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“Don’t Punish Me for Who I Am”

Systemic Discrimination Against Transgender Women in Lebanon

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“Don’t Punish Me for Who I Am”

Systemic Discrimination Against Transgender Women in Lebanon

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Glossary

Biological Sex: Biological classification of bodies as female, male, or other, based on factors such as external sex organs, internal sexual and reproductive organs, hormones, and chromosomes.

Cisgender: Denoting or relating to a person whose sense of personal identity and gender corresponds with their birth sex.

Gay: Synonym in many parts of the world for homosexual; used here to refer to the sexual orientation of a man whose primary sexual and romantic attraction is toward other men.

Gender: Social and cultural codes (as opposed to biological sex) used to distinguish between what a society considers “masculine,” “feminine,” or “other” conduct.

Gender Affirming Surgery: Surgical procedures that change one’s body to conform to one’s gender identity. These procedures may include “top surgery” (breast augmentation or removal) and “bottom surgery” (altering genitals).

Gender Expression: External characteristics and behaviors that societies define as “masculine,” “feminine,” or “other,” including features such as dress, appearance, mannerisms, speech patterns, and social behavior and interactions.

Gender Identity: Person’s internal, deeply felt sense of being female or male, both, or something other than female or male. It does not necessarily correspond to the biological sex assigned at birth.

Gender Incongruence: Defined by the World Health Organization in its International Classification of Diseases (ICD) as a “marked and persistent incongruence between an individual’s experienced gender and assigned gender.” The latest revision of the International Classification of Diseases, ICD-11, removes “gender identity disorders” from the “mental disorders” section, and instead describes gender incongruence, within a new chapter on conditions related to sexual health. In Lebanon, a diagnosis with gender

incongruence is a necessary step before being eligible for legal gender recognition. Doctors have also used the terms “gender dysphoria” and “gender identity disorder” as a diagnosis.

Gender Non-Conforming: Behaving or appearing in ways that do not fully conform to social expectations based on one’s assigned sex.

Heteronormativity: A system that works to normalize behaviors and societal expectations that are tied to the presumption of heterosexuality and an adherence to a strict gender binary.

Heterosexual: Sexual orientation of a person whose primary sexual and romantic attraction is toward people of another sex.

Homophobia: Fear of, contempt of, or discrimination against homosexuals or homosexuality.

Homosexual: Sexual orientation of a person whose primary sexual and romantic attractions are toward people of the same sex.

LGBT: Lesbian, gay, bisexual, transgender; an inclusive term for groups and identities sometimes associated together as “sexual and gender minorities.”

Sex Work: The commercial exchange of sexual services between consenting adults.

Sexual Orientation: A person’s sexual and emotional attraction to people of the same gender, a different gender, or any gender. In Lebanon, both authorities and ordinary people often wrongly conflate sexual orientation with gender identity.

Transgender (also, “trans”): Denoting or relating to people whose assigned gender (which they were declared to have upon birth) does not match their gender identity (the gender that they are most comfortable with expressing or would express given a choice). A transgender person usually adopts, or would prefer to adopt, a gender expression in consonance with their gender identity, but may or may not desire to permanently alter their bodily characteristics in order to conform to their preferred gender.

Transgender women: Persons designated male at birth but who identify and may present themselves as women. Transgender women usually prefer to be referred to with female pronouns.

Transgender men: Persons designated female at birth but who identify and may present themselves as men. Transgender men usually prefer to be referred to with male pronouns.

Transphobia: Fear of, contempt of, or discrimination against transgender people or transgenderism.

Summary

We cannot find employment, we do not have homes, we cannot get an education, we are marginalized, we are shunned from society, we have no life, no connections, no families. We are rejected from family, from institutions, from friends, from our homes. We go to look for jobs and the first thing they ask for is ID, and when they see I present as a woman, but my ID says male, they won't hire me. If the government helps us correct our official records, we can go find jobs like any other person and do just fine. Instead, they convict us of crimes and impose laws on our identities.

—Carmen, 21-year-old Syrian trans woman, October 21, 2018

We need to be incorporated into society, instead of living in this isolation that they have manufactured for us.

—Jumana, 52-year-old Lebanese trans woman, November 15, 2018

Transgender women—people designated male at birth but who identify and may present themselves as women—face systemic discrimination in education, employment, housing, and the provision of health care in Lebanon. They are also at greater risk of arbitrary arrest. Arrests and questioning at checkpoints are often accompanied by physical violence by law enforcement officials. Trans women also face routine violence and the threat of violence by members of the public and are denied police protection, compromising their ability to live in safety and positioning them in a perpetual state of precarity. This discrimination, which emanates from severe social stigma and isolation, is exacerbated by a lack of resources tailored for trans people's needs and by their difficulty in obtaining identification documents that reflect their gender identity and expression.

While discrimination impacts virtually all trans women in Lebanon, it is often intensified in the case of trans refugees, who are marginalized on the grounds of both refugee status and gender identity.

While Lebanese law does not explicitly criminalize being trans, article 534¹ of the penal code punishes “any sexual intercourse contrary to the order of nature” with up to one year in prison. This law has been regularly enforced to arrest transgender women who are misidentified as “gay men.” Trans people are also targeted under laws of “violating public morality,” “incitement to debauchery,” and “secret prostitution.”

Most transgender women told Human Rights Watch that social stigma and the combination of vague laws that police morality, regulate sex work, and are interpreted to criminalize adult consensual same-sex conduct, has had an insidious effect on their individual self-expression, forcing them to adopt self-censoring behavior because any suspicion of non-conformity may lead to violence or arrest. The combination of marginalization, laws that criminalize homosexuality and sex work, loosely defined “morality laws,” and the absence of legislation protecting against discrimination and reliable complaint systems severely limits trans women’s mobility.

This report focuses on the systemic discrimination that transgender women experience in Lebanon. It is based on 50 interviews with Lebanese trans women as well as trans refugees and asylum seekers from other Arab countries, all of whom reside in Lebanon.

The cycle of oppression spun for transgender women in Lebanon often begins with domestic violence at home. This violence, in many cases perpetrated by a dominant male figure in the family, goes unpunished, pushing transgender women out of their homes, and in the case of refugees and asylum seekers, their countries.

For Lebanese trans people, living within a geographically small and close-knit society means that family rejection can spiral outward to a sense of rejection by extended families, an entire neighborhood, or even an entire town. Anonymity is rarely an option, limiting the scope of mobility in familiar spaces. For refugees and asylum seekers, not having the family safety net or social networks in a foreign country already marginalizes them, and their transgender identity further exacerbates their plight, especially given the absence of state services or shelters available to them.

¹ Lebanon’s Penal Code, https://www.unodc.org/res/cld/document/lebanon-penal-code_html/Lebanon_Penal_Code_1943.pdf (accessed August 17, 2018).

When trans women attempt to access medical and mental health resources, they confront ignorance and bias, and a debilitatingly expensive healthcare system. Legally, physicians in Lebanon can prescribe hormone treatment and surgical interventions for trans people. However, these services are expensive and, in most cases, not covered by any public or private insurance scheme, which limits trans people's access to them. This reality, coupled with the stigma that transgender women face in the public and private health sectors due to their gender expression, impede trans women's right to a safe, affordable, and inclusive system of health protection.

Securing safe housing is also a monumental challenge for transgender individuals residing in Lebanon, who encounter varying difficulties depending on their socioeconomic status, refugee status, and gender expression. Due to the complete absence of shelters providing emergency housing for trans individuals, they are left to navigate the informal, expensive, and often discriminatory Lebanese housing market on their own.

Family abuse, combined with institutional discrimination, bullying, and social exclusion, impede trans women's ability to complete their education, which positions them at a disadvantage for entering the labor market.

According to nearly all the people interviewed for this report, the lack of employment opportunities for transgender individuals residing in Lebanon is the most grueling form of discrimination they face. High unemployment rates pose challenges for anyone attempting to enter the labor market, but transgender people's chances of landing a steady job are worsened by bias and the monumental obstacle of lacking identification papers that reflect their gender expression. For trans refugees and migrants, these conditions are exacerbated by their lack of legal residency that limits their ability to work in the country.

Some trans women told Human Rights Watch that this difficulty in accessing formal employment has led them to resort to sex work, as it was "their only option." Due to the criminalization of sex work in Lebanon, these trans women are at increased risk of abuse due to the barriers they face in exercising basic rights, including protection from violence, access to justice for abuses, and access to essential health services.

Discrimination in accessing education, employment, housing, and health care is more acute for trans women who lack official identification documents that match their gender

expression. In Lebanon, name and gender markers can only be changed through a court ruling. In January 2016, an appeals court in Lebanon delivered a ruling allowing a transgender man to change his name and gender marker on his identity documents, overruling a lower court and compelling the government to change the papers. The court found that gender affirming surgery should not be a prerequisite to gender identity recognition.

Despite this positive precedent, all of the trans women whom Human Rights Watch interviewed said procedural obstacles, including high fees, reluctance to engage in protracted court proceedings, and lack of legal assistance deterred them from seeking court rulings to change their gender markers. Legal gender recognition is an essential element of other fundamental rights including the right to privacy, the right to freedom of expression, rights related to employment, education, health, and the ability to move freely.

Ten of the fifty trans women Human Rights Watch interviewed were detained by the Internal Security Forces (ISF) at least once in Lebanon. Trans women detainees reported being subjected to coerced confessions and prolonged pretrial detention while being denied access to a lawyer. With one exception, trans women detainees were placed in men's cells. The conditions of their detention included being denied food and water, the right to make a phone call, being placed in overcrowded cells, and physically abused.

The need to combat torture and ill-treatment lie at the heart of several international conventions, treaties, and declarations that Lebanon is obligated to uphold under international law and is bound to by the preamble of its constitution. Lebanon is among countries that voted to adopt the Universal Declaration of Human Rights (UDHR) in 1948. It ratified the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) in 1972, both of which came into force in 1976.

Lebanese security forces should stop arresting and detaining transgender women on the basis of their gender identity and instead ensure their protection from violence. Lebanon should introduce and implement legislation protecting against discrimination on the grounds of sexual orientation and gender identity, including a reformed labor law protecting against employment discrimination, and should establish a simple, administrative process allowing transgender people to change their names and gender markers on documents based on self-declaration.

Key Recommendations

To the Lebanese Parliament

- Pass comprehensive anti-discrimination legislation that prohibits discrimination on the grounds of gender identity and sexual orientation and includes effective measures to identify and address such discrimination and gives victims of discrimination an effective remedy.
- Introduce legislation that allows for name and gender marker change through a simple administrative procedure based on self-declaration.
- Repeal article 534 of the Lebanese Penal Code, which criminalizes “sexual intercourse contrary to the order of nature.”

To the Ministry of Labor

- Introduce to parliament a reformed labor bill that includes protection against discrimination on the grounds of gender identity or sexual orientation.

To Lebanese Security Forces, including the Internal Security Forces, General Security Office, and Lebanese Armed Forces

- Stop arresting and detaining transgender women on the basis of their gender identity, including under article 534 on “unnatural offenses,” articles 209, 526, 531, 532, and 533 on “morality,” and article 521 on “masquerading as women.”

To Donor States and Agencies Supporting Civil Society and State Reforms in Lebanon, including France, Germany, Denmark, the US, UK, EU, and UNHCR

- Provide support for the access to emergency temporary shelters for transgender women across Lebanon, including for trans women escaping domestic violence.
- Fund trans-led initiatives and civil society projects that focus on other service provisions for trans people, including medical access, financial assistance, legal assistance, and employment.

Methodology

Human Rights Watch conducted research for this report between October and November 2018. The research included 55 individual interviews and two focus groups of eight participants each, with people who identify as transgender and, at the time of the research, resided in Lebanon.

The interviewees comprised 50 transgender women and 5 transgender men. The information obtained from the interviews with transgender men was not included in this report due to the small sample size that did not allow for providing a diverse representation of their experiences. Additionally, the few interviews we conducted with transgender men, and interviews with other organizations that work with them, suggest that the nature of abuses experienced by transgender men often differ from those experienced by transgender women. Many factors contribute to this variation, including patriarchal social norms; Lebanese security forces' conflation of gender expression and sexual orientation, wherein transgender men are perceived as "lesbians" and transgender women as "gay men;" and limited outreach by civil society groups targeting transgender men. Future research focusing on the experiences of transgender men would be beneficial in understanding the range of violations carried out on the basis of their gender identity in Lebanon.

Of the 50 interviewees, 25 are refugees and asylum seekers from Egypt, Iraq, Jordan, Palestine, Syria, Saudi Arabia, and Yemen. One is a stateless person residing in Lebanon. The remaining 24 are Lebanese citizens.

This report was researched in collaboration with the Lebanese LGBT organizations Helem and MOSAIC, based in Beirut. All interview subjects were approached with the assistance of these two organizations. Interviews were conducted at Helem and MOSAIC offices, the Human Rights Watch office in Beirut, and at interviewees' residences.

While all the interviews were conducted in Beirut, interviewees reported abuses they faced in a broader geographic scope, including towns in the South, North, Mount Lebanon, Baalbeck, and Beirut provinces.

The researcher obtained informed consent from all interviewees, who were informed that they could stop the interview at any time or decline to answer any questions they did not feel comfortable answering.

Interviewees did not receive any compensation for the interviews. Human Rights Watch reimbursed public transportation fares for interviewees who traveled to meet the researcher in safe, discreet locations. Interviews were conducted in Arabic and were translated into English by the researcher. All interviews were conducted privately.

The names of all transgender interviewees have been withheld to assure their anonymity. Each has been assigned a pseudonym in this report that bears no relation to their real name.

Human Rights Watch also interviewed representatives of nine local, regional, and international human rights organizations and international agencies, as well as lawyers, academics, and health professionals in Lebanon who work with trans individuals.

I. Background

In Lebanon, prevailing sectarian, patriarchal, and heteronormative social norms, as well as recurrent political gridlock and pronounced class disparity, perpetuate a fragmented Lebanese state and stark social inequality.² The latter is reinforced by clientelism and patronage networks that operate through sectarian incentives, in lieu of state welfare institutions, which entail using one's sect as the primary means to obtain basic services.³ This system, which necessitates possessing sectarian, class, and political power for survival, increases the vulnerability of transgender women, who are often economically underprivileged and shunned from the sectarian communities that would afford them political connections, due to family rejection and discrimination based on their gender expression.

The systemic discrimination that transgender women endure in Lebanon is exacerbated by intersecting forms of marginalization—class, sect, rampant policing of non-normativity of all kinds, heteronormative and patriarchal social values, and state neglect. This discrimination amounts to structural violence, which refers to the systematic ways by which the combination of the legal, economic, political and medical institutions in Lebanon harm transgender individuals by preventing them from meeting their basic needs and achieving their full potential.⁴ For trans refugees and asylum seekers, these forms of marginalization are compounded by the xenophobia, racism, and discrimination they face as foreigners.

² Sectarianism is “a form of politics in which religion and sect serve as the basis of defining community, segregating those communities, and making political claims vis-à-vis political rivals and the state.” The Lebanese Center for Policy Studies, “Defining and Deconstructing Sectarianism: An Interview with Ziad Abu-Rish,” July 6, 2017, <https://www.lcps-lebanon.org/agendaArticle.php?id=78> (accessed May 10, 2019). Sectarianism as a political institution was made official through the Lebanese “Document of National Understanding,” or the Ta’if Accord. Under the Ta’if Accord, the top three public offices, that of the President, Prime Minister and Speaker of Parliament, are reserved for the Maronite Christian, Sunni Muslim and Shiite Muslim communities, respectively. Representation in the 128-member Chamber of Deputies is divided equally between Muslims and Christians (Article 24). The World Bank, *Lebanon’s Economic Update: April 2019*, <http://pubdocs.worldbank.org/en/757651553672394797/Lebanon-MEU-April-2019-Eng.pdf> (accessed April 29, 2019). Maya, Mikdashi “Sex and Sectarianism: The Legal Architecture of Lebanese Citizenship,” *Comparative Studies of South Asia, Africa and the Middle East*, 34 (2) (2014), pp. 279–293, https://www.academia.edu/9690570/Sex_and_Sectarianism_The_Architecture_of_Lebanese_Citizenship (accessed May 3, 2019).

³ Melani Cammett and Sukriti Issar “Bricks and Mortar Clientelism: Sectarianism and the Logics of Welfare Allocation in Lebanon,” Cambridge University Press 62(3) (2010), pp. 381–421.

