

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	509
Land:	Libanon
Kilde:	Human Rights Watch
Titel:	Lebanon Edges Closer to Decriminalizing Same-sex Conduct - Another Judge Questions Legal Basis of Prosecuting Homosexuality Under Lebanese Law
Udgivet:	2. februar 2017
Optaget på baggrundsmaterialet:	2. maj 2017

[EN](#) | [DE](#)

- **Source:**
HRW - Human Rights Watch
- **Title:**
Lebanon Edges Closer to Decriminalizing Same-sex Conduct - Another Judge Questions Legal Basis of Prosecuting Homosexuality Under Lebanese Law
- **Publication date:**
02 February 2017
- **ecoi.net summary:** Several judges reinterpret law, which was used to make same-sex conduct a punishable offence, to no longer prosecute homosexuality under this law [ID 335659]
- **Countries:**
Lebanon
- **Original link** <https://www.hrw.org/news/2017/02/02/lebanon-edges-closer-decriminalizing-same-sex-conduct>

Recommended citation:

HRW - Human Rights Watch: Lebanon Edges Closer to Decriminalizing Same-sex Conduct - Another Judge Questions Legal Basis of Prosecuting Homosexuality Under Lebanese Law , 02 February 2017 (available at ecoi.net)

http://www.ecoi.net/local_link/335659/465100_en.html (accessed 20 April 2017)



Lebanon Edges Closer to Decriminalizing Same-sex Conduct - Another Judge Questions Legal Basis of Prosecuting Homosexuality Under Lebanese Law

A Lebanese judge challenged the legal basis of the arrest of men for same-sex conduct, declaring in a Metn court ruling last week that “homosexuality is a personal choice, not a criminal offence”.

In doing so, the judge, Rabiha Maalouf, questioned the interpretation of Article 534 of the Lebanese Penal Code, which states “any sexual intercourse contrary to the order of nature is punishable by up to one year in prison.” The vague wording – what is “the order of nature”? – is open to interpretation and has been used to [prosecute people suspected of homosexuality](#).

In his ruling, Judge Maalouf referred to a penal code provision protecting freedom of expression, Article 183, which states that, “An act undertaken in exercise of a right without abuse shall not be regarded as an offense.” If no harm is done, there is no crime.

Maalouf is not the first judge to question the interpretation of Article 534.

Ten years ago, in 2007, Judge Mounir Suleiman called a halt to a criminal investigation of two men arrested under the law. He disputed that homosexuality was “contrary to the rules of nature” and noted that what was seen as “unnatural” reflected the social mores of the time.

In 2014 a court dismissed a case against a transgender woman accused of having a same sex relation with a man. The judgement stated that homosexuality can no longer be considered a crime because it is not “unnatural.” The court took into consideration a submission by the LGBT group Helem and Legal Agenda, which argued that a person’s gender identity is not only defined by legal documents but by their own subjective sense of self.

In 2012, the justice minister at the time, Shakib Qortbawi, weighed in on the use of [anal examinations](#) on men accused of homosexual conduct, issuing a statement calling for an end to this abusive practice.

In 2013 the Lebanese Psychiatric Society issued a statement affirming that homosexuality is not a mental disorder and urging mental health professionals to rely solely on science in forming opinions and formulating treatment. In 2015, the Lebanese Psychiatric Society updated the statement to call for the abolition of article 534.

Taken together, these developments strike a blow against typical misconceptions of homosexuality as unnatural, pathological, or anti-social. We hope they point to a future in Lebanon when consenting adults are no longer prosecuted for the free expression of their sexuality.

published on  European Country of Origin Information Network