/5/2013

²⁷ 1. Ruling by the Single Criminal Judge in Batroun, Mounir Sleiman, on 3/12/2009

2. Ruling by the Single Criminal Judge in Jdeideh-Metn, Nagi Al Dahdah, on 28/1/2014

3. Ruling by the Single Criminal Judge in Jdeideh-Metn, Hicham Al Kontar, on 5/5/2016

transsexual people to change gender in public records.²⁸

V- The socio-cultural stigma, taboo and censorship

In the year 2015, an award-winning movie called "WASP", was denied showing in Beirut film festival by the Lebanese censorship bureau²⁹.

Reasons of this censorship were first related to the plot -a story about two gay men that decided to go on a romantic vacation together, later on one of them finds himself unexpectedly attracted to a woman- the direct cause behind the decision of the bureau; and second related to what may have been "provocative" to the bureau: the whole idea of the fluidity of the sexuality.

However, the media and the art scene have been challenging social norms. Examples are many.

Popular TV host Paula Yacoubian³⁰ has defended gay rights in Lebanon in several tweets, interviews and in a promotional video with Proud Lebanon, same goes for the well known journalists Joumana haddad³¹, Dima Sadek³² and Pierre Abi Saab³³, in addition to a lot of artists (singers and actors/actresses) such as, Maya Diad, Carole Semaha,(etc).

Mashrou' Leila, a famous Lebanese rock band, has discussed homosexuality in Lebanon in its songs, however, when in 2015 the band wanted to perform in the Zouk Festival, a lot of resistance and homophobia were published on social media in order to stop the band from performing there. At that time, the band got huge support from LGBT and Human Rights activists and their fans.

Ironically, Wajdi and Majdi, two gay figures from a comedy TV show called La Youmal, have popularized the image of the LGBT community in Lebanon in a VERY bad way, yet the program was never banned.

4. Ruling by the Single Criminal Judge in Jdeideh-Metn, Rabih Al Maalouf, on 26/1/2017

²⁸ Ruling by Beirut's civil court of Appeal, Judge Janet Hanna, on 3/9/2015

²⁹ Among several tasks, the Lebanese censorship bureau also monitors the media by ensuring that they do not touch with their content, or contravene public order, or undermine a public institution, and community components to the Lebanese society.

³⁰ <https://goo.gl/gqR93B>

³¹ <https://goo.gl/FF0bc5>

³² <https://goo.gl/iQ0OgJ>

³³ <https://goo.gl/EScYMC>

According to a documentary prepared in 2015³⁴, the terminologies used by MTV Lebanon, either in the News section or in “La Youmal” & “ Hayda Haki” programs to refer to LGBTIQ+ issues are mostly pejoratives. Even in a recent article published on MTV Lebanon Facebook page about Homosexuality, the approach is still not politically correct³⁵ and still very judgmental. According to the same documentary, LBCI remains the most active Lebanese channel that advocates for Human Rights including LGBTIQ+ rights, and the most powerful opening of the prime time news once was "It is the republic of shame" to defend LGBTIQ+ rights against rectal examinations, also known as the examinations of shame.³⁶

The LGBTIQ+ related stigma seems to be very deep-rooted in our society; Part of it comes from the fact that people don't really know what it is, or they have wrong information about it. As for the rest, it derives from religious convictions and is strongly related to the patriarchy rigid system. It has always been a challenging matter to talk openly about sexuality in the Arab countries, so consider it as even much harder to discuss "difference". Even when it comes to what is considered a source of protection, when it comes to LGBTIQ+ the armed authorities and some political armed groups³⁷ torture and abuse LGBTIQ+ persons for the simple fact of their sexual orientation or identity.

These discriminations and stigmas are also a result of our education system. For example, Kids at school in some of what is supposed to be their educational activities are asked to remove what is different in a given picture because it doesn't belong with the rest of the majority. Future generations are therefore raised on noticing and “removing” any difference which is problematic regarding the concept of respect which should be introduced to kids from an early age.