⁴ Coined by the Norwegian sociologist Johan Galtung, in his article “Violence, Peace, and Peace Research” (1969).

Given the complexity of this systemic discrimination, it is important to highlight transgender women's resilience and innovative strategies for survival. As this report highlights, from navigating employment exclusion to developing safe networks and alliances for survival, trans women are agents and leaders of their own lives, not voiceless victims.

Social Context

Domestic Violence

Thirty-eight out of the fifty interviewed trans women reported experiencing extreme violence by a male relative for their gender expression, including being locked in a room for extended periods,⁵ being denied food and water,⁶ being burnt,⁷ beaten, stabbed,⁸ raped,⁹ and attacked at gunpoint.¹⁰ Maria, a 23-year-old Lebanese trans woman, said:

I live in a very conservative neighborhood and I'm from a conservative family. When I realized I was trans, I started avoiding my neighborhood as much as possible, but I couldn't avoid my family. They think I'm acting like this to provoke them, but I can't help it, it's who I am. My family really loved me, until people intervened from outside the family and started telling my father, 'Your son is wearing tight pants, your son shaves his legs, etc.' I got beaten, burned, tied up in metal chains by my father because of people's gossip. He beat me every day and kept saying, 'Be a man.' He wanted to beat the woman out of me.¹¹

⁵ For example, Masa, a 37-year-old Jordanian trans woman, said that her father locked her in her room for three days because of her gender identity. Human Rights Watch interview with Masa, Beirut, October 25, 2018.

⁶ For example, Nadia, a 23-year-old Iraqi trans woman, said that her father and uncle denied her food and water and prevented her from leaving her bedroom when they found out that she is trans. Human Rights Watch interview with Nadia, Beirut, October 31, 2018.

⁷ For example, Maria, a 23-year-old Lebanese trans woman, said that her father applied burns to her legs to punish her for shaving. Human Rights Watch interview with Maria, Beirut, November 11, 2018.

⁸ For example, Carmen, a 21-year-old Syrian trans woman, said her brother attempted to stab her with a knife on multiple occasions because of her gender identity. Human Rights Watch interview with Carmen, Beirut, October 21, 2018.

⁹ For example, Mia, a 27-year-old trans woman from Yemen, said her brothers continuously raped her as a form of "corrective" punishment for her gender identity. Human Rights Watch interview with Mia, Beirut, November 16, 2018.

¹⁰ For example, Elsa, a 50-year-old Syrian trans woman, said her brother shot at her when he found out that she underwent gender affirming surgery in Syria. Human Rights Watch interview with Elsa, Beirut, November 22, 2018.

¹¹ Human Rights Watch interview with Maria, Beirut, November 11, 2018.

According to interviewees, their relatives abused them for so-called “corrective” purposes and because their families feared that their gender expression would compromise the family’s reputation and bring them shame. Natalie, a 22-year-old Syrian trans woman, said:

My uncles were beating me and threatening my life because they were afraid over their reputation. My uncle broke my nose, my teeth, and stabbed me in the eye. When he found out that I’m in Lebanon, he said, ‘I will slaughter you.’¹²

Suha, a 24-year-old Lebanese trans woman, said:

Even though my parents understand my situation and know I can’t help it, they don’t accept it because of society. Neighbors and people in the community always gossip about me to my parents and tell them to fix me, so even if my dad would be nice to me one day, the next day he would beat me, because he’s afraid if he’s nice, he’ll be seen as encouraging me and enabling me to be like this. My brother threatened to kill me if I do any hormone treatment or surgery. He said, ‘Even if you were at the end of the world, I will find you and I will kill you.’¹³

Complicating the notion that living in a big city grants trans women a degree of safety that stems from anonymity, in three cases, Lebanese trans women interviewees noted that they feel safer in their own neighborhoods, despite their conservative nature. “I grew up there and they know me, they know whose daughter I am, and my father is a religious figure and very respected, so they leave me alone. But when I leave my neighborhood, attitudes change,”¹⁴ Dunya, a 31-year-old Lebanese trans woman, said.

¹² Human Rights Watch interview with Natalie, Beirut, October 18, 2018.

¹³ Human Rights Watch interview with Suha, Beirut, November 27, 2018.

¹⁴ Human Rights Watch interview with Dunya, Beirut, November 8, 2018.

Street Harassment and Social Stigma

In Lebanon, you have to be either male or female, you can't be in-between, because your life will be hell. In our society, if they see a woman who is more masculine presenting, they brush it off ... if they see an effeminate man, they lose their minds and bring hell on earth. This is the problem with the patriarchal mentality and our misogynistic society.

—Roro, 27-year-old Lebanese trans woman, November 11, 2018¹⁵

With some exceptions, trans women told Human Rights Watch that their experience in the majority of Lebanon's urban and rural localities was that most residents they dealt with were unaware or largely dismissive of trans people's existence, or intolerant toward trans individuals. Human Rights Watch research reveals that trans women in Lebanon rarely feel safe on the street or in public.

Every trans woman interviewee spoke about the constant harassment and violence she faced in the public and sometimes private spheres. "They made me change the way I look, the way I walk, the way I express myself. I cut my hair; I don't dare dress the way I want to. Not even in my house,"¹⁶ said Miriam, a 20-year-old Syrian trans woman.

Bella, a 24-year-old Lebanese trans woman, said:

I avoid being seen in public at all costs. Public transportation is very unsafe. I only go to areas that are more accepting, but even then, I get harassed and it's not just verbal, it's physical. Every time I get targeted on the street, I run for my life. Because first it's just one person, then I find a gang of six or seven men around me and they want my blood.¹⁷

Dareen, a 42-year-old Lebanese trans woman, said that walking the streets of Beirut in daytime "feels like boiling water is being poured on me."¹⁸

¹⁵ Human Rights Watch interview with Roro, Beirut, November 11, 2018.

¹⁶ Human Rights Watch interview with Miriam, Beirut, October 25, 2018.

¹⁷ Human Rights Watch interview with Bella, Beirut, October 30, 2018.

¹⁸ Human Rights Watch interview with Dareen, Beirut, November 8, 2018.

As a result, trans women often practice self-censorship to protect themselves, including censoring the way they wish to dress, talk, and present themselves in public. Leila, a 34-year-old Lebanese trans woman, said, “As long as I am in Lebanon, I can’t be Leila. Unless I fit in the [gender] binary and transition completely as a woman, I wouldn’t, it’s too risky.”¹⁹

Media Treatment of Trans Issues

I don’t trust the media, they’re not on our side. They host us to get wide viewership and entertain straight audiences. They ridicule us and stereotype us further just to make fun of our identities and create a spectacle in the public sphere. This is not visibility; they’re using us instead of showing our true lives and helping us change public opinion about us.

—Roro, 27-year-old Lebanese trans woman, November 11, 2018²⁰

Trans individuals are often made a spectacle of for entertainment on mainstream local and regional media. In Lebanon, most media institutions are affiliated with established political parties.²¹ Although some independent local and international organizations and news outlets have documented trans narratives to break taboos and spread awareness, most mainstream Lebanese media have done the opposite.²²

In the few instances when trans people had been invited for interviews on local talk shows or mainstream media programs, they describe having been misgendered, mocked, and

¹⁹ Human Rights Watch interview with Leila, Beirut, October 30, 2018.

²⁰ Human Rights Watch interview with Roro, Beirut, November 11, 2018.

²¹ Lorenzo Trombetta “Lebanon-Media Landscape” (2018), <http://www.databank.com.lb/docs/Media%20Landscape%202018.pdf> (accessed April 30, 2019).

²² For detailed documentation of trans narratives, see the following links:

“Gay, trans and illegal in Lebanon - BBC Pop Up,” February 21, 2017, video clip, YouTube, <https://www.youtube.com/watch?v=6y-hgqD7vvs> (accessed August 2, 2018); “Beyond glamour - Lebanese transgender model breaks taboos,” May 11, 2018, video clip, YouTube, <https://www.youtube.com/watch?v=mNLhn4np8F8> (accessed August 2, 2018).

humiliated.²³ Occasionally, religious figures and health “experts” have been “surprise guests” on these shows, who are invited to shame trans individuals and confirm the normative assumption that they have a “disease that must be cured.”²⁴

One demonstrative case is that of Suzy, a trans woman who became a sensation on Lebanese television for months in 2017, after her story was made public. Suzy first told her story when she was invited to “Hawa Al-Horiyya,” a talk show on the Lebanese channel LBCI that documented her struggle in an emotional short video.²⁵ Suzy’s hypervisibility on Lebanese national media garnered mixed views from spectators, with some individuals extending monetary and emotional support, and others capitalizing on Suzy’s vulnerability, experience with mental illness, and social isolation to ridicule her on social media platforms.

Legal Context

While the Lebanese penal code does not contain any articles that specifically punish an individual for identifying as a trans person, trans people are frequently arrested and charged under a range of vague laws aimed at policing morals and under a law regulating sex work.²⁶

In researching this report, Human Rights Watch documented 12 cases in which 10 of the trans women interviewees had been arrested under laws prohibiting “sexual intercourse contrary to the order of nature,” “violating public morality,” “incitement to debauchery,”

²³ For specific examples of trans people being invited and ridiculed on talk shows, see the following links:

إشباب يخضع لعملية التحول الجنسي ليصبح فتاة فائقة الانوثة والجمال, April 27, 2015, video clip, YouTube, <https://www.youtube.com/watch?v=mBIQICxBPZQ> (accessed August 2, 2018); بلا تشفير - حلقة سوزي, May 16, 2018, video clip, YouTube, <https://www.youtube.com/watch?v=clEHAo5pD7o> (accessed August 2, 2018); نينا او نادر يغني, July 17, 2017, video clip, YouTube, <https://www.youtube.com/watch?v=1DagrFxYrgc>; كالطير مذبحاً من الألم... ويروي مأساته في للنشر, February 16, 2018, video clip, YouTube, <https://www.youtube.com/watch?v=t16fzfJldm4> (accessed August 2, 2018); ملك. الشاب متحول جنسيا يتكلم عن ندمه لما فعله بتغيير شكله, May 3, 2015, video clip, YouTube, <https://www.youtube.com/watch?v=jTrwkhLYPc> (accessed August 2, 2018).

²⁴ Video of interview with a Syrian refugee trans woman on a Lebanese talk show featuring priests and “experts” available at https://www.youtube.com/watch?v=Sw_Du-kIFO4, (accessed August 2, 2018).

²⁵ Video available at <https://www.youtube.com/watch?v=YDJek3tnSkE> (accessed August 2, 2018).

²⁶ Ahmad Saleh and Adriana Qubaia, “Transwomen’s Navigation of Arrest and Detention in Beirut: A Case Study (En-Ar),” *Civil Society Knowledge Center, Lebanon Support*, (2015), <https://civilsociety-centre.org/paper/transwomen%E2%80%99s-navigation-arrest-and-detention-beirut-case-study-en-ar> (accessed August 13, 2018).

and “secret prostitution.” One reported case included the charge “masquerading as a woman.” Civil society organizations in Lebanon have also raised concerns about other laws that have in the past been used to target trans people. The following table sets out these laws and their application.

Article 534 of the penal code punishes “any sexual intercourse contrary to the order of nature” with up to one year in prison.²⁷	Police (Internal Security Forces (ISF)) frequently arrest transgender women, whom they perceive as “gay men,” under article 534. This provision is primarily used to prosecute people suspected of homosexuality, even though the law does not specify what might constitute “contrary to the order of nature,” leaving a large margin of interpretation to individual judges.²⁸ In recent years, several rulings by individual judges and a top military prosecutor have declined to convict gay and trans people under article 534, and ruled that consensual sex between people of the same sex is not unlawful.²⁹
Article 521 of the Lebanese Penal Code criminalizes “every man who masquerades as a woman to enter women’s spaces,” with a sentence of up to six months in prison.³⁰	Police sometimes interpret this law to target trans women, who can be accused of “masquerading as women” due to the mismatch between their official documents and their gender expression.³¹

²⁷ Lebanon’s Penal Code https://www.unodc.org/res/cld/document/lebanon-penal-code_html/Lebanon_Penal_Code_1943.pdf (accessed August 17, 2018).

²⁸ Human Rights Watch, “*It’s Part of the Job*”: *Ill-treatment and Torture of Vulnerable Groups in Lebanese Police Stations*, June 2013, <https://www.hrw.org/report/2013/06/26/its-part-job/ill-treatment-and-torture-vulnerable-groups-lebanese-police-stations>.

²⁹ In July 2018, a district court of appeal in Lebanon issued a groundbreaking ruling that consensual sex between people of the same sex is not unlawful. The ruling followed similar judgments from lower courts that have declined to convict gay and transgender people of “sexual intercourse contrary to nature” in four separate rulings between 2007 and 2017. In March 2019, a military court decision ruled that homosexuality is not a crime and acquitted four individuals accused of “sodomy.”

³⁰ Lebanon’s Penal Code, https://www.unodc.org/res/cld/document/lebanon-penal-code_html/Lebanon_Penal_Code_1943.pdf (accessed August 17, 2018).

³¹ Human Rights Watch interview with Nawal, Beirut, November 27, 2018.

Articles 531, 532, and 533 on “threatening public morality and ethics” punish the “violation of public morality by one of the means mentioned in article 209,”³² with imprisonment from one month to one year and a fine.³³	Transgender people have often been easy targets of these vague “morality laws,” which security forces have used to detain trans women as “violators of morality,”³⁴ as well as shut down conferences and interrupt events around gender and sexuality.³⁵
Article 526 on “incitement to debauchery” punishes any “person who facilitates, for the purpose of gain, the incitement of the public to commit debauchery with others” with imprisonment from one month to a year and a fine.³⁶	This loosely defined law has been used against transgender women who are accused of “luring” security officers and ordinary citizens into having sex with them, even when allegations are unfounded.³⁷
Article 523 of the Lebanese Penal Code punishes “any person who practices secret prostitution or facilitates it” with a prison sentence ranging from one month to one year. Although there is a law regulating sex work on the books, the government has not issued licenses since the 70s, leaving all sex workers vulnerable to arrest for	Some trans women engage in sex work, including because of the lack of employment opportunities available to them. The criminalization of sex work creates barriers for trans women to exercise basic rights, such as protection from violence, access to justice for abuses, and access to essential health services.

³² Article 209 of the Lebanese Penal Code lists what is considered a means of publication. Lebanon’s Penal Code, https://www.unodc.org/res/cld/document/lebanon-penal-code_html/Lebanon_Penal_Code_1943.pdf (accessed August 17, 2018).

³³ Lebanon’s Penal Code, https://www.unodc.org/res/cld/document/lebanon-penal-code_html/Lebanon_Penal_Code_1943.pdf (accessed August 17, 2018).

³⁴ For example, Miriam, a 20-year-old Syrian trans woman, told Human Rights Watch that Internal Security Forces (ISF) officers arrested and detained her and her boyfriend under the charge of “violating public morality.” Human Rights Watch interview with Miriam, Beirut, October 25, 2018.

³⁵ Lebanese Security forces have repeatedly interfered in events around LGBT issues under the guise of “protecting public morality and ethics.” For a detailed account: “Lebanon: No Justification for LGBT Crackdown,” Human Rights Watch news release, February 11, 2019, <https://www.hrw.org/news/2019/02/11/lebanon-no-justification-lgbt-crackdown>.

³⁶ Lebanon’s Penal Code, https://www.unodc.org/res/cld/document/lebanon-penal-code_html/Lebanon_Penal_Code_1943.pdf (accessed August 17, 2018).

³⁷ For example, Diana, a 27-year-old Lebanese trans woman, told Human Rights Watch that she was falsely accused of “coming onto an [ISF] officer and convincing him to sleep with her.” She was subjected to an investigation and coerced confession, and then charged in military court for ‘assaulting an officer.’ Human Rights Watch interview with Diana, Beirut, November 8, 2018.

practicing sex work without being registered. ³⁸	
Article 530 of the Lebanese Penal Code stipulates that refugees and migrants in Lebanon who are charged with “incitement to debauchery” can be deported. ³⁹	Trans women refugees who practice sex work in Lebanon can be at risk for deportation under this article. ⁴⁰

Political Context

Trans rights are absent from political discourse in Lebanon on the governmental level. In Lebanon’s 2018 parliamentary elections, candidates who vocalized their alliance to “gay rights” failed to explicitly include trans rights in their campaigns. Although the 2018 parliamentary elections showed an unprecedented rise in the support of LGBT issues and the open acknowledgment of defending LGBT rights,⁴¹ the candidates who made these claims spoke only about decriminalizing homosexuality in their political messaging, and subsequently disregarded emphasizing trans-specific issues. Trans women’s rights are also excluded from any official discourse that champions women’s rights.⁴²

Trans Women Refugees and Asylum Seekers

Lebanon has the highest per-capita refugee population of any country in the world.⁴³ It hosts an estimated 1.5 million Syrian refugees, of whom approximately 73 percent lack

³⁸ Lebanon’s Penal Code: https://www.unodc.org/res/cld/document/lebanon-penal-code_html/Lebanon_Penal_Code_1943.pdf (accessed August 17, 2018).

