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THE UNIVERSAL PERIODIC REVIEW OF LGBTQ+ RIGHTS IN LEBANON

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Report presented by Tarek Zeidan, Executive Director of Helem – Beirut, Lebanon

Preamble

Sexual, reproductive, gender and bodily rights of LGBTQI+¹ persons are integral to all civil, political, economic, social, and cultural rights. These rights are enshrined in existing international human rights law as argued and clarified by the Yogyakarta principles issued in 2006 and the Yogyakarta Principles plus 10 issued in 2017. Both documents affirm the principles of the universality of human rights and their application to all persons without discrimination without necessarily mentioning LGBTQI+ people as a specific group. Lebanon, the state under review in this report, is already a signatory to multiple international human rights conventions as well as being one of the original authors of the Universal Declaration of Human Rights. Lebanon has signed and ratified the Convention against Torture and Other Cruel Inhuman or Degrading treatment or Punishment (CAT) and its Optional Protocol (CAT-OP) as well as the International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), all of which are relevant to the specific group this report focuses on.

This report seeks to present the situation facing LGBTQI+ persons living in Lebanon with a focus on areas presenting four key challenge areas to this community's safety, security, livelihoods, and survival. These include safeguarding the freedom of expression and assembly, bodily safety and sanctity from harm, and economic rights and livelihoods. The report also includes a brief update on the ongoing situation with regards to the COVID-19 imposed lockdowns and the deteriorating economic conditions in Lebanon.

About Helem

Helem² (or "Dream" in Arabic), is the organization submitting this report and is the first LGBTQI rights organization in the Arab world, officially established in Beirut, Lebanon in 2004. Its mission is to lead a peaceful struggle for the liberation of Lesbians, Gays, Bisexuals, Intersex, Transgendered, Queer (LGBTQI+) and other persons with non-conforming sexualities and/or gender identities in Lebanon and the MENA region from all sorts of violations of their individual and collective civil, political, economic, social, and cultural rights.

UPR 2nd Cycle Recap and Update

In 2015, Lebanon underwent its second UPR and noted 9 different recommendations from 8 different states with regards to sexual orientation and gender identity. The recommending states included Czechia, Canada, Spain, Austria, Sweden, Norway, Chile, and Slovenia. Recommendations concentrated exclusively on urging Lebanon to repeal article 534 of the Lebanese penal code which is used to criminalize same sex relations and non-normative gender identities and expression, as well as to enact legislation and policies aimed at protecting LGBTQ+ individuals from discrimination and violence based on their SOGIESC³. To date Lebanon has not enacted on any of these recommendations in any of its legislative or executive branches.

¹ Lesbian, Gay, Bisexual, Transgender, Queer, Intersex and other categories related to individuals with non-normative sexual orientations, gender identities, gender expressions, and sexual characteristics

² www.helem.net; info@helem.net

³ SOGIESC refer to Sexual Orientation, Gender Identity & Expression, and Sexual Characteristics

1- Freedom of Assembly & Expression

Lebanon used to be regarded as a relatively safe and secure place for human rights activists from around the Arab region – including those working on gender and sexuality- to convene and organize but this reality has come to sharp halt in recent years with an increasingly worrying crackdown on activists, journalists, and political dissidents from several branches of Lebanon's security and law enforcement bureaus including state security, general security, the bureau for cybercrime, and military intelligence.

LGBTIQ+ organizations, events, and activists have been especially targeted in an increasingly systematic manner for the past four years, beginning with the harassment aimed at the organizers of Helem's 2017 IDAHOBIT⁴ conference where general security officials announced their unwillingness to intervene to protect attendees after religious extremist groups threatened to attack the event and its venue – forcing it to close. Since then, general security especially has increased its targeted crackdowns by forcing the cancellation of Beirut Pride festivities in both 2018 and 2019 and detaining its head organizer, as well as heeding the illegal and unconstitutional call of extremist religious groups to shut down NEDWA, a regional conference on gender and sexuality organized by the Arab Foundation for Freedoms and Equality held in September 2018 - thereafter banning all of its international guests from ever entering Lebanon again. The cybercrime bureau in Lebanon along with the Ministry of Telecommunications also issued a judicial order to ban on the gay social app Grindr in May 2019 thereby curtailing freedom of speech and expression of LGBTIQ+ people even further. To date, Lebanon has not approved the registration of any non-governmental organization or entity which includes LGBTIQ+ individuals as part of its target population for any reason including humanitarian aid, protection, and basic services.

Recommendations

- **Ensure that groups organizing around sexual and bodily rights are protected and acknowledged by the state as part of the existing Lebanese civil society and refrain from implementing direct and indirect penalties on them.**
- **Refrain from acquiescing to or collaborating with private or non-government entities such as religious institutions to crack down on LGBTIQ+ related events, functions, and institutions.**

2- Sexual and Bodily Rights

Despite some noteworthy successes in the Lebanese judiciary, where more than 5 landmark case decisions have been issued by judges in Lebanon's court of appeals and military court refusing to consider same-sex relations as applicable under article 534 of the penal code since 2016; Lebanese law enforcement and security bureaus still heavily engage in the arbitrary arrest and detention of LGBTIQ+ individuals. In 2018 and 2019, Helem documented more than 64 cases of such arrests alone knowing that the majority of cases go unreported by detainees out of fear of repercussion or of being outed publicly. Individuals are arrested not because they violated any of the articles in the Lebanese penal code, but more so because the arresting officer did not like what they looked or acted like which is a violation of their freedom of expression. Detained individuals still undergo mistreatment and torture in detention centers particularly outside the

⁴ International Day Against Homophobia, Transphobia and Biphobia

capital city where a culture of impunity has allowed further discrimination and abuse. Helem also documented more than 43 cases of physical violence and 74 cases of verbal abuse by law enforcement in 2019 alone. Refugees and migrant workers are particularly vulnerable as they usually lack local social and economic networks of knowledge and support and are targeted specifically for political reasons.

