

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	518
Land:	Libanon
Kilde:	International Lesbian Gay Bisexual Trans and Intersex Association (ILGA)
Titel:	State-sponsored homophobia
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LEBANON



Penal Code of 1943.

Article 534

[SEXUAL INTERCOURSE AGAINST NATURE]

“Any sexual intercourse against nature is punished with up to one year of imprisonment”.

Article 209

[MORALITY CODE LIMITING SOGI PUBLIC EXPRESSION - BREACH OF MODESTY]

“The making or possession, importing or attempts to import for trade, distribution, for payment, copying, exhibition or display or attempts to display to the public, or for selling or attempts to sell, or distribution or engaged in the distribution of each publication, an editor or a drawing or a declaration or pictures or paintings or photographs, or the origin of the image or its template or produced anything in breach of modesty shall be punished with imprisonment from imprisonment from one month to one year and a fine from 20,000 Lira to 100,000 Lira”.

Article 532 of 1943

“The exposing of public morals by any of the ways mentioned in paragraphs 2 or 3 of Article 209 shall be punished with imprisonment from one month to one year and a fine from 20,000 Lira to 100,000 Lira”.

In 2010, at Lebanon’s 1st cycle UPR, Norway recommended they decriminalise and “ensure non-discrimination on the basis of sexual orientation and gender identity”, the response to which was ‘noted’ (refused). The organisation Helem offer an **analysis** of the criminalising law. However, it is **reported** that in March 2014, a court **read down** Article 534 by ruling in favour of a transgender woman and her male partner. In contrast, in August 2014, it is **reported** that 27 men were arrested at a Hammam allegedly for same-sex sexual behaviour.

At the Interactive Dialogue session in Lebanon’s 2nd cycle UPR in November 2015, the delegation, in response to the six strong recommendations that the State received **said**: “As for sexual orientation, although article 534 of the Penal Code stated that sexual intercourse contrary to nature was punishable, two court decisions had indicated that article 534 did not apply to homosexuals [referring to the above]. The judiciary had played an important role in preventing and opposing acts of violence or discrimination against lesbian, gay, bisexual and transgender persons”. Public attitudes to LGBT people in Lebanon are caught in an **excellent report** produced in 2015, and an October 2016 **short animated video** advises on the rights a person who is arrested can assert.

In its **Concluding Observations** on Lebanon in October 2016, the Committee on Economic, Social and Cultural Rights (CESCR) addresses issues of discrimination based on SOGI, recommending the State adopts a legal framework for combatting discrimination, enshrines the principle in the Constitution, conducts campaigns to combat prejudices and stigmatisation and establishes mechanisms to ensure victims can seek effective remedies.

In reference to the 2014 case mentioned above, in January 2017 the Court of Cassation (the highest court in Lebanon) looked at the reasoning of the lower court and **found** in favour of it. The question of what comprises ‘natural’ in human sexuality was central to the issue.

MALAYSIA



Penal Code (Consolidated version 1998).

Unnatural Offences

[AGAINST THE ORDER OF NATURE]

Section 377A. Carnal intercourse against the order of nature.

“Any person who has sexual connection with another person by the introduction of the penis into the anus or mouth of the other person is said to commit carnal intercourse against the order of nature.