³⁹ Ibid.

⁴⁰ Ahmad Saleh and Adriana Qubaia, “Transwomen’s Navigation of Arrest and Detention in Beirut: A Case Study (En-Ar),” *Civil Society Knowledge Center, Lebanon Support*, (2015), <https://civilsociety-centre.org/paper/transwomen%E2%80%99s-navigation-arrest-and-detention-beirut-case-study-en-ar> (accessed August 13, 2018).

⁴¹ I.S. “Gay and women’s rights are remarkably a part of Lebanon’s elections,” *Economist*, May 3, 2018, <https://www.economist.com/open-future/2018/05/03/gay-and-womens-rights-are-remarkably-a-part-of-lebanons-elections> (accessed August 21, 2018).

⁴² United Nations Development Programme (UNDP), United Nations Population Fund (UNFPA), UN Women, “Gender-related laws, policies, and practices in Lebanon,” 2018, https://civilsocietycentre.org/sites/default/files/resources/gender_justice_in_lebanon_final_report_eng.pdf (accessed April 30, 2019).

⁴³ United Nations High Commissioner for Refugees (UNHCR), “Lebanon Fact Sheet,” 2019, <https://www.unhcr.org/lb/wp-content/uploads/sites/16/2019/03/UNHCR-Lebanon-Operational-Fact-sheet-February-2019.pdf> (accessed April 17, 2019).

legal status,⁴⁴ restricting their movement and access to work, health care, and education.⁴⁵ There are also approximately 174,000 Palestinian longstanding refugees living in Lebanon, who continue to face restrictions, including on their right to work and own property.⁴⁶ In addition, approximately 45,000 Palestinians from Syria have sought refuge in Lebanon during the Syrian conflict.⁴⁷

All 25 trans women refugees and asylum seekers interviewed by Human Rights Watch reported facing serious violence in their countries of origin, including physical abuse, arrests, torture, kidnapping by militias, death threats, and 11 said they survived murder attempts.

Fifteen of the twenty-five trans women refugees interviewed by Human Rights Watch applied for refugee status recognition with the United Nations High Commissioner for Refugees (UNHCR) in Lebanon and those recognized by UNHCR as refugees then sought third-country resettlement; none of the interviewees relocated to Lebanon with the intention of staying permanently.

Despite Lebanon's reputation of being more "liberal" and accepting of non-normativity than its neighbors in the region, the trans women refugees and asylum seekers interviewed by Human Rights Watch remarked that their lives in Lebanon are "the same" and at times "even worse" than their lives in their countries of origin.

Sixteen of the trans women refugees and asylum seekers interviewed by Human Rights Watch stated that they did not report the abuse they were subjected to by security forces due to their lack of legal residency and fears of arrest and deportation.

⁴⁴ United Nations Children's Fund (UNICEF), United Nations High Commissioner for Refugees, and the United Nations World Food Programme (WFP), "Vulnerability Assessment of Syrian Refugees in Lebanon," (2018), <https://www.unhcr.org/lb/wp-content/uploads/sites/16/2018/12/VASyR-2018.pdf> (accessed April 30, 2019).

⁴⁵ "Lebanon: Residency Rules Put Syrians at Risk," Human Rights Watch news release, January 12, 2016, <https://www.hrw.org/news/2016/01/12/lebanon-residency-rules-put-syrians-risk>.

⁴⁶ United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), "Protection in Lebanon," <https://www.unrwa.org/activity/protection-lebanon> (accessed April 30, 2019).

⁴⁷ Inter-agency Coordination Lebanon, "Minutes of Inter-sectoral Meeting: Beirut, June 12, 2015," <https://data.unhcr.org/syrianrefugees/download.php?id=9033> (accessed April 30, 2019).

Twenty of the twenty-five trans women refugees and asylum seekers interviewed by Human Rights Watch lack legal residency, which renders them more vulnerable to arrest and furthers restrictions on employment and education. Additionally, since the Syrian crisis, xenophobic statements and anti-refugee sentiments by leading Lebanese politicians have increased, calling for their deportation and return.⁴⁸

Crackdown on LGBT Organizing

Over the past few years, Lebanese security forces have repeatedly interfered with human rights events related to gender and sexuality, in violation of international human rights protections. Interventions by security forces have undermined the rights of sexual and gender minorities and human rights advocates working on gender and sexuality issues, unlawfully restricting the space for free speech and assembly in Lebanon.

On September 29, 2018, General Security Forces⁴⁹ attempted to shut down the annual NEDWA conference of the Arab Foundation for Freedoms and Equality, which works to advance human rights related to sexuality and gender, including for LGBT people, ordering conference participants to disperse from the hotel where they were meeting.⁵⁰

General Security officers took details of all conference participants from the hotel registry where the conference was being held, including participants from countries such as Egypt, where police arrested over 70 people in 2018 for being gay or transgender, and Iraq, where armed groups have murdered LGBT people with impunity. Since the NEDWA conference was held, the Arab Foundation for Freedoms and Equality has reported that General Security has imposed an entry ban on the conference participants and prevented at least six people who attended, including one trans person, from re-entering Lebanon.⁵¹

⁴⁸ Sarah El Deeb, “In Lebanon, Syrian refugees face new pressure to go home,” *AP News*, June 20, 2019, <https://www.apnews.com/0a77b3506e6d4c12a877ef059fdc4f4a> (accessed June 29, 2019).

⁴⁹ General Security is an intelligence branch of Lebanese security forces and is the agency that oversees the entry and exit of foreigners into the country.

⁵⁰ “Lebanon: Security Forces Try to Close LGBT Conference,” Human Rights Watch news release, October 4, 2018, <https://www.hrw.org/news/2018/10/04/lebanon-security-forces-try-close-lgbt-conference>.

⁵¹ “Lebanon: No Justification for LGBT Crackdown,” Human Rights Watch news release, February 11, 2019, <https://www.hrw.org/news/2019/02/11/lebanon-no-justification-lgbt-crackdown>.

General Security’s interference followed public statements from the Muslim Scholars Association—a gathering of Sunni scholars in Lebanon—accusing the organizers of promoting homosexuality and drug abuse. The association called for the organizers’ arrest and the cancellation of the conference on the grounds of “incitement to immorality.”

In May 2018, Lebanon’s Internal Security Forces detained an activist and pressured him to cancel events associated with Beirut Pride, including a poetry reading, a karaoke night, a discussion of sexual health and HIV, and a legal literacy workshop.⁵² In August 2017, General Security Forces ordered a hotel to cancel a human rights workshop organized by the Arab Foundation for Freedoms and Equality.⁵³

⁵² “Lebanon: No Justification for LGBT Crackdown,” Human Rights Watch news release, February 11, 2019, <https://www.hrw.org/news/2019/02/11/lebanon-no-justification-lgbt-crackdown>.

⁵³ “Lebanon: Security Forces Try to Close LGBT Conference,” Human Rights Watch news release, October 4, 2018, <https://www.hrw.org/news/2018/10/04/lebanon-security-forces-try-close-lgbt-conference>.

II. Security Sector Abuses

Lebanese Military and Security Forces

There are four main security actors in Lebanon: The Internal Security Forces Directorate, the General Security Directorate, the State Security Directorate, and the Lebanese Armed Forces.

The **Internal Security Forces (ISF)**, Lebanon's main police force, falls under the jurisdiction of the Ministry of Interior. In 2008, the ISF established a human rights department tasked with conducting human rights trainings for ISF personnel and compiling studies on various human rights issues.

The Judicial Police, sometimes referred to as the Criminal Investigations Department, is the branch of the ISF that is responsible for arresting and detaining suspects and investigating crimes. The Judicial Police operate under the jurisdiction of the public prosecutor's office, the investigative judge, and the courts.

The abuses at checkpoints and ill-treatment in detention centers documented in this report were mainly perpetrated by the ISF, with one exception—where an abuse of a Syrian trans woman was carried out by the army.

The **General Security Directorate**, under the Ministry of Interior, is the intelligence agency responsible for overseeing the entry and exit of foreigners, issuing and monitoring visas, collecting information in the service of the government, and media censorship.

The **Lebanese Armed Forces (LAF)** are Lebanon's army, responsible for securing its borders and fighting external and internal threats to the country's security. In 2009, the LAF established a Human Rights office, which became a directorate in 2016.

Transgender women face routine violence from security officials, who verbally and physically assault them, arbitrarily arrest and detain them, sometimes without a legal basis. Interviewees reported that any suspicion of gender non-conformity may lead to violence or arrest by security forces. As detailed in this section, the combination of marginalization, laws that criminalize homosexuality and sex work, loosely defined “morality laws,” and the absence of legislation protecting against discrimination as well as reliable complaint systems, deters trans women from seeking redress for abuses committed against them.

Violence by Security and Military Forces in the Streets

Forty of the fifty trans women interviewed by Human Rights Watch described how military and security personnel targeted them while they were in public because of their gender expression.

Mirna, a 22-year-old Syrian trans woman, described how army soldiers in May 2017 stopped, searched, interrogated and abused her because of how she looks, while walking to work with a male cousin:

There was an army base under the bridge in Jounieh [a town in north Lebanon]. The military men standing there called us over, so we went. When we got to them, one said to me, ‘From a distance, I thought you were a girl.’ I gave them my Syrian papers, because I don’t have any legal papers in Lebanon, and they just looked at it and gave it back.... They opened our bags to search them, and they found a pink charger in mine. They started making fun of me: ‘It’s not enough that you look like a faggot, you also have a pink charger?’ Then one big guy took me inside because ‘I look like this’ and he wanted to ‘interrogate me.’ He searched my phone. I will never forget the way he looks; the palm of his hand is as big as my whole face. When he slapped me, because he found a picture of me where he thought I was wearing lipstick, my whole body shook.⁵⁴

⁵⁴ Human Rights Watch interview with Mirna, Beirut, November 8, 2018.

Mirna told Human Rights Watch that during her interrogation the soldier accused her of wearing make-up, searched her phone, threatened and beat her, and forced her to strip naked. She said:

First, he asked me why I am wearing makeup. I wasn't wearing makeup and I never do, so I denied. He insisted that I was wearing lipstick, so I smudged my lips and showed him that there's no lipstick on them. He said I'm a liar. I said I wasn't lying. He slapped me. I got scared and put my head down. Then he looked through my phone and found a video of me in an amusement park in Syria, he opened it and said, 'See, here, too, you're wearing makeup.' I started swearing that I wasn't wearing makeup and that I don't, so he hit me with the back end of his rifle on my head. He called the other soldier and told him to bring a razor so they could shave my head. I started crying and begged him not to, so he slapped me again. Every time I opened my mouth, he slapped me.

Then he told the other guy to bring a taser so they could electroshock me. Here I started screaming, because I was terrified, and I kept asking him, 'What's my charge? Why am I being tortured? What's my crime?' He slapped me. I said, 'I am willing to go to prison for whatever crime I have committed, but please don't electrocute me.' He slapped me. Then he said, 'Take your clothes off.' I said I won't. He insisted that I do and slapped me every time I refused. Then he called my cousin and told him to take his clothes off. He immediately did. Then he looked at me and said, 'See, he took his clothes off, he's a real man. Why won't you? What are you hiding?'

By the end, I had had enough beating, my face was pulsating with pain, so I took my clothes off. He took me behind the tank, so people won't see me and made me take my clothes off. I stood there naked and the soldier made me bend over to 'check whether I am a faggot.' They started taking videos of me and laughing. One of them brought a needle and thread and started 'demonstrating how penetration happens.' I was terrified that they would put the video online and then I'll be a goner. On my way out of the base, every single soldier who was there started beating me, just for fun. One of them said, 'If I were in a better mood, I wouldn't have let you leave here

walking on both your legs.’ Another one grabbed my hair and started pulling it to make it messy and put my sunglasses on me and said, ‘You don’t take the sunglasses off until you have crossed the road away from here, or you’ll see what happens. And you never tell anyone what happened here, you understand?’⁵⁵

Mirna’s case reflects how vulnerable trans women, and in particular, trans refugees, can be to ill-treatment from security personnel. Jina, a 32-year-old Iraqi trans woman, also described how two ISF officers targeted her for her gender expression while she was in public:

On November 13, 2018, I was in a cab on my way to Caritas.⁵⁶ The driver dropped me off a few meters away and while I was walking, and a police officer started yelling at me to stop. He asked for my papers and I gave them to him, he asked ‘Are you Iraqi?’ I said yes. He asked, ‘Why are you wearing an earring?’ Then he forcefully pulled out my earring until I bled, started beating me in front of everyone and said, ‘Go get fucked in your country, you faggot.’ His friend then came and beat me and humiliated me in front of everyone. People were just laughing. I took pictures of them when I ran away and he screamed: ‘Go complain to whoever you want, no one is going to believe you, faggot.’ I was so scared and humiliated.⁵⁷

Violence at Checkpoints: Protector or Perpetrator?

Checkpoints are my worst fear. I’ve been stopped at checkpoints countless times; they always stop me to make fun of me. They’ve thrown eggs at me, they’ve beaten me with batons in the middle of the street, just because of how I look.

—Safia, 27-year-old trans woman from Lebanon, October 30, 2018⁵⁸

⁵⁵ Human Rights Watch interview with Mirna, Beirut, November 8, 2018.

⁵⁶ Caritas is a charity/NGO that works with refugees.

⁵⁷ Human Rights Watch interview with Jina, Beirut, October 15, 2018.

⁵⁸ Human Rights Watch interview with Safia, Beirut, October 30, 2018.

Security checkpoints are ubiquitous throughout Lebanon. The two state security agencies that are permitted to construct checkpoints are the ISF,⁵⁹ and the LAF. Checkpoints can stop vehicular traffic, search cars as well as individuals present in the vehicle, and officers may request that individuals passing through a checkpoint show their ID.⁶⁰ The primary purpose of checkpoints is imposing surveillance on any threats to national security, internal or external.⁶¹

As evident in Mirna's and Jina's cases, the proliferation of checkpoints creates a "culture" of checkpoints. This results in an abuse of power by security personnel, who regularly stop pedestrians they deem "threatening" regardless of whether a physical checkpoint is erected. Due to this culture of checkpoints, soldiers may feel empowered to impose arbitrary surveillance on individuals they deem "suspicious."

While checkpoints are for many Lebanese citizens merely a source of irritation and increased traffic, they are for transgender women, especially trans refugees and asylum seekers, a place of acute fear of arbitrary detention, humiliation, and abuse. Almost every transgender woman interviewed by Human Rights Watch reported having been stopped at a checkpoint at least once. These women view security officers at checkpoints as the primary perpetrators of violence against them.

Most of the encounters with security checkpoints discussed in this report involve ISF checkpoints, as they are the most commonly spread throughout the country and the most abusive to the trans women interviewed for this report.

Lola, a 42-year-old trans woman from Lebanon recounted being stopped at an army checkpoint in Aley while traveling with two other transgender friends. She said:

The officer thought I was a woman at first. He looked at [my ID] and saw that it says male but insisted on asking me, 'Are you a man or a woman?' I said,

⁵⁹ Law No. 17, issued in 1990, gives the Internal Security Forces (ISF) "authority to search and arrest people, enter homes, use weapons as a last resort, set up checkpoints and roadblocks, and seize illegal substances." See <http://www.legallaw.ul.edu.lb/LawArticles.aspx?LawTreeSectionID=272558&LawID=244510&language=ar>.

⁶⁰ Ibid.

⁶¹ Brigadier General Dr. Amine Saliba, "The Security Sector in Lebanon: Jurisdiction and Organization" 2012, https://carnegieendowment.org/files/Security_Sector_in_Lebanon2.pdf (accessed March 20, 2019).