This example is one of many proving that the system is promoting discrimination and stigma by implying that the minority must be oppressed or/and removed for the sake of the majority.

Even researchers aren't sure what "causes" homosexuality, and they certainly reject any theories that posit a simple origin, such as a "gay gene". It's my opinion that sexual desires, like all our desires, shift and re-orient throughout our lives, and that as they do, they often suggest to us new identities. The subject remains very debatable and on constant and continuous controversy.

Moreover, two main concepts that are heard everywhere when talking about LGBTIQ+ related issues, and so many times, these concepts are confused or even used as synonyms: Acceptance and Tolerance. The notion of acceptance of LGBTIQ+ people implies notions of freedom and equality,

³⁴ <https://goo.gl/8Q2KkA> (Prepared by Human Rights Activist Miriam Attallah)

³⁵ <https://goo.gl/4Q8yia>

³⁶ <https://goo.gl/HWcE6G>

³⁷ People interviewed by Proud Lebanon stated details related to these parties.

meaning: there are no fundamental differences between heterosexuals and homosexuals, which would allow them to live as they wish, like everyone else. The notion of tolerance obviously retains the idea of freedom, but also introduces the idea of difference: the difference in sexual orientation is sufficiently important to justify a different look on the subject, or an unequal treatment. When starting by highlighting the difference between Heterosexual and LGBTIQ+ persons, here lays all the ideas behind discrimination, inequality and injustice.

Therefore, the most politically correct concept to be used must be RESPECT.

A "socially mature" community is a community that respects LGBTIQ+ persons, not tolerates only, not accepts only, because even in accepting, there is a little implying that someone is a reference, and the other is not. However, it is easier in theories than in practice indeed, and it seems in the Arab societies receiving the tolerance and acceptance is already hard to get, thus the "illusion" that tolerance and acceptance are sufficient by their own, or even sometimes just in order to have them, it is considered a luxury.

Other stigmas related to LGBTIQ+ people are the immediate association of this category of people to two other: People living with HIV and Refugees:

According to a recently published report³⁸ about HIV in Lebanon, 27.5% of the large population of MSM³⁹, which putting this category into an epidemic and alarming situation. The National Aids Program (NAP), which is affiliated with the Lebanese Ministry of Health and supported by the World health Organization, is making advanced efforts regarding raising awareness on this issue, training on HIV testing, keeping track and documentation on people making the tests, issuing regular reports, offering protection for HIV people if they face discrimination in the medical fields, and providing the HIV medicine for everyone for free.

However, the stigma revolving around HIV makes it even harder on people living with HIV to adapt and integrate in their communities; People are still getting fired from their work, their families and relationships after finding out they are HIV positive.

As for the refugees LGBTIQ+ the situation is even more dramatic, due to several reasons such as suffering from a double stigma (being LGBTIQ+ and a refugee at the same time) from the host community, reduced sources of support since the projects are mainly focusing on families, and adding to all that, they are usually separated from their families so they find themselves left with no support at all, which make their day to day life way more tragic⁴⁰.

³⁸ <https://goo.gl/OtTtDB>

³⁹ Men having Sex with other Men

⁴⁰ <https://goo.gl/GOPMrn>

VI - Practical recommendations towards Equality and Respect for All

1) Legal Recommendations

- Repeal laws criminalizing homosexuality and transgender persons, specifically the Article 534; it must be banned in Lebanon, or at least it must be stated that it has nothing to do with homosexuality and transexuality.
- Protect LGBTIQ+ persons from homophobic and transphobic violence: A lot of LGBTIQ+ get assaulted every day on the streets and don't even dare to contact the armed authorities because they already know it is going to be even worse and the police instead of protecting them, it is highly assumed that they treat them in a degrading and humiliating way.
- Prevent torture and cruel, inhuman and degrading treatment: armed authorities must be prevented from using such treatment on LGBTIQ+ persons.
- Prohibit discrimination based on sexual orientation and gender identity: despite the poor indications that Lebanon is a free country, LGBTIQ+ face violations of their basic rights every day, just because they are LGBTIQ+.
- Create a reporting mechanism for violations against LGBTIQ+ persons.
- Monitor and document the violations on LGBTIQ+ persons in order to assure accountability.
- Safeguard freedom of expression: no LGBTIQ+ related content must be banned in movies, or any other artistic scenes.
- Safeguard and allow association and peaceful assembly for all LGBT people.