Individuals in detention are frequently not given access to legal counsel, manipulated into opening their personal phones and sharing content, forced to sign confessions under torture or duress, and forced to undergo HIV tests without due cause. Transgender women are particularly vulnerable as Helem reports that more than 66% of all detention cases involving the community have been targeted against trans women who are suspected to be sex workers by law enforcement officers and are detained on such charges despite lack of any proof.

Trans individuals also face systematic discrimination when it comes to changing their gender markers on their identity cards, prohibiting them from safely accessing basic services, enjoying free mobility, accessing employment, receiving proper healthcare, participating in political life, and enrolling in educational institutions. Pre-requisites for changing gender markers in Lebanon currently include sterilization of individuals by removing reproductive organs permanently, and caveats that include them not currently being or having been in a marriage or have any children to avoid same sex relationships and parentage showing up in official records. The costs of gender re-affirmation surgery are prohibitive, and they are not included under any existing health or social security plan available in Lebanon and neither is hormone replacement therapy.

Recommendations

- **Repeal articles 534, 521, 526, 531, 532, and 533 of the Lebanese penal code that are used to criminalize same sex relations and nonconforming gender identity and expression; criminalize impersonating women and entering into women only places; criminalize sex work; criminalize breaking public decency and morality norms; and criminalize the promotion or sale/purchase of items considered contrary to public morals respectively.**
- **Acquit all ongoing trials involving any of the above articles in the penal code and expunge all previous criminal records that were convicted under these articles.**
- **Prohibit any and all forms of physical and verbal violence against LGBTIQ+ persons in detention facilities, police stations, and prisons in Lebanon.**
- **Refrain from arbitrarily arrest and detention of trans and gender non-conforming individuals in Lebanon, especially refugees, migrant workers, and other further marginalized groups.**
- **Improve protection, oversight, facilities and spaces of detention facilities and prisons to take into account the SOGIESC of detained or incarcerated individuals.**
- **Update the definitions of torture and mistreatment in the Lebanese penal code in line with the definitions outlined in the CAT.**
- **Enact legislation that allows transgender individuals to amend the gender markers on their identity cards and official papers.**
- **Enact policies and procedures that take into account non-binary understanding of gender with regards to access to government services**

3- Labor Rights

Many LGBTQI+ individuals in Lebanon face discrimination and stigma in the workplace due to their SOGIESC and have no protections or recourse to justice in the case of violations. An ongoing 6-month study conducted by Helem and the Lebanese Center for Employee and Worker rights aimed at measuring discrimination against LGBTQI+ individuals in Lebanon found that it is highly prevalent across the nation. Discrimination comes mainly in the forms of denial in recruitment due to perceived non-normative orientations and identities; verbal, physical, and sexual harassment by colleagues and supervisors; poor labor conditions when it comes to wages, working hours, benefits, and dismissal; and sexual, labor, or financial exploitation especially against refugees. Ensuring protections and access to justice within the Lebanese labor law is crucial for the economic survival of LGBTQI+ individuals and their ability to ensure food security, shelter, and healthcare which are otherwise unavailable without purchasing power.

Recommendations

- **Ratify ILO convention 190 which protects workers from violence and harassment in the workplace.**
- **Pass a comprehensive employment anti-discrimination law that includes protections against discrimination based on gender expression and sexual orientation.**
- **Pass a comprehensive law against all forms of sexual harassment.**
- **Facilitate the procedure of submitting claims and accessing medications for LGBTQI+ persons for social security at the Ministries of Health and Social Affairs.**
- **Ratify ILO Convention 44 that secures unemployment allowances to the involuntarily unemployed.**
- **Expand the coverage of the National Social Security Fund to ensure the right to social security for all, as stipulated in Article 9 of the ICESCR.**

4- A Note on COVID-19

The advent of the COVID-19 pandemic and the resulting government-imposed lockdown has had a particularly devastating effect on LGBTQI+ communities in Lebanon already suffering from discrimination and disenfranchisement. Food insecurity has risen exponentially as Helem records more than a 1000% increase in the number of queer individuals requesting food assistance in its aid databases between January 2020 and June 2020 (from 100 to 1200 individuals registered). The majority of individuals in the community cannot access humanitarian food aid provided by relief agencies and the government because of lack of safety measures as well as the propensity of aid program to prioritize families (in the traditional sense) leaving many queer people ineligible as individuals or couples. Lack of access to chronic medication and lack of free and safe shelters for LGBTQI+ people is also alarming given the increasing number of evictions and homelessness that results. Lebanon has also witnessed a sharp spike in domestic violence cases and deteriorating mental health levels as Helem's hotline numbers spiked by 30% in April and May of 2020 alone.

Recommendations

- **Ensure that all existing humanitarian or economic aid efforts are LGBTQI+ inclusive and do not discriminate or curtail people's right to access food and medicine.**

- **Ensure all government funded or subsidized services, including shelters, are not limited to a binary understanding of gender and are able to serve transgender individuals without fear of repercussion or harm.**