‘I’m a man,’ [to avoid trouble] and he started laughing with the other officers and they kept making insulting comments about my looks... We were stopped and made fun of for hours. I got fed up and told him to stop harassing us, but he continued and said, ‘I will blow up your car if you don’t shut up.’...They only let us go when they got bored.⁶²

Nayla, a 30-year-old Lebanese trans woman, said that she is stopped at checkpoints often, but she tries to avoid them by only going out at night, if at all, because she feels less visible at night. Like many other trans people who spoke to Human Rights Watch whose gender expression is visible, Nayla gets ridiculed, harassed, and humiliated by security officers every time she is stopped at a checkpoint. She recounted a time when she was on her way home at night with her friends who are also trans, and security officers in one of Beirut’s neighborhoods told them to pull over. She said, “They made us get out of the car and told every car that passed by to stop and look at us and laugh. They made us stand there for three hours, just ridiculing and degrading us, for no reason.”⁶³

Similarly, Carmen, a 21-year-old Syrian trans woman, told Human Rights Watch:

I thought I could no longer be shocked, but this incident shocked me ... I was stopped at a [ISF] checkpoint and they asked for my ID and residence card. I gave them the documents. Then one officer asked me, ‘Are you a user?’ of course addressing me as masculine. I said, ‘Of course not, I don’t use drugs.’ They corrected, ‘Do you eat dick?’⁶⁴ I froze, then one of them turned me around forcefully, and said, ‘From the look of this ass, it’s had plenty of dicks inside it.’⁶⁵

All of the trans women interviewed for this report said that they viewed checkpoints as a place where they would almost certainly experience violence and discrimination, and 40 reported incidents of such abuse. Due to the widespread presence of checkpoints in Lebanon, and the possibility of one being erected at any moment or crossroad, 19 transgender women told Human Rights Watch they are often forced into effective house-

⁶² Human Rights Watch interview with Lola, Beirut, November 9, 2018.

⁶³ Human Rights Watch interview with Nayla, Beirut, November 11, 2018.

⁶⁴ The exact Arabic phrase translated here is “انت بتتعاطى أورا”

⁶⁵ Human Rights Watch interview with Carmen, Beirut, October 21, 2018.

arrest from fear of facing an actual arrest. In 14 cases, trans women told Human Rights Watch that after having to present their identification documents at checkpoints, the mostly male officers, denied that they were the person on the ID.

Dunya, a 31-year-old Lebanese trans woman, told Human Rights Watch:

I was coming down to Beirut from Baalbeck [a town in the Bekaa Valley], and there was a [ISF] checkpoint in Ferzol [a town in Bekaa Valley]. The officer stopped me and asked for my ID, I gave it to him, but he didn't believe it was me, so he told me to get out of the car. I gave him the driver's license and car papers and he still didn't believe me. I had to call the *Mukhtar* [a local official] from my village who knows me personally so he could talk to them and confirm that it is me, or they wouldn't have let me go.⁶⁶

In rare cases, trans women said security personnel intervened to stop other officers from harassing them and hold them accountable. Maria, a 23-year-old Lebanese trans woman, described such an instance:

I got stopped at a checkpoint in Ma'ameltein [a district in the coastal city Jounieh], with my friend, also a trans woman. The first thing the [ISF] officer said was, 'Are you the electroshock people?' I asked what that meant, he said, 'You electrocute your customers?' insinuating that we are sex workers. They made us get out of the car, take off our wigs, our bras, and underwear. They searched our bags. We stood there for hours, just to be degraded. Then the lieutenant came and asked the officers, 'Did you find any drugs or weapons on them? Are you accusing them of a crime?' The officers said, 'No,' so the lieutenant said, 'Then let them go.' The lieutenant apologized to us and said, 'This is your personal freedom.'⁶⁷

⁶⁶ Human Rights Watch interview with Dunya, Beirut, November 8, 2018.

⁶⁷ Human Rights Watch interview with Maria, Beirut, November 11, 2018.

Maria did not report this violation, because she feared retaliation from the ISF officers and did not trust that they will be held accountable for their abuse.⁶⁸

Increased Vulnerability of Trans Women Without Connections or Class Privilege

Honestly, in Lebanon, the only thing that strengthens you is money. If you have money, no matter who you are, your gender identity, your sexuality, what you've done, you'll become the most honorable person in the eyes of security and society.

—Khawla, 32-year-old Lebanese trans woman, November 9, 2018⁶⁹

Khawla describes how power based on socioeconomic class and personal or familial connections (*wasta*) can be used by trans women to protect them from arbitrary detention, harassment, and abuse at checkpoints. Jumana, a 52-year-old Lebanese trans woman who holds a PhD and previously taught at a university, also describes how she can effectively use her educational background and position to protect herself from abuse. She said:

When I am stopped at a checkpoint, I make my voice thicker and try to pass as a man. They don't harass me, because when they ask for ID, I say I am 'Dr. X' and they just let me go.⁷⁰

Dareen, a 42-year-old Lebanese trans woman who is also a performance celebrity, recounted to Human Rights Watch how an ISF officer at a checkpoint harassed and slapped her until he learned who she was. She said:

I was once stopped at a checkpoint with my friends and I didn't have my ID. While I was waiting for a family member to get me my ID, the officer ... started interrogating me and I didn't tell him I am an artist or famous, so he started insulting me for my eyebrows and the way I was dressed, and saying, 'Shame on you, you're a man, why do you insult your masculinity?' He slapped me across the face and my lip started bleeding. When my

⁶⁸ Human Rights Watch interview with Maria, Beirut, November 11, 2018.

⁶⁹ Human Rights Watch interview with Khawla, Beirut, November 29, 2018.

⁷⁰ Human Rights Watch interview with Jumana, Beirut, November 15, 2018.

mother arrived with my ID, she saw me and started yelling at the officer: 'How could you lay a hand on him? Do you know who my son is? He has performed in front of the biggest politicians in the country.' She was smart and brought pictures with her, so the officer apologized and said, 'I didn't know, your son didn't say.' I said that it's not my obligation to brag about who I am in front of you, your job is to protect me regardless of who I am and respect my rights. He offered me tea and kept apologizing, but I left.⁷¹

Unlike Dareen and Jumana, however, most transgender women do not have access to familial or social class connections, making them more susceptible to abuse at checkpoints.

Ill-treatment and Torture in Detention Centers

Ten of the fifty trans women Human Rights Watch interviewed were detained by the ISF at least once in Lebanon. According to statistics from Helem,⁷² which documents and responds to arrests of lesbian, gay, bisexual and transgender people, in 2018, 77 percent of the arrest cases they received were those of transgender women.

Trans women reported being subjected to coerced confessions and prolonged pretrial detention while being denied access to a lawyer. With one exception, trans women detainees were placed in men's cells. The conditions of their detention included being denied food and water, the right to make a phone call, being placed in overcrowded cells, and physically abused. One trans woman reported facing trial in military court.

Nine of the trans women interviewed by Human Rights Watch described how after being detained by the police they coerced them to confess to crimes. In one such case, Diana, a 27-year-old Lebanese trans woman, described how the ISF arbitrarily detained her because of her gender expression and then ill-treated her in detention and forced her to sign a coerced confession:

I was on my way to my parents' house, just a few days after they had accepted me [as trans], and an [ISF] officer stopped me and asked where I was going. I told him I

⁷¹ Human Rights Watch interview with Dareen, Beirut, November 8, 2018.

⁷² Helem is a Lebanese LGBT organization based in Beirut.

live here, he said that's a lie because he hadn't seen me before. Then looked at me and said 'Oh, you're also a faggot.' I cursed him out and said it is none of his business and that I am indeed a 'faggot.' So, he reported that I was 'coming onto him and convincing him to sleep with me.' They summoned me for an investigation and tried to coerce me into signing a paper that says I did seduce the officer. They kept scaring me with the taser and threatened to electrocute me if I didn't sign. They interrogated me from 6 a.m. to 7 p.m., and I was forced to sign the paper so they would let me leave. After three months, they ordered me to go to military court, where they charged me with 'assaulting an officer', and I had to pay a fine of 300,000 L.L. [US\$200].⁷³

The military courts in Lebanon have such broad jurisdiction that a civilian can end up in military court for any interaction with military or security personnel or the civilian employees of the Ministry of Defense, army, security services, or military courts.⁷⁴ Those who have been tried in military courts have described torture, forced confessions, incommunicado detention, lengthy pretrial detention, decisions issued without an explanation, seemingly arbitrary sentences, and a limited ability to appeal. Such trials violate defendants' rights to due process as well as international law.

Miriam's Story

Miriam, a 20-year-old Syrian trans woman, was arrested in December 2017, when she and her boyfriend were stopped and searched at a checkpoint at Daher al Baidar, in Bekaa. Miriam told Human Rights Watch:

When he [the police officer] opened my phone, he saw pictures of me dressed as a woman, and he didn't realize it was me until he found a picture where I had makeup on but hadn't put on the wig yet. He asked if it was me in the picture, and when I said yes, he started laughing. Then he asked another officer: 'Is homosexuality a crime punishable by law?' The other officer said, 'Yes, of course.' And they both started laughing. He

⁷³ Human Rights Watch interview with Diana, Beirut, November 8, 2018.

⁷⁴ Code of Military Justice, 1968, art. 24; Human Rights Watch, *"It's Not the Right Place for Us:" The Trial of Civilians by Military Courts in Lebanon*, January 2017, https://www.hrw.org/sites/default/files/report_pdf/lebanono117_web_5.pdf, p. 13; Alef, "Military Tribunal: a breach in the integrity of the judicial system," <https://alefliban.org/wp-content/uploads/2016/10/MILITARY-english.pdf> (accessed May 9, 2019), p. 1.

started beating me, first with his uniform belt, then stomping on me with his boots. He kept threatening that he'll electrocute me and kept waving the taser closer to my body to scare me. I became yellow with fear and felt like I was going to faint. They kept beating me from 10 p.m. until 2:30 a.m., nonstop. Even when they were changing shifts, the officers who were leaving beat the shit out of me, and the ones who just got to their shift also beat me.

They made me sign papers that I didn't get to read, with the charges that they accused me of. When they were taking us to the police station, one officer called another one and said, 'You know what we caught them with,' without saying the charge, and winked at him. We got to the police station in Daher el Baidar, handcuffed and exhausted, and the officer there asked us, 'Do you admit to the crimes you've been charged with?' I asked, 'What are we charged with?' And he started screaming, 'Are you mocking me? Which one of you is Foufou and which is Sousou?'⁷⁵ We insisted that we don't know the charges, so they started beating us again. I felt like a dog, even a dog wouldn't be treated like this. He kept smashing my head onto the table.

My boyfriend had his medication for his kidney in the car and they refused to let him take his medicine. The officer told him, 'I'd rather you suffocate and die than be a faggot.'

Pretrial detention is only allowed in cases where the penalty of the crime exceeds one-year imprisonment. In those cases, the public prosecutor can authorize the detention of a suspect for 48 hours, which he can renew once. Holding individuals in pretrial detention for longer periods requires a judicial order. Judges can extend pretrial detention for 2 months, renewable once. However, these limits are often violated in practice.⁷⁶ Failure to abide by these pretrial detention limits affects a large segment of the detainee population, including but not limited to trans people, refugees, and sex workers. Additionally, as in

⁷⁵ "Foufou" and "Sousou" are derogatory terms used to ridicule gay men.

⁷⁶ Code of Criminal Procedure, art. 47.

Miriam's case, police do not always inform suspects of the charges brought against them, in violation of international and domestic law.⁷⁷ Miriam said:

We spent eight days at the police station in a 4x3 [square meter] room the size of a bathroom, with ten other people ... some days the number reached eighteen. They didn't give us any food for three days. I was sexually harassed by another detainee in the cell. First verbally, then he started to reach under the blanket and touch me. I couldn't get away from him. When the officers did their rounds to check on detainees at night, they called everyone by name, except for us, they called us "the two faggots." When I was too embarrassed to respond, he said, 'Answer, you animal.' I said, 'Yes, still here.' Then he said, 'Lebanese or Syrian?' I said, 'Syrian.' He said, 'A piece of shit Syrian.' And everyone would start laughing. They told every new detainee who came to the cell to 'be careful of us' because we are 'perverted faggots.'

Trans women detainees are often placed in men's cells, which makes them vulnerable to verbal, sexual, and physical abuse from male detainees. This lack of oversight in detention centers as to the well-being of detainees is prevalent in Lebanon but is intensified in the case of trans women, who are viewed, according to their statements, as undeserving of protection in the eyes of security forces. Miriam continued:

An investigator from Hobeish came to see us after eight days. When I entered the investigation room, the first thing he said to me was: 'Have you ever seen your picture printed on walls?' I stayed silent. I was shaking. His eyes were spitting venom. I felt like I'd committed the most egregious crime. I felt like I'd murdered the highest rank in the United Nations, or someone who is responsible for the safety of the entire region. He then said, 'You lie, and I'll write.' I started pleading with him, 'May God protect you and keep your family safe.' He slapped me across the face and yelled, 'Shut up, do not speak of my family on your filthy tongue.' My boyfriend told me to deny any relations between us, so when the investigator asked me

⁷⁷ Lebanese law requires police to inform suspects of the charges brought against them. Code of Criminal Procedure, art. 76.

about the nature of our relationship, I said, ‘Nothing, we are just friends.’ Then he started beating me.

There were seven other officers in the room. Every time I uttered a word, they would start mocking me and laughing loudly. Everyone who felt provoked by a word I said would start beating and slapping me. This kept happening until I confessed that there is a romantic relationship between my boyfriend and me.

Ill-treatment and torture of detainees are serious problems in Lebanese police stations and in other pretrial detention facilities manned by other security agencies,⁷⁸ and vulnerable groups, including transgender women, are especially vulnerable to abuse while detained.

Inadequate provisions in the Code of Criminal Procedure compound the problem. There is no guaranteed right to a lawyer during police interrogation. The over-reliance on confessions in the investigative process, coupled with the denial of access to lawyers during the crucial phase of preliminary questioning by the police, allow for unchecked abuse and mistreatment of suspects. In some cases, the confessions extracted from detainees are false, and in others they amount to the only piece of evidence presented to support charges against them.

Interviewees reported police denying them food and water, access to lawyers, medical care, and phone calls to family members. Miriam said:

They didn’t give us food for three days, but there were two other detainees in the cell, one Syrian and one Armenian, whose parents brought them food and they shared with us, a banana or an apple.

Police allowed her to make a phone call, Miriam said, but as soon as she reached the person she was calling, they ordered her to hang up. “I didn’t even get the chance to tell her I was detained,” she said.

⁷⁸ Human Rights Watch, *“It’s Part of the Job”: Ill-treatment and Torture of Vulnerable Groups in Lebanese Police Stations*, June 2013, <https://www.hrw.org/report/2013/06/26/its-part-job/ill-treatment-and-torture-vulnerable-groups-lebanese-police-stations>.

Police then moved Miriam and her boyfriend to the “Masnaa” police station on the Syrian border. There, police continued to abuse them, including through beatings and forcibly cutting Miriam’s hair.

The same thing happened again at this station: beating, insults, ridicule. I had a pink lighter on me, and the police officer said, ‘Even your lighter is pink, you think you’re Myriam Klink?’⁷⁹ You faggot, you scum of the earth, I’m going to bury you alive.’

There was one officer who was kind to me and said to tell him if anyone beat me or harassed me, but I didn’t dare. He was only there for a couple of days a week and I feared retaliation from the other officers for ratting them out. While I was there, I was sexually harassed by a man who had been detained for a long time on a dealing weapons charge. They called him the ‘Shawish.’ He kept telling me to come sleep next to him so he could ‘protect me.’ When I refused, he beat me with three other men in the cell. He ripped off my shirt and started making fun of my breasts. He kept screaming, ‘You’re Syrian trash and a faggot, you don’t get a say here.’ Another detainee gave me his t-shirt and I sat in the corner like a plank of wood for the remainder of the 10 days I spent there.

Miriam and her boyfriend were finally brought before a judge in Zahleh, where they were charged with “violating public morality,” Miriam said.

I told the judge what had happened. The investigator from Hobeish was the one who took me to the court. I pointed at him and told the judge: ‘This is the guy who beat me and threatened me.’ The judge looked at him and said, ‘Is this true?’ Then the investigator told him that we were arrested based on ‘pornographic pictures and sex videos.’ When the judge opened my phone, he saw that the pictures were very normal. Then he listened to the recordings that were allegedly proof of our romantic relationship, and he heard that there was nothing romantic about them. We were just cursing each other playfully. Then the judge threw the phone in the drawer and told

⁷⁹ Myriam Klink is a Lebanese model and singer.

the writer present at court to write ‘the charges are denied.’ Then he said, ‘Come, my son, you are free now.’