2) The Social Work

- LGBTIQ+ organizations must be given permission to work freely in Lebanon as explicitly a LGBTIQ+ organization: Mainly all LGBTIQ+ working organizations in Lebanon are working under the umbrella of Human Rights and use vague terminologies to refer to LGBTIQ+ issues, such as "vulnerable groups", "Minorities" etc.
 - Media must be more addressed by the human rights and LGBTIQ+ organizations to work together on terminologies used on air and ethics while hosting LGBTIQ+ persons and tackling the related issues.
 - Organizations must build on the LGBTIQ+ persons' capacities in order to empower them more so they know their rights and where to seek help and support when needed.
 - More workshops and trainings need to be done with the armed authorities (General security, Internal Security Force and Lebanese Army) on Human Rights in general, and talk more about LGBTIQ+ related issues with them, because misinformation and discrimination can be a main reason behind the homophobic and transphobic attitudes.
 - Engage more in public advocacy, and always try to find channels of communications with the government.
 - Support other partners working on LGBTIQ+ related issues -locally and internationally- in order to join efforts and to strengthen the cause.
 - Create networks and partnerships with Human Rights local and international organizations.
-

The LGBTIQ+ community is therefore one of the most oppressed "minorities". Thus, the journey of an LGBTIQ+ person in Lebanon remains one of a fighter. This begins at school where they are often stigmatized and bullied for their "assumed" attitude, at work, key positions from which they are often dismissed, and even from their own family who rejects them once they are aware of whom they are.

It is a shame and a human tragedy to criminalize "Love" and abuse, bully, torture persons based on their sexual orientation and gender. Love and sexuality must not be forbidden by any legal law, or by any social discrimination. In Proud Lebanon's advocacy videos released in 2015 and 2016, lots of celebrities, public figures, and Human rights activists highlighted the fact that "you don't have to be gay to defend gay rights"; however, it is kind of a daily struggle to advocate for what is supposed to be a basic human right: Equality and respect. Therefore, the fight goes on...

Social justice must prevail, maybe not this year or the coming one, but we believe that the continuous fights and the baby-steps (yet courageous and supportive) we carry out, must one day have an impact on our society on the long term: "the journey of the 1000 miles, begins with a single step" and we Proud Lebanon have done some many so far and we will continue to the last pulse, to the last breath, to the last abuse to the last survivor.

To conclude this document, sincere yet tragic quotes said by the LGBTIQ+ persons interviewed are left here to your careful attention:

"They forced me to hand them my phone"

"My friend had gay porn on his phone so they concluded he was surely gay"

"My boyfriend and I were first arrested by an armed forced in Beirut, then they hand us to the Lebanese police after humiliating us in front of everyone"

"They closed my eyes with a ribbon, and I didn't know where they were taking me".

"I asked repeatedly, but they refused to tell me why I was detained"

"I wasn't aware where I was taken to and why".

"I was slapped aggressively on my face"

"Do you suck? The policeman asked me"

"Do they enter a penis in your ass?"

"Why? Are there no girls around you so you sleep with another man?"

"I was called faggot in private and in front of other prisoners"

"Why can't I live in this country like a Human being?"

"After this incident, I am depressed all the time, even when I go out, I always look around me and I am scared!"

"I cry like a baby every night"

"I am a man, a real man but I happen to love another man"

"I am not better than anyone, nor worse... I just want to be equal"