In an ironic epilogue to Miriam’s ordeal, the investigator from the Hobeish morality police, on her release, tried to recruit her as a sex worker, she said. Human Rights Watch has previously reported that sex trafficking in Lebanon usually occurs with the knowledge of security forces, who are sometimes complicit in these crimes.⁸⁰

Miriam concluded:

Three days after the ruling, the same Hobeish investigator took us to General Security in Adlieh, where we stayed another three days because we are Syrian⁸¹ ... We left General Security at 8:30 p.m. on New Year’s Day. I walked out, it was raining and there were fireworks filling the sky. I started sobbing with relief. To this day, every time I pass by that street, I start sobbing and remembering. During the time I was detained, I lived in a constant state of fear; if I heard the keys turn in the door, I would faint from fear. Every time someone called my name, I thought they were going to execute me right then and there. I’m in my early twenties, I haven’t seen anything of the world, how do I deserve this treatment?

Sara’s Story

Sara, a 37-year-old Palestinian trans woman, was arrested in August 2017 because of her alleged romantic relationship with a police officer, whose wife reported to the authorities. According to Sara, the police used deception to lure her to the station, “I got a call from the police station, saying “Someone is detained, and they can’t get out unless you testify.” That was their trap,” she said. Sara continued:

I went to Beit el Din [a town in Mount Lebanon]. When I got there, the officer immediately asks, ‘Were you involved with this officer?’ Before I could say

⁸⁰ “Lebanon: Syrian Women at Risk of Sex Trafficking,” Human Rights Watch news release, July 28, 2016, <https://www.hrw.org/news/2016/07/28/lebanon-syrian-women-risk-sex-trafficking>.

⁸¹ When non-Lebanese nationals are released from ISF detention, they are directed to General Security for a final investigation, which in this case lasted three days.

anything, he slapped me across the face so hard that my nose started bleeding. Then three officers started beating me up relentlessly for hours. They put me in a cell with eighteen other people; it was so tiny that we could barely breathe. Before they threw me inside, they told the men in the cell, 'This is a faggot who thinks he's a woman, have fun with him.'

Then the men started making fun of me, calling me names, and making sexual noises. One after the other, they pulled out their dicks and started comparing the sizes, then some of them started putting their dicks against my face to measure them. One of them started smacking my face left and right. I ran to the little cell window and started screaming and begging the officer to get me out of there. I was sobbing. He said, 'Oh you don't like these dicks, you prefer the officer's?' I felt like I would rather die.

Another Syrian detainee tried to defend Sara, but then police officers beat both Sara and the Syrian man.

They [the police] beat me so hard that I couldn't stand up anymore, I was crawling. I told them I have kidney problems and I need medical attention, but they denied me a doctor. They didn't give me food nor water. They dragged me out of the cell and put me in a car, to the Hobeish police station.

I arrived to Hobeish, not having slept all night because of the beating, and they immediately took me to interrogation. As soon as I entered, the investigator grabbed my head and slammed it to the table. Then he said, pointing to a paper, 'Everything that is written in this paper is final. The confession is not going to change. You will sign this, or I will finish you.' He didn't even do the investigation; he had a ready report and he had me sign it under pressure. I signed, out of fear, not knowing what's in the report.

Every officer in that station took a turn beating me. They refused to give me my kidney medication, even the eyedrops I have to apply to my eyes. My mother got me my medicine when she found out I was detained, and they didn't give it to me.

I stayed there for eight days, and I wasn't allowed to call a lawyer. I wasn't allowed any phone calls, because a police officer is involved, and they didn't want the story to get out. On the fourth day, I talked to the prison guard, and I begged him to let me make a phone call. I said, 'I've been detained for four days and no one knows where I am, please just let me make a phone call.' I begged and begged, then he slipped 50,000 L.L. (\$33) to one of the officers, and after a few hours, the guard gave me a police uniform to wear. I put it on and went undercover to make a phone call. There were cameras everywhere, so I had to make sure I wasn't seen. I called my friend, another trans woman, and I told her I'm detained. She called Helem, who threatened ISF that they would report my case to the media if they didn't allow them to see me.

On the eighth day, the public prosecutor came and found that there is no proof of the charges against me. It was all WhatsApp chats and pictures, but there is no proof that we had a sexual relationship. I was released immediately.

Randa's Story

Randa, a 25-year-old Syrian trans woman, told Human Rights Watch that she decided to invite a man she met online to her house after nine months of online chatting. To her surprise, two men showed up at her door, drugged and raped her, then took her passport, ID, phone, money, and laptop on their way out. Randa said that she woke up and found her apartment a disaster, and when she went to work at the restaurant where she had been employed for three years, she found out that the police had visited her employer and asked for Randa. When her employers found out that police officers from Hobeish went to Randa's residence and searched it while she was at work, they dropped her off at the police station to avoid any trouble. Randa described to Human Rights Watch what happened on August 13, 2017. She said:

They interrogated me from midnight until 5 a.m. They beat me non-stop and kept trying to make me tell them names of other LGBT individuals. They arrested me with a sodomy charge. They barely gave me food or water for 10 days. They didn't let me call a lawyer or assign me one. They shaved my head. They tied me up to a chair

with my hands cuffed behind my back. Every time the officer would ask me a question and I said, 'I don't know,' he smacked me across the face. Another officer would come and put out his cigarette on my arm. I got sick while I was detained and I could barely stand up, and I asked for a doctor. They said, 'Leave him to rot and die.' Not only was there harassment from the police, but also other detainees. They cursed me and verbally harassed me the whole time I was there—they referred to me as 'the faggot.'

After being detained for seven weeks in Hobeish, police transferred Randa to Roumieh prison. She said:

When I was there, for the first two days no one knew my story, until one of the prisoners asked about me, and another one told him, 'He's a faggot.' Then they started harassing me constantly. They would spit in the food and make me eat it. I was humiliated in a way that was unimaginable to me. Then they made me their servant, I would mop and clean the cells, I would wash people's clothes. No one came to visit me.

Randa said she spent a total of five months and five days in detention, much of it underground in Roumieh—"no sun, no air." At some point during her detention, her employer went to Hobeish to inquire about how long Randa would be in prison. But Randa said that officers at Hobeish told her employer, "Wash your hands of him, he will never get out." Randa was only saved by a chance visit from a representative of the International Committee of the Red Cross (ICRC), which conducts prison monitoring in Lebanon.

One day, a representative from the ICRC came to visit Roumieh. They saw me mopping and looking frail and asked me if they could speak with me. I thought this was another interrogation and I got scared, but one officer, the only good one, told me that they're the good guys. I talked to them and told them my story, and they said they will transfer my file to a human rights organization. In two weeks, two women came to the prison and told me to sign papers. I signed, even though I can't read and write, and I don't know what the papers said. The same week, a lawyer came to represent me. She immediately took my case to court and I had a hearing with a judge. He asked me, 'Are you gay?' I said, 'Yes.' He said, 'And you're happy about it,

you piece of shit?’ The lawyer interjected and asked the judge to be patient with me. The judge ordered my release to General Security, so they can ‘throw me back to Syria.’

While in detention, Randa said, “I felt like I fell into a hole and no one would ever ask about me. I felt like my life was over.” But even release from prison did not bring freedom:

When I left, I felt for a brief moment that the world was open to me again, then I thought, where do I go now? and the whole world closed in my face again. I went to my apartment and found that everything—furniture, clothes, all of my belongings—were gone. The house was empty. I went to the landlord and asked where my stuff was, he said, ‘You disappear for 5 months, your stuff disappears.’ I went to a friend’s place, the people I used to live with when I was working at the restaurant. He opened the door and said, ‘Who are you?’ I said, ‘It’s me.’ He said, ‘We don’t accept faggots here,’ and he shut the door in my face. I thought, if the first person I go to rejects me, what is going to be my fate?

Like many trans women, Randa hid her gender identity from others to keep her job and maintain her social network. Her arrest ‘outed’ Randa to everyone, and as a result she lost everything—her job, residence, and connections.

III. Violence by Non-State Actors: “Everywhere Feels Unsafe”

I don't have any rights here, I don't exist. Every day when I open the door to leave the house, my heart starts racing. I'm terrified of what could happen to me, and no one would ask about me.... We just need protection from the government so we can be protected from people in society. You cannot hold society accountable, but you can hold the government accountable, it's their job.

—Elsa, 50-year-old Syrian trans woman, November 22, 2018⁸²

Each of the trans women whom Human Rights Watch interviewed reported experiencing harassment in the streets, ranging from verbal assault to being attacked at knife point. Their lack of access to protective mechanisms, including legislation protecting against discrimination and reliable complaint systems, limits trans women's mobility to a debilitating extent.

As a result, many transgender women say they feel they are forced to hide who they are to survive their daily lives. The trans women who spoke to Human Rights Watch who could not or did not wish to conceal their identities described a form of self-imposed house arrest, by which they refrained from leaving their homes at all, due to fear of harassment and the possibility of being stopped at checkpoints. Many participants reported to Human Rights Watch that they “start their lives at night,” to minimize the vulnerability associated with their “hypervisibility.”⁸³ Lola, 42, said, “It's a battle to go out into the street every day.”⁸⁴

⁸² Human Rights Watch interview with Elsa, Beirut, November 22, 2018.

⁸³ Ahmad Saleh and Adriana Qubaia, “Transwomen's Navigation of Arrest and Detention in Beirut: A Case Study (En-Ar),” *Civil Society Knowledge Center, Lebanon Support*, January 2015, <https://civilsociety-centre.org/paper/transwomen%E2%80%99s-navigation-arrest-and-detention-beirut-case-study-en-ar> (accessed August 13, 2018).

⁸⁴ Human Rights Watch interview with Lola, Beirut, November 9, 2018.

Natalie, 22, described to Human Rights Watch how many people in Lebanon view trans women—as “filthy degenerates unworthy of humanity.”⁸⁵ She said:

I was going from Jounieh to Jal El Dib. The [public transport] van driver kidnapped me and said, ‘I’m going to fuck you.’ I said I didn’t want to and begged him to let me out, but he said, ‘Look at you, you deserve to be raped going out like this, anyone can do whatever they want to your disgusting body, and you have no say.’ I got very scared and told him to slow down, then I threw myself out of the moving van, and ran.⁸⁶

Miriam, 20, recounted an incident where she was assaulted by four men when she was living in Aley with her boyfriend, and one of the men shot at her with a rifle. She said:

I was leaving my house and I saw them hunting birds; they all had rifles. They saw me and started laughing, ridiculing me and making moaning sounds. I walked around 20 meters, then one man loaded his rifle and shot at me. The bullet hit my shoulder, and blood started gushing down my arm. I started running immediately and heard them laughing and saying: ‘Got him! Got that faggot!’⁸⁷

For many trans women, the risk of bodily harm is a constant threat that accompanies them throughout the most banal of their daily activities. Nadia, a 23-year-old Iraqi trans woman, described how “everywhere felt unsafe” as she was continuously attacked in the streets of Beirut, and received death threats in every neighborhood she relocated to. She reported that on her way to the supermarket in Furn El Chebbak, a group of men beat her with a cable until she bled, as one of the men told her, “I know what you are, I’ve been watching your every move, I know where you live and who you live with. This is your warning, get out of this neighborhood or we will make you. This is only the beginning.”⁸⁸ When she moved to a new apartment, three men attempted to choke her at her building entrance, and said,

⁸⁵ Human Rights Watch interview with Natalie, Beirut, October 18, 2018.

⁸⁶ Ibid.

⁸⁷ Human Rights Watch interview with Miriam, Beirut, October 25, 2018.

⁸⁸ Human Rights Watch interview with Nadia, Beirut, October 31, 2018.

“What are you doing in this neighborhood? We don’t accept your likes here. Our guys in Furn El Chebbak are the ones who beat you. Get out of this neighborhood.”⁸⁹

Nadia described how no one helped her when she was attacked in the streets of Furn El Chebbak, Ain El Remmaneh, and Dekwaneh: “People walked by me and saw me, but no one even bat an eyelid, as though I’m not a human being, because I’m trans.”⁹⁰

Impunity and Reluctance to Report Abuse

The combination of marginalization, laws that criminalize homosexuality and sex work, as well as loosely defined “morality laws,” and the absence of legislation protecting against discrimination and reliable complaint systems, are formidable barriers that impede trans people’s ability and willingness to report abuses they suffer to the police, or file complaints against law enforcement agents, creating an environment in which police and other law enforcement agents can abuse them with impunity.

In addition, victims sometimes choose not to file complaints against law enforcement due to threats, fear of retaliation, and fear of public exposure of their work or identities. Sometimes individuals also lack faith in the criminal justice system to deliver justice—part of a broader problem of trust in public institutions in Lebanon.

Miriam, 20, who was shot by a neighbor when she was living in Aley with her boyfriend, did not report this incident for fear of retaliation, especially that the man who shot her told her that he is a retired soldier in the Lebanese army. Miriam described how the entire village stood by the man who shot her as he threatened Miriam, “If you don’t leave the village now, we will bury you here. You have until 8 a.m. tomorrow, if you’re not gone, we will bury you in your home and we’ll see who will ask about you.”⁹¹

Randa, 25, who was arbitrarily detained by the Internal Security Forces (ISF) for a total of five months and five days, did not attempt to file a complaint against security forces, because she feared getting deported.⁹²

⁸⁹ Human Rights Watch interview with Nadia, Beirut, October 31, 2018.

⁹⁰ Ibid.

⁹¹ Ibid.

⁹² Human Rights Watch interview with Randa, Beirut, October 15, 2018.

Access to redress is particularly difficult for members of vulnerable groups. While there are mechanisms in place to file formal complaints, logistical, social, and structural obstacles render the system woefully inadequate to ensure accountability for wrongdoing.

Almost all of the 50 trans women interviewed for this report said that they would not report a crime committed against them to the police, either because of previous failed attempts or because they feel that the blame will be redirected at them due to their non-conforming gender identities or refugee status, which in most cases does not provide legal residency.

When asked whether she would resort to the police to report abuses against her, Bella, a 24-year-old Lebanese trans woman, said:

No way. Our government does not protect LGBT individuals. If you were the victim, they make you the perpetrator, no matter what the issue is. I fear having any contact with authorities; if you don't have money in this country, your right will be taken, and you will be accused of crimes you didn't commit. I have no source of support; I am afraid of ending up homeless.⁹³

Nawal, 32, said:

You asked me why I don't report to police stations, this is why: I was walking on the street and a man on a motorcycle came behind me and slapped my ass. When I yelled at him, he started screaming 'officers, officers!' The police came and he told them that I was harassing him and stopped him to ask for sex. I started explaining myself to the police: 'Who in their right mind would stop someone in the middle of a street, on a motorcycle, to ask them for sex?' The officer gave me a fine and threatened to arrest me.⁹⁴

Three interviewees recalled instances when they had tried to report to police stations, and their plea was rejected. Dunya, a 31-year-old Lebanese trans woman, said that she went to

⁹³ Human Rights Watch interview with Bella, Beirut, October 30, 2018.

⁹⁴ Human Rights Watch interview with Nawal, Beirut, November 27, 2018.

the police after her motorcycle got stolen, but ended up spending three hours at the station getting interrogated because of her appearance.⁹⁵ Sara, 37, sought help from the police twice—once to report her brother for stabbing her, and another time for getting robbed. In both cases, they turned her away. She thinks it is because she is trans.⁹⁶

Suha, a 24-year-old trans woman from the Lebanese north, told Human Rights Watch:

I may be the first obvious case of a trans woman in Akkar. The mayor sexually harassed me, lieutenants sexually harassed me. I was kidnapped in 2011 by a man in the street in my neighborhood. Apparently, he had been watching me and he knew about me. He pulled me into a car in the street and took me to an apartment and tied me to a chair. He raped me until I passed out. I tried to report it [to the police station in Akkar], but they told me I'm sick and a liar. They said I'm schizophrenic.⁹⁷

Police unwillingness to address trans women's complaints not only limits trans women's ability to access protection, but also prevents them from accessing other basic rights.

Karen, 30, said that in 2018 she lost her ID:

I ... went to the [Nab'aa] police station to report it, and the officer told me, 'Get the fuck out of my face and go somewhere else.' This is my government talking to me like that, what should I expect from people?⁹⁸

Miriam, 20, who was arbitrarily detained, physically abused, and denied her basic rights by the ISF in 2017, said:

There is no way I would go near a police station. To this day, after what had happened to me, I am terrified every time I pass by an officer. Sometimes I faint if I see a checkpoint. I am so scared.⁹⁹

⁹⁵ Human Rights Watch interview with Dunya, Beirut, November 8, 2018.

⁹⁶ Human Rights Watch interview with Sara, Beirut, October 22, 2018.

⁹⁷ Human Rights Watch interview with Suha, Beirut, November 27, 2018.

⁹⁸ Human Rights Watch interview with Karen, Beirut, November 15, 2018.

⁹⁹ Human Rights Watch interview with Miriam, Beirut, October 25, 2018.

In contrast, in one case, Karen, a 30-year-old Lebanese trans woman, resorted to a reputable NGO to obtain access to justice. She told Human Rights Watch:

One time, I got harassed in the street by someone on my way home. He beat me badly. I called an NGO and told them to come with me to the police station, because otherwise, they wouldn't help me. They came with me, and the police officers were so respectful and shrunk in front of the organization. They gave us coffee, the officer gave me his personal phone number, to call him 'if this happens again.' If I were alone, I would've been ignored or abused. One of the officers, in front of the NGO, says, 'Is this allowed in Lebanon?' I was shocked that he didn't know that it's legal for us to transition. He is responsible for our safety and doesn't even know the law.¹⁰⁰

Double Vulnerability of Refugees and Asylum Seekers in Interactions with Security Forces

For transgender refugees and asylum seekers who escape to Lebanon hoping for protection, interactions with security forces, which often begin at checkpoints, recreate the danger of the borders they had to cross to survive. They face at least two forms of vulnerability during interactions with security forces: their gender identities and their refugee status. Instead of protecting these vulnerable groups, some security personnel subject trans women refugees to ridicule, physical abuse, arbitrary arrest, and the threat of deportation for lacking legal residency.

Natalie, a 23-year-old Syrian trans woman, recounted how officers at an ISF checkpoint arbitrarily detained and harassed her because of her gender expression:

I was stopped at a checkpoint in Harissa [a town in north Lebanon] with my friend, a cisgender Syrian woman, who was visiting. They asked me, 'Are you a boy or a girl?' I said, 'Girl.' They asked for ID, I gave them my Syrian ID [which says male]. They made me get out of the car and stand in the little match-box room where the checkpoint is. They started ridiculing me,

¹⁰⁰ Human Rights Watch interview with Karen, Beirut, November 15, 2018.

cursing me, making fun of me. They said, ‘Fuck you and your mother who brought you to this world, it’s not enough that you’re Syrian and you’ve invaded our country, but you come looking like this?’ I will never forget what they did to me. Then at the end of hours of humiliation, one officer hands me his phone number. They wouldn’t let me go until my friend bribed them.¹⁰¹

Sixteen of the trans women refugees interviewed by Human Rights Watch stated that they did not report the abuse they were subjected to by security forces due to their lack of legal residency and fears of arrest and deportation.

Carmen, a 21-year-old Syrian trans woman, said:

I can’t even report my brother to the police. What do I say? He beat me because I am trans? They will ridicule me. I have friends who hadn’t done anything wrong, they were just sitting in a cafe, and the police came, picked them up and locked them up for 6 months, some a year, for existing. Their charges are ‘something against nature’ or ‘sodomy.’¹⁰²

Masa, a 37-year-old Jordanian trans woman, crystallized the issue of reporting for refugees and asylum seekers:

I wouldn’t report a violation to the police. I would report to NGOs or a hotline, but not to the police. If I get to the police station and tell them what happened and report, and they asked for my papers [which expose that I am a refugee and trans], any right that I had would become a crime. I will become the perpetrator instead of the victim, automatically.¹⁰³

¹⁰¹ Human Rights Watch interview with Natalie, Beirut, October 18, 2018.

¹⁰² Human Rights Watch interview with Carmen, Beirut, October 21, 2018.

¹⁰³ Human Rights Watch interview with Masa, Beirut, October 25, 2018.

Human Rights Watch has previously documented General Security's practice of arbitrary and prolonged detentions of refugees and asylum seekers who lack legal documentation in the country.¹⁰⁴

¹⁰⁴ Human Rights Watch, *"I Just Wanted to be Treated like a Person": How Lebanon's Residency Rules Facilitate Abuse of Syrian Refugees*, January 2016, <https://www.hrw.org/report/2016/01/12/i-just-wanted-be-treated-person/how-lebanons-residency-rules-facilitate-abuse>.

IV. Housing Insecurity

I asked about the apartment and we agreed on the price and everything, then I disclosed my gender identity, so I don't get there and get 'outed' [as trans]. They asked me what trans means, and I explained that I identify as a woman, but I was born in a male body and that I started my transition. Their reply was: 'We don't welcome people like you.'

—Masa, 37-year-old Jordanian transgender woman, October 25, 2018¹⁰⁵

Masa's case is not unique. Although the right to housing is recognized in international human rights law as part of the right to an adequate standard of living,¹⁰⁶ securing safe housing is a monumental challenge for transgender individuals residing in Lebanon, who encounter varying difficulties depending on their socioeconomic status, refugee status, and gender expression. Due to the complete absence of shelters that provide emergency housing for trans individuals, they are left to navigate the informal, expensive, and often discriminatory Lebanese housing market on their own.

For Lebanese trans people, living within a geographically small and close-knit society means that family rejection can spiral outward to a sense of rejection by an entire neighborhood, or even an entire town. Anonymity is rarely an option, limiting the scope of their mobility in familiar spaces. For refugees and migrants, not having the family safety net or social networks in a foreign country already positions them in a marginalized state, and their transgender identity further exacerbates their plight, especially given the absence of state services or shelters available to them.

Discrimination by Landlords

Maria, a 23-year-old trans woman from Lebanon, ran away from her home in Tarik-Al-Jadida after her father beat her almost to death. She said she faced discrimination while searching for an apartment in Beirut:

I was rejected as a tenant twice. The first time, I went to ask for availability at an apartment in Hamra in Beverly One, it's like a hotel. I had been at a party the night before, so I had my nails done and there was a bit of

¹⁰⁵ Human Rights Watch interview with Masa, Beirut, October 25, 2018.

¹⁰⁶ Office of the United Nations High Commissioner for Human Rights (OHCHR), "The Right to Adequate Housing," Fact Sheet No. 21/ Rev. 1, https://www.ohchr.org/documents/publications/fs21_rev_1_housing_en.pdf (accessed April 30, 2019).

eyeliner still under my eye. I removed the nail polish and makeup and dressed straight. The landlord's wife said, 'Okay, as long as you're a decent and respectable person and don't cause any trouble.' She accepted me because she's a woman. Then her husband came, and said, 'Look at him, he's a faggot, I would never rent to a piece of garbage like him.' His wife argued with him: 'But he didn't come here drugged up or with a gun on his waist, he came looking respectable and I don't care about his physical appearance, I care about how he conversed with me. I don't care what he does privately, as long as he doesn't make noise or annoy the neighbors, it's none of our business.' But the landlord started yelling and kicked me out.¹⁰⁷

Maria's testimony exemplifies the social stigma faced by transgender individuals in Lebanon, who often cannot and sometimes do not wish to fit the male/female gender binary and are thus perceived as a threat to heteronormative conceptions of "appropriate" gender representation. Maria continued:

The second time I was rejected was in Ma'ameltein. We were trying to rent an apartment on the first floor in a building that has a nightclub in its basement. The landlord refused to let us rent the first-floor apartment because if we go on the balcony, people will see us, and he said, 'Your appearance is too abnormal, I don't want a headache.'¹⁰⁸

Roro, a 27-year-old transgender woman from Lebanon, was in the process of looking for an apartment at the time of her interview with Human Rights Watch. She said:

Last week, I asked this lady who posted an apartment for rent in the building behind us, and when she talked to her husband on the interphone, he said, 'No way, these are men.' The wife responded: 'I know, she's transitioning.' He said, 'Never, they're not allowed to rent here even if God descends to earth.'¹⁰⁹ I confronted him and said, 'Have some respect, especially at your age.' When they found out I'm a trans woman, they refused.¹¹⁰

¹⁰⁷ Human Rights Watch interview with Maria, Beirut, November 11, 2018.

¹⁰⁸ Ibid.

¹⁰⁹ إذا بينزل الله ممنوع تأ جريهن—Arabic saying translated into English.

¹¹⁰ Human Rights Watch interview with Roro, Beirut, November 11, 2018.

Roro remarked that the treatment from her neighbors and her experience with landlords have improved since she had breast augmentation surgery, since she is often perceived as a cisgender woman.¹¹¹ However, surgery is not an affordable or desirable option for many transgender individuals.

Diana, a 27-year-old Lebanese trans woman, said her parents kicked her out of their home in Beirut at age 17 due to her gender identity. Diana said:

I searched for apartments for months and years, but [landlords] always told me, ‘We don’t allow people like you to rent.’ A lot of the time, I shut them up with money, I say I’ll pay an extra month’s rent, and suddenly they let me stay.¹¹²

Unlike Diana, most trans persons in Lebanon do not have the ability to pay an extra month’s rent. Discrimination from landlords can even escalate to threats of violence. Hasna, a 29-year-old trans woman from Syria, shared such an incident with Human Rights Watch. She said:

The landlord in Bourj Hammoud kicked me out on the first of the month (March 2018) and beat me, because he realized my identity. He had someone call me from the southern suburbs area, a group of conservatives, and they said, “If you don’t vacate the apartment today, we will kill you.”¹¹³

Even for transgender individuals who choose to undergo gender-affirming operations, the anxiety around the threat of their transgender identity being exposed remains. Lara, a 19-year-old Lebanese trans woman, who is one such person, told Human Rights Watch:

People didn’t allow me to rent when they knew I was trans, but now I pass as a woman, and I put a lot of effort into not revealing that I am trans, so the treatment is much better. I’ve been rejected as a tenant three times, and I was explicitly told it’s because I’m trans. But now, the landlord knows I am trans and he’s okay with it, as long as the neighbors don’t realize, then it will be a scandal for him.

¹¹¹ Human Rights Watch interview with Roro, Beirut, November 11, 2018.

¹¹² Human Rights Watch interview with Diana, Beirut, November 8, 2018.

¹¹³ Human Rights Watch interview with Hasna, Beirut, November 8, 2018.

Identification as an Obstacle to Housing

Most landlords require tenants to present a form of official identification before allowing them to rent, which further complicates the already-dreadful hunt for housing for transgender individuals, whose appearance and gender representation do not always match their name and gender marker on ID. Selena, a 24-year-old stateless trans woman, told Human Rights Watch:

My experience with housing has been a struggle.... You have to give your ID when you're renting, so that makes things much more difficult for me [because my ID says male]. I did something clever and used my friend's ID (she's a cisgender woman) to rent the apartment. I haven't disclosed my identity to any landlords, so I won't get into trouble with them. I try my best to hide it.¹¹⁴

Julia, a 20-year-old transgender woman from Egypt, recounted the hardship she faced while looking for housing in Lebanon. She said:

I had so many bad experiences looking for housing. I rented a studio and paid a deposit, then the man asked me for ID, and I said it's at the embassy because I'm getting paperwork done. He told me to leave the apartment and didn't want to give me back my deposit. He said he will call the police, so I got so scared and then told him I'm British Egyptian and if he calls the police, I will call the British embassy. He gave me the deposit and then I left. Then I found a studio in Hamra, I told him [the new landlord] I don't have ID and he said, 'It's okay, you look like a respectable girl.' He let me move in there, but he said I still need to present any form of ID. I asked my friend to send me any girl's ID and I told him I only have it on my phone. He agreed, so I stayed there, and that's where I live now.¹¹⁵

Roro, 27, said that one landlord told her she can rent on someone else's ID, but not hers, because her ID does not match her gender expression.¹¹⁶ Although Roro was able to navigate some of the challenges that other transgender persons face to secure housing, she still had to resort to someone else's ID to navigate housing discrimination.

¹¹⁴ Human Rights Watch interview with Selena, Beirut, November 12, 2018.

¹¹⁵ Human Rights Watch interview with Julia, Beirut, October 25, 2018.

¹¹⁶ Human Rights Watch interview with Roro, Beirut, November 11, 2018.

Difficulty with Shared Housing and Neighbors

Miriam, 20, whose story appeared earlier in this report, came to Lebanon to escape the family abuse she was suffering because of her gender identity. When she arrived in Lebanon in January 2016, she did not know where to go. She saw an old man sleeping on cardboard under the bridge and slept next to him until morning. The next day, Miriam found a shared one-bedroom apartment where four Syrian straight men were living. She accepted it because it was all she could afford. According to her, the minute she entered the apartment, her roommates said, “Take off your socks, go shower before you touch anything, you have to cut your hair, the neighbors will talk about us.”¹¹⁷ Like many transgender individuals, Miriam had to conceal her gender identity even in the privacy of her own home, because she feared retaliation from her roommates, who often looked through her belongings without her consent.

One day, Miriam realized that her phone and the 40,000 L.L. (approx. \$26) she had left, were missing. This prompted an argument between Miriam and three of her roommates, who said they want her out of the house. In good faith, Miriam remarked that the fourth roommate defended her. She said, “He told the other guys to leave, and he’ll cover the rent. He knew I had no one.” When Miriam threatened to report the theft to the police, one of her roommates mocked her, saying, “You don’t have papers, look at yourself in the mirror, they’ll find out you entered on a fake hotel booking and deport you back to Syria.”

Like many transgender refugees and migrants who come to Lebanon seeking protection, Miriam’s refugee status does not carry legal residency; her relationship with the security apparatuses in Lebanon remains fearfully avoidant and often abusive. This vulnerability inhibits refugees and migrants like Miriam from reporting violations of their rights to relevant security forces, for fear the security forces will harass, abuse, or arrest them. After reconnecting with her boyfriend from Syria, Miriam went to visit him in his shared apartment, but when his roommates saw them together, they kicked them both out. They then started sleeping on the bus that Miriam’s boyfriend drove as part of his job, until they were caught by the bus owner, called “faggots,” and told to find another place to sleep. Her boyfriend then got a job as a taxi driver, and they started sleeping in the car, which became their mobile home until they found a room to rent.¹¹⁸

¹¹⁷ Human Rights Watch interview with Miriam, Beirut, October 25, 2018.

¹¹⁸ Human Rights Watch interview with Miriam, Beirut, October 25, 2018.

When transgender individuals who cannot afford a full apartment's rent resort to shared housing, ill-treatment from roommates often pushes them out of their homes. Randa, a 25-year-old Syrian trans woman, recounted to Human Rights Watch what she described as "the most difficult time of her life."¹¹⁹ She said:

No one knew I was transgender because I presented as a straight male. I lived in a room behind my workplace for three years, until I got arrested. Once [the landlord] found out, he kicked me out. Then, I was living with three Syrian straight men on Airport road, in a shared apartment. At first, they treated me very well, but then things started getting weird. They looked at me strangely, maybe because of how I dressed around the house. Then they gang raped me, all three of them. I felt like my life was over.¹²⁰

Unwilling to report the incident due to fear of deportation, Randa felt she had no choice but to leave the apartment. After a few months of depending on friends and acquaintances, Randa found a tiny one-bedroom apartment near a Palestinian camp in Madina al-Riyadiya. She told Human Rights Watch:

After a few months, I couldn't survive anymore, so I let a straight guy I knew share the room with me so I can save some money. One day, I had my partner over, and my roommate came in and saw us together, and started a fight. He told the entire camp about me and I had to leave immediately. They would have killed me. At this point, I got accustomed to loss, just another roof over my head—gone.¹²¹

Patterns of Displacement

I lived with my friend who's also a trans woman in Jounieh for five months. I was pushed out of the apartment because of harassment from the neighbors. I got beaten twice in the street. So, I moved to Beirut, Sad al Bouchriyeh, with people I met at INTERSOS (humanitarian organization aiding refugees) during a group session. The landlady doesn't know I'm living there—if she finds out, she will kill me; she's very conservative. She

¹¹⁹ Human Rights Watch interview with Randa, Beirut, October 15, 2018.

¹²⁰ Ibid.

¹²¹ Ibid.

lives in the south, so she doesn't see me, until she comes to pick up rent, and I hide when she comes.

—Natalie, 23-year-old Syrian trans woman, October 18, 2018¹²²

Despite the tactics that transgender individuals in Lebanon employ to circumvent the obstacles placed in their path to secure housing, they still live in constant fear of displacement and eviction. Even when they elect to conceal their identities from the stigmatizing public eye, the possibility of being “outed” to their landlords by neighbors and other members of society remains salient.

The lack of laws that protect transgender individuals from all forms of discrimination, including unlawful eviction, restricts their agency in choosing where to live and denies them the ability to combat the blackmail and pervasive threats they face from multiple actors. Elsa, a 50-year-old trans woman from Syria, told Human Rights Watch:

I'm basically homeless, I have nowhere to stay. I have friends who are trans women, but I cannot stay with them, they have it bad enough already. If the landlord finds out I'm sleeping there, he would kick us both out. So, I go during the day to visit and I look for a place to sleep at night. What am I supposed to do? I don't pass for a man, so sleeping in the street at night puts me at much higher risk than other trans women. What will happen to me if I sleep in the street at night?

Salma, a 29-year-old Syrian trans woman, escaped to Lebanon after having served one year in the Syrian army, against her will. Since arriving to Lebanon in 2013, she has had to change her residence eight times, due to sexual harassment and eviction. She described the displacement she encountered in an interview with Human Rights Watch: “I felt cheaper than a dog, lugging my bags with me from place to place so I can rest my head at night.”¹²³

Police Interference with Right to Housing

Neighbors can pose a threat directly or indirectly, by reporting trans people to the police. Nadia, a 23-year-old Iraqi trans woman who has had to change her residence six times in six months due to violence and discrimination, shared her story with Human Rights Watch:

¹²² Human Rights Watch interview with Nathalie, Beirut, October 18, 2018.

¹²³ Human Rights Watch interview with Salma, Beirut, November 1, 2018.

Before I got to Lebanon, I thought it was paradise—I didn’t know that there were intolerant neighborhoods and stigma around being transgender. I stayed in Jdeideh [town in Mount Lebanon] for 15 days, until one day at 8 a.m., the police broke my door and forced themselves into my room. I was sleeping, and with me in the room was another trans woman and a gay man. The officer entered and immediately pulled out his gun and put it to my head. I thought I was dreaming from the shock; I couldn’t believe what was happening. I got up, terrified, and asked him, ‘What’s going on?’ He said, “‘Get up, get the fuck up you faggot,’ addressing me with male pronouns. Then he started opening the closets and drawers and looking through our belongings. He found fake nails and accessories and hair products, and asked, ‘What is this?’ My friend immediately responded, ‘I’m a hairdresser.’ I got out of the bedroom into the living room and was shocked to see many police officers in uniform, neighbors, the mayor, the *mukhtar*, and a person from the criminal sector; it was a Saturday.

They didn’t have a search warrant but walked in anyway. When I asked again what was going on, he said that the neighbors complained about us to the police station that we’re ‘transvestites.’ He took our passports and he saw that I’m Iraqi, then threw the passport at my face. My friend started talking, so he slapped her across the face. He told us we have until Monday to vacate the house and take all our belongings, or else they will arrest us and throw our belongings on the street. Out of fear, we said, ‘Okay,’ and they left. We called the landlady and told her what happened, she said, ‘This is none of my business, I can’t help you,’ even though we had signed a contract with her.

They threw our stuff on the street outside the house at 11 a.m. We went back to collect everything and stayed in the street until the next day. We slept on the street. There were stray dogs and drunk people everywhere. We didn’t have money to eat anything, we didn’t have water, we were so exhausted.

We split up and looked in different areas, but I had no luck—every time I asked someone if there’s a room available and they saw my appearance, they immediately said no.¹²⁴

¹²⁴ Human Rights Watch interview with Nadia, Beirut, October 31, 2018.

Inadequate Housing Assistance for Trans Individuals

At present, there are no government run or nongovernmental organization-run shelters in Lebanon to provide emergency housing assistance for trans individuals. While trans women refugees and asylum seekers in Lebanon are able to apply for assistance from agencies like the United Nations that provide housing assistance to vulnerable refugees and migrants, they report that the assistance is often insufficient, and that they can only obtain it after going through lengthy procedures. Elsa, 50, said:

At the UN, if they give any assistance, it's \$250. What do I do with that? Even if I live in a tiny room and pay \$200 rent, what about expenses? What about electricity? Water? What do I do? Sell my body? That seems like the only option for us here.¹²⁵

Shelters that provide emergency housing for trans people would serve as a partial solution to these issues, but they also create challenges. One concern raised by several representatives of community-based NGOs is that fixed shelters may create a threat to trans women's security, especially if they are raided by security forces or reported by neighbors.

According to the trans committee at Helem, which is a trans-led initiative that focuses on the needs of trans people, a possible solution would be a mapping plan of trans-friendly property owners and safe locations across Lebanon that would welcome trans women. The rent and cost of living in these locations would be covered by civil society organizations.¹²⁶

¹²⁵ Human Rights Watch interview with Elsa, Beirut, November 22, 2018.

¹²⁶ Human Rights Watch interview with the "Trans Committee" at Helem, Beirut, April 17, 2019.

V. Employment Discrimination

In Lebanon, we have no job opportunities. The only things we are allowed to do are be a hairdresser, makeup artist, or designer. But even in those professions, we don't find jobs. I worked as a hairdresser for a while, 12 hours a day for \$500 a month. My rent was \$350 so I couldn't afford to live.

—Bella, 24-year-old trans woman from Lebanon, October 30, 2018¹²⁷

Forty-two of the fifty trans women interviewed for this report recounted at least one instance of being turned away from employment because of their appearance.

Lebanon's economy is characterized as a small-enterprise, family-run economy, with 95 percent of businesses being small to medium scale enterprises, and 73 percent being micro enterprises, hiring less than 10 employees.¹²⁸ This prioritization of family relations excludes trans women, who often lack the familial connections or *wasta* to be able to enter the labor market. Additionally, this intimacy of the workplace renders trans women more susceptible to violence and discrimination, without the access to reporting mechanisms or legal protection.

According to trans women interviewed for this report, the lack of employment opportunities for transgender individuals residing in Lebanon is the most debilitating and severe form of discrimination that the community faces. The cycles of discrimination that result in the inability to access the job market are a combination of structural, societal, and socioeconomic factors. They begin in education, family abuse, and social stigma, are exacerbated by legal and cultural barriers to securing employment, and in some cases are compounded by the fallout of arbitrary arrest.

¹²⁷ Human Rights Watch interview with Bella, Beirut, October 30, 2018.

¹²⁸ Ministry of Economy and Trade, "SMEs in Lebanon: Status, Strategy, and Outcomes," January 2018, <https://www.economy.gov.lb/media/10367/smes-in-lebanon-180112-10-small-size.pdf> (accessed March 6, 2019).

In Lebanon, the unemployment rate is estimated at a national rate of 25 percent, while the youth unemployment rate is 37 percent.¹²⁹ For transgender people attempting to enter the labor market, this grim reality is worsened by the discrimination they face in their search for employment and the monumental obstacle of lacking identification papers that reflect their gender expression. For trans refugees and asylum seekers, these conditions are coupled with their precarious legal status in an already exclusionary and nepotistic work force.¹³⁰ As Bella, 24, described, many trans people are stereotypically expected to seek employment in the informal beauty and fashion industries, often at the mercy of an employer who profits from their precariousness and the lack of legal protection mechanisms, such as legislation protecting against discrimination on the grounds of gender identity.¹³¹

Masa, a 37-year-old Jordanian trans woman, spoke about the barriers to employment that transgender people face in Lebanon, and how they may be rectified. She said:

The utmost priority is employment. Employment and training opportunities must involve trans individuals in society so we can live like any other person.... Trans people are like everyone else, we have abilities and skills and we can be productive members of society, we're not mentally disabled, we just need opportunities. The government must introduce non-discrimination laws that prohibit the constant rejection and violation of rights that trans people face in education, employment, and housing.¹³²

Discrimination in Education

I was studying hotel management and hospitality in an institute in Dahiyeh [the southern suburbs of Beirut], which is where I live. I was told by the principal that I need to leave the school, because my appearance is causing

¹²⁹ The United Nations, The Government of Lebanon. "Lebanon Crisis Response Plan 2017-2020 (2019 update)," January 2019, <https://data2.unhcr.org/en/documents/download/67780> (accessed August 9, 2019).

¹³⁰ Lebanon's sectarian confessional political system makes it more susceptible to nepotism and clientelism. For a more comprehensive analysis, refer to The American University of Beirut, "Higher Education and Labor Market Outcomes in Lebanon," October 2009, <http://www.databank.com.lb/docs/Labor%20Market%20Study%20-%20Test.pdf> (accessed March 11, 2019).

¹³¹ Human Rights Watch interview with Bella, Beirut, October 30, 2018.

¹³² Human Rights Watch interview with Masa, Beirut, October 25, 2018.

too much trouble, and the institute belongs to the Amal political party. The principal offered that I do not attend classes at all but can take the exam at the end of the semester. He said he will call me when it comes time for the exam. I agreed, but didn't sign any papers, it was just a verbal agreement. I came back after two months to ask about the exam, and the principal said, 'The exam period is already over, and you are no longer enrolled here.' I argued with him that we had an agreement and I have the right to an education, so he called security and they made me leave. They didn't even let me take the national official examinations.

—Samah, 18-year-old Lebanese trans woman on November 15, 2018¹³³

Twenty of the twenty-four Lebanese trans women interviewed by Human Rights Watch were not able to complete their education. Bullying and discrimination, combined with family rejection, threaten trans women's ability to complete their education, which positions them at a disadvantage for entering the labor market.

Safia, a 27-year-old Lebanese trans woman, said that her father didn't allow her to finish school, and forced her to drop out in 9th grade. He told her, "You will never make it in school looking like this, you have to work. You don't deserve an education."¹³⁴

Suha, a 24-year-old Lebanese trans woman, said that she discontinued her education in university because of bullying due to her gender expression. "I was in the second year of university and had to leave because of the other students, and even the teachers," she said.¹³⁵

"We Don't Hire Faggots"

When she fled Iraq and sought refuge in Lebanon in 2017, Nadia, 23, went door to door in Beirut looking for a job. She explained to Human Rights Watch that she went to stores that posted a sign that they were recruiting, but when she would go ask for hire, they told her,

¹³³ Human Rights Watch interview with Samah, Beirut, November 15, 2018.

¹³⁴ Human Rights Watch interview with Safia, Beirut, October 30, 2018.

¹³⁵ Human Rights Watch interview with Suha, Beirut, November 27, 2018.

“We don’t hire faggots.”¹³⁶ After what she describes as countless attempts to find employment, Nadia gave up.

Karen, a 30-year-old Lebanese trans woman, said that when she would call a store and ask for a job, they would agree and tell her to come in the next day, but as soon as they would see her, they would say, “We are no longer hiring.”¹³⁷

Even when discrimination is not explicit, trans women reported knowing that they were refused hire simply due to their gender expression. “I now have a sixth sense—I can tell people’s judgment and their attitudes toward me from their eyes,” Dunya, a 31-year-old trans woman from Lebanon, said.¹³⁸ Although Dunya has an accounting degree, she told Human Rights Watch that it has proven difficult for her to work as an accountant, because her sex assigned at birth and gender expression do not match. She said, “I applied for a job as an accountant, since that’s my field, and during the interview, the employer told me that he wants me in the company, but on Monday I have to come dressed differently and I have to cut my hair. I didn’t go back.”¹³⁹

In a discriminatory system designed to keep them at the margins, trans women find innovative ways to fend for themselves and attain their basic needs. Dunya continued, “I now work as a delivery person on my own, not as part of a company. If I deliver four orders a day, I make 20,000 L.L. (US\$13.30). The best thing about my job is that I have no boss and I don’t need to change for anyone. I had to get very creative to be able to work; in the formal sector, it is impossible for me to find a job.”¹⁴⁰

Trans women reported having to choose between authentic self-expression and their professional career. Leila, 34, who had been working as a civil engineer for a decade, said she was forced to quit her job to live her reality as a trans woman. She said, “I want to live as Leila, but I’ve been forced to hide her. If I work now, I want to work as Leila, which diminishes my chances even more. I can’t apply for work as Leila if I don’t feel safe.”¹⁴¹

¹³⁶ Human Rights Watch interview with Nadia, Beirut, October 31, 2018.

¹³⁷ Human Rights Watch interview with Karen, Beirut, November 15, 2018.

¹³⁸ Human Rights Watch interview with Dunya, Beirut, November 8, 2018.

¹³⁹ Ibid.

¹⁴⁰ Ibid.

¹⁴¹ Human Rights Watch interview with Leila, Beirut, October 30, 2018.

While employment discrimination is often perpetrated by the employers themselves, Samah, 18, told Human Rights Watch that she was able to find a job in a retail store in the southern suburbs of Beirut, where she lives, but was forced to leave the job when groups from Hezbollah came to the store, stated their affiliation with Hezbollah, and told her, “You are not allowed to work in this area.” Samah said, “The reason they gave me is that my appearance is too provocative and abnormal.” She tried to dismiss them and continued to go to work, until the same men threatened her manager that they would destroy his store if he didn’t fire Samah. When she talked to her manager, he said, “We knew your situation when we hired you, and we don’t mind, as long as you’re doing your work. But now you have to leave because they can disrupt the entire company’s operations if you don’t.”¹⁴²

The absence of accountability and lack of protection from discrimination under Lebanese law on the grounds of sexual orientation and gender identity prevents trans women from seeking redress for discrimination, including unjust expulsion from work, and reinforces employers’ sense of impunity in prejudiced practices.

Refugees and Asylum Seekers without Legal Residency Status as an Obstacle to Employment

Employment discrimination is aggravated for trans refugees and asylum seekers, who must find their place in a labor market that creates obstacles and dependency on Lebanese sponsors for refugees while discriminating against trans individuals. In addition to being stigmatized and denied employment due to their non-conforming gender expression, trans women refugees face barriers to or expulsion from the work force due to their lack of a Lebanese sponsor. Miriam, 20, told Human Rights Watch about her experience applying for jobs as a Syrian trans woman. She said, “The first thing they would ask is about my papers and whether I had any sponsor. When I said, ‘No’, they wouldn’t let me work.”¹⁴³

The 25 transgender refugees and asylum seekers interviewed by Human Rights Watch came to Lebanon either illegally or through a temporary visitor visa, and many overstayed their visa. Eighteen were unable to secure any form of employment. Most escaped due to

¹⁴² Human Rights Watch interview with Samah, Beirut, November 15, 2018.

¹⁴³ Human Rights Watch interview with Miriam, Beirut, October 25, 2018.

direct death threats, hopeful to find safety in Lebanon, only to be let down by the realization that “It is impossible for a trans woman to live a dignified life in Lebanon.”¹⁴⁴ Elsa, 50, said, “If I had known Lebanon was going to be this bad, I would have rather stayed in Syria and died.”¹⁴⁵

Mirna, 22, summarized the conundrum that confronts trans refugees in Lebanon:

I can’t apply for formal jobs because I don’t have papers, and if I did find someone who accepts me without papers, they won’t accept my appearance as a trans woman. I’ve gone to countless places for a job where they look at me with disgust from head to toe, and then say, ‘No.’ Right now, I’m selling fake nails online to make any kind of money. It’s not lucrative but it’s the only thing I can do because no one would hire me.¹⁴⁶

Human Rights Watch has previously documented the difficulties Syrian refugees face in maintaining legal residency in Lebanon and the resulting restriction on their access to work.¹⁴⁷

Identification as an Obstacle to Employment

We cannot find employment, we do not have homes, we cannot get an education, we are marginalized, we are shunned from society, we have no life, no connections, no families, we are rejected from family, from institutions, from friends, from our homes. We go to look for jobs and the first thing they ask for is ID, and when they see I present as a woman, but my ID says male, they won’t hire me. If the government helps us correct our official records, we can go find jobs like any other person and do just fine. Instead, they convict us of crimes and impose laws on our identities.

¹⁴⁴ Human Rights Watch interview with Nadia, Beirut, October 31, 2018.

¹⁴⁵ Human Rights Watch interview with Elsa, Beirut, November 22, 2018.

¹⁴⁶ Human Rights Watch interview with Mirna, Beirut, November 8, 2018.

¹⁴⁷ Human Rights Watch, *“I Just Wanted to be Treated like a Person”: How Lebanon’s Residency Rules Facilitate Abuse of Syrian Refugees*, January 2016, <https://www.hrw.org/report/2016/01/12/i-just-wanted-be-treated-person/how-lebanons-residency-rules-facilitate-abuse>.

—Carmen, 21-year-old Syrian trans woman, October 21, 2018¹⁴⁸

Regardless of their nationality and socioeconomic status, trans women face immediate discrimination when seeking employment due to the mismatch between their gender expression and the name and gender on their identity documents. The barriers to changing gender markers on official documents reinforce trans women’s economic marginalization. Elsa, a 50-year-old trans woman from Syria, said:

My problem is my ID, they would never hire me, because I look like a ciswoman, no one would doubt that, but my ID says male. I went and applied for retail jobs everywhere in Beirut, they say, ‘Okay madame, bring your papers tomorrow and you can start.’ As soon as they see my ID, they don’t hire me. If I could explain my situation to them, that would be easier, but no one here knows or accepts what it means to be transgender. I tried four times in Bourj Hammoud, twice in Dekweneh, and for a woman my age, the embarrassment and humiliation are just too much.¹⁴⁹

Harassment and Exploitive Work Conditions

I looked for jobs in Jounieh everywhere, and nowhere would hire me. I then found this poker amusement place, and I went in and asked if they would hire me. He said yes, but the hours are 6 a.m. to 6 p.m. and the pay is \$275 per month. I told him I cannot survive off that much, he said, ‘That’s what’s available, take it or leave it.’ I agreed. Then he said, ‘But we have to take care of a few things first, you have to massage my dick.’ I stormed out crying and said, ‘Will you ever become human beings?’ The last place I went to ask for a job, he said, ‘With this appearance, no one is going to hire you, don’t even try, and you’re Syrian? That’s just impossible,’ and he laughed.

—Natalie, 23-year-old Syrian trans woman, October 18, 2018¹⁵⁰

¹⁴⁸ Human Rights Watch interview with Carmen, Beirut, October 21, 2018

¹⁴⁹ Human Rights Watch interview with Elsa, Beirut, November 22, 2018.

¹⁵⁰ Human Rights Watch interview with Natalie, Beirut, October 18, 2018.

Natalie's story is the story of many trans women who, desperate to find employment, are subjected to unreasonable working hours, low wages, lack of benefits, and sexual harassment. In instances when they are employed, trans people are often mistreated and abused by employers and customers. These conditions render it almost impossible for trans people to attain jobs in good working conditions that guarantee their safety.

Mirna, a 22-year-old Syrian trans woman, said:

When I first got here, I was learning to be a hairdresser at a salon... in Bourj Hammoud, but there was no pay. When I became good enough and started receiving customers, I asked the owner for a salary, so he agreed to give me 200,000 L.L. a month (\$132). I said, 'Okay,' because I had been working for free for over a year, and I needed any kind of money. He only paid me for one month and then stopped paying me. He was taking advantage of me—he gave me the salon keys, so I would open the salon early in the morning and I would be the last to leave it. I was working 12 hours a day, doing everything from mopping piles of hair to cleaning the toilet and doing customers' hair. Then I left the job because he stopped paying me and I was exhausted.¹⁵¹

The Lebanese Labor Code establishes an official minimum wage and states that working time cannot exceed 48 hours a week.¹⁵² In practice, employers who violate these laws are not held accountable, due to the lack of oversight and ineffective complaint mechanisms.

Sexual harassment, which is not defined nor prohibited under the Lebanese Labor Code,¹⁵³ is a recurring violation that trans women face in the workplace. Suha, a 24-year-old Lebanese trans woman, recounted:

¹⁵¹ Human Rights Watch interview with Mirna, Beirut, November 8, 2018.

¹⁵² Lebanese Labor Law of 1946 (revised in 1996), art. 44, art. 31, <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/39255/64942/F93LBN01.htm#t1c6> (accessed March 11, 2019). In January 2012, the minimum wage was set at 675,000 LL a month (or US\$450). "Cabinet Approves Raising Lebanon's Minimum Wage to 675,000 LL", *Al Manar*, January 19, 2012, <http://www.almanar.com.lb/english/adetails.php?eid=42609&cid=23&fromval=1>. (accessed March 11, 2019).

¹⁵³ United Nations Development Programme (UNDP). "Lebanon Gender Justice and the Law," 2018, <https://www.undp.org/content/dam/lebanon/docs/Women%20Emp/Lebanon%20Country%20Assessment%20-%20English.pdf> (accessed April 17, 2019).

My cousin was working in a hotel in Tabarja, and he got me a job there because he's a manager. I worked as a cashier and the treatment was fine, until the owner fired me, because many customers were asking me for sexual favors, and I refused. She kept pushing me 'to be nice to them and please them,' but I said, 'No, I'm doing my job well and that's what I'm here for.'¹⁵⁴

Other trans employees who may not be sexually harassed in the workplace are nevertheless subjected to exploitation. Nayla, a 30-year-old Lebanese trans woman, said:

I was working at a hair salon in Naccache. This was my life: I would wake up at 6 a.m., take public transportation to work, deal with the harassment that I get every day on vans and in cabs just to make it to my job, work from 7 a.m. until 9 p.m. every day. [The manager] had four workers around the salon first, then he saw how much I need the job and how hard I'm working, so he let two of them go, and I started handling most of the work on my own and leaving last. He started overworking me because he was taking advantage of my situation. On top of all of this, he was paying me \$600 per month. What does that do for me? I paid \$250 per month only for transportation, and \$300 for rent, I had \$50 left. How do I survive?¹⁵⁵

Sonia, a 36-year-old Lebanese trans woman, owns a hair salon in Ain Remmeneh, Beirut. Despite having the capital to run her own business, she reported being harassed by neighbors and forced by the police to relocate her business. She said:

I had a salon in another area, but the police came and threatened to shut it down because the neighbors complained that there were too many 'abnormal people' frequenting the place. After the intimidation I moved here and I stopped accepting too many customers from the [trans] community, so that the neighbors wouldn't complain again.¹⁵⁶

¹⁵⁴ Human Rights Watch interview with Suha, Beirut, November 27, 2018.

¹⁵⁵ Human Rights Watch interview with Nayla, Beirut, November 11, 2018.

¹⁵⁶ Human Rights Watch interview with Sonia, Beirut, November 11, 2018.

In instances when they are employed, trans women reported encountering verbal, sexual, and physical abuse from coworkers. Lacking access to redress, including complaint mechanisms that hold abusers accountable for their discrimination, trans women reported having been forced out of jobs.

Lola, a 42-year-old Lebanese trans woman, said:

I worked as a cleaner since I was 17. At my last job, at the airport, I used to get harassed every day by the security personnel [at the airport], the smallest comment I would hear was, ‘You like bananas? Do you swallow? How many bananas have you had inside you?’ I complained to the manager and he said, ‘You have to be patient because your situation is different, you’re lucky you have a job at all.’¹⁵⁷

Miriam, a 20-year-old Syrian trans woman, said:

I worked at a restaurant for the first three months, then my coworkers started harassing me verbally. They said, ‘Why are you like this? Why do you move your hands like girls? Why do you talk like that? Why is your hair long?’ Even if I wanted to greet them hello, I had to calculate how I talked to them. I told my boss. He said, ‘Why are you like this? They’re all men and normal, why don’t you act like them?’¹⁵⁸

Diana, a 27-year-old Lebanese trans woman, said:

I tried to work in many places; I worked on sets as a hairdresser with celebrities, and the harassment I got there was just too much. Every step I would take someone would whistle at me and call me a faggot.¹⁵⁹

Jumana, a 52-year-old Lebanese trans woman, who received her PhD in Paris, said:

¹⁵⁷ Human Rights Watch interview with Lola, Beirut, November 9, 2018.

¹⁵⁸ Human Rights Watch interview with Miriam, Beirut, October 25, 2018.

¹⁵⁹ Human Rights Watch interview with Diana, Beirut, November 8, 2018.

When I came back from Paris, I suffered a lot here. I got a job as a professor, but I was shunned by my coworkers and the management. I wouldn't be invited to their meetings, and if an event were taking place, they would all come with their wives and I'd hear them gossiping about me while I was in the room! There was a lot of bullying during my entire career.... I stopped being able to focus on my job and the lessons I am teaching, because every day I had to face the challenge of being treated unfairly and talked about by my coworkers and the head of the department. It was a hostile environment. They made me feel like I was from a different planet.¹⁶⁰

Despite possessing the social mobility to attain a job as a professor in Lebanon, the discrimination Jumana suffered in the workplace eventually pushed her out of her job. The only solution she found was working independently and remotely, at a research institute, where she doesn't have to worry about harassment. She said:

My nephew did a PhD at the same time I did in Paris, and now he is the head of a department at a university. I was not allowed to progress because of my gender identity. It was such a disappointment for me, after all of this work, to be shunned because of something inside of me that I can't control.¹⁶¹

Trans women interviewed by Human Rights Watch noted that the only jobs available to them are often service jobs in the informal sector, which require a constant interaction with customers. These positions subject trans women to a greater risk of harassment and discrimination, due to social stigma and the lack of awareness around transgender identities and expression. Several trans women said it would be safer for them to work "behind the scenes" rather than as customer service front liners.¹⁶²

¹⁶⁰ Human Rights Watch interview with Jumana, Beirut, November 15, 2018.

¹⁶¹ Ibid.

¹⁶² Human Rights Watch interview with Jumana, Beirut, November 15, 2018; Human Rights Watch interview with Roro, Beirut, November 11, 2018; Human Rights Watch interview with Nana, Beirut, November 11, 2018.

Arbitrary Dismissal

When I first moved in with my aunt in Tripoli, I really needed a job, so her husband got me a job at this retail store next to the house. I did my job very well and always showed up on time, then people started spreading rumors that I show up to work with full makeup on, I grow my hair out, and I dress inappropriately. They went to my aunt and said: ‘Keep this boy at home or send him to some western country that accepts him. He doesn’t have a place here.’ The shop owner then started saying, ‘This does not work well with me, I have customers and a reputation, and you’re bringing me shame and a bad reputation.’ I said I’m doing everything you’re asking me to do and I don’t dress inappropriately or wear makeup. When he heard me speak back at him, especially that I’m Syrian and he’s Lebanese, he took me out to the street and started yelling at me in front of everyone so they could hear him: ‘You faggot, I don’t let people like you work at my shop. Look, people, I fired this faggot, so you don’t say my shop has a bad reputation.’ Now I work for my aunt as a maid just so she can give me 5,000 L.L. (\$3) a day because I cannot find a job.

—Carmen, a 21-year-old Syrian trans woman, October 21, 2018.¹⁶³

While trans women’s access to formal employment is limited, their participation in the informal labor market denies them any protection when they are abusively dismissed from work. Nayla, 30, said, “Out of the blue, my employer told me I can no longer work there [at the salon], because my pants are too tight. He never once told me to change the way I dress.”¹⁶⁴

Lola, 42, said:

At my last job, at the airport, my hair was very long, but I put it in a bun and wore a cap, but they still insisted I cut it all off, and I just couldn’t, so they fired me. The security officers at the airport were not okay with me having long hair, that’s the

¹⁶³ Human Rights Watch interview with Carmen, Beirut, October 21, 2018.

¹⁶⁴ Human Rights Watch interview with Nayla, Beirut, November 11, 2018.

reason they gave me. This was after three months of waking up at 5 a.m. to get to work at 6 a.m. and I worked until 7 p.m. every day, they paid me \$400. I accepted that so that I can work and not be on the streets, and then they fired me.¹⁶⁵

Miriam, 20, said:

When I worked at the restaurant, my boss said, ‘Why don’t you cut your hair? Why do you pluck your eyebrows?’ I said I like my hair and I want to grow it out, so I can donate it to a cancer center for children. I said this to convince him, and he was okay. Then his wife came and told him, ‘This boy is gay. If he works here, I’m not going to work here.’ They fired me, and I haven’t worked since.¹⁶⁶

Diana, 27, said:

I used to work at a hair salon in Beirut. They used to call me ‘Junior’ because when I first started, I was too little and couldn’t reach the customer, so they put a ladder for me to be able to work. I left the salon a manager, after 9 years. They fired me when I began to look more like a woman, and now that I am shemale,¹⁶⁷ [the owner] wouldn’t let me work there. The owner told me that if I wear a t-shirt and remove my breasts, he’d let me continue working there. But the way I look now, I will bring him too much shame and scare off customers. I would love to have a real job, but they don’t hire us, and if they do, we get verbally and psychologically abused until we cannot breathe anymore. All this torture for a \$500 salary; I’d rather not.¹⁶⁸

¹⁶⁵ Human Rights Watch interview with Lola, Beirut, November 9, 2018.

¹⁶⁶ Human Rights Watch interview with Miriam, Beirut, October 25, 2018.

¹⁶⁷ Shemale is a term used to describe trans women with male genitalia and augmented breasts. Although the term can be derogatory and offensive to some, the trans women interviewed in this report have adopted the term as an endearment or as a form of self-empowerment.

¹⁶⁸ Human Rights Watch interview with Diana, Beirut, November 8, 2018.

The International Labour Organization, in a 2019 report,¹⁶⁹ expressed concern over Lebanon's failure to set in place and adhere to international labor standards on arbitrary termination, protection against discrimination on any grounds, and corruption in the workplace.¹⁷⁰

Sex Work

My parents recently accepted me as a trans woman. None of the trans women I know have their parents' support, so I consider myself very lucky. But my father is sick and cannot work and my mother is a housewife. I have a little sister in school. I have to provide for all of them and for myself. I want to work to help my family, and sex work is the only thing I can do. It's not easy—we are humiliated daily, we are the scum of the earth in the eyes of society. I have been through so much abuse that I know how to detect abusers now and how to avoid harassment. I am always terrified, but I pretend like I am not.

—Diana, a 27-year-old Lebanese trans woman, November 8, 2018¹⁷¹

Lebanon has a law regulating sex work, dating from 1931, which stipulates that female sex workers must be registered and must undergo medical examinations, cannot be virgins, and must be older than 21. Article 7 of this law stipulates that sex workers can only practice sex work inside brothels, and article 523 of the Lebanese Penal Code punishes “any person who practices secret prostitution or facilitates it” with a prison sentence ranging from one month to one year. In practice, the government does not issue licenses for brothels, leaving virtually all sex workers vulnerable to arrest for practicing sex work without being registered.

Sex work is a valid occupation that some trans women choose to practice, but others sell sex as a survival mechanism. Eleven of the fifty trans women interviewed by Human Rights

¹⁶⁹ International Labor Conference, “Application of International Labor Standards 2019,” 108th Session, https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_670146.pdf (accessed March 11, 2019).

¹⁷⁰ International Labour Organization, Recommendation 205, “Employment and Decent Work for Peace and Resilience Recommendation,” No. 205 (2017), https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:R205 (accessed March 11, 2019).

¹⁷¹ Human Rights Watch interview with Diana, Beirut, November 8, 2018.

Watch engaged in sex work. Most of them reported that sex work was “their only option,” after being unable to secure or maintain employment due to discrimination.

Maria, 23, told Human Rights Watch:

I was working at a salon in Salim Slem, and I had a lot of customers. Then my boss said my appearance is becoming too much. When he saw my tattoo, he said it looks ‘too girly,’ and my gestures are ‘too feminine,’ so he fired me. I tried to work at a retail store and another salon, and they said no because of my appearance. After I exhausted all my options, I became an escort. I had no other choice.¹⁷²

For trans women sex workers, poverty, the illegal nature of their work, and their gender identity all leave them particularly vulnerable to police abuse and repeated arrests.

Even trans women who do not practice sex work are often stereotyped as sex workers. This false notion accentuates trans women’s visibility and limits their mobility, as they are interrogated by police officers simply for existing in public.

Lara, a 19-year-old Lebanese trans woman, said:

When people see me standing in the street, they immediately think I’m a sex worker, even if I’m just waiting for someone or a taxi. Police officers always stop me and ask why I’m standing in the street, and I say, ‘Just because I’m standing in the street doesn’t mean I’m a sex worker.’¹⁷³

Safia, a 27-year-old Syrian trans woman, recounted a specific instance to Human Rights Watch, that landed her behind bars:

Last year, I was all dressed up and going to a Halloween party, waiting for an Uber. The officers saw me and kept telling me to leave. I said I’m waiting

¹⁷² Human Rights Watch interview with Maria, Beirut, November 11, 2018.

¹⁷³ Human Rights Watch interview with Lara, Beirut, November 8, 2018.

for a cab, so they handcuffed me and took me to the station. I asked why this was happening, they said, ‘Why would you be standing in the street at this hour in this area? You’re an escort.’ I told them I was just going to a party, but they didn’t believe me.¹⁷⁴

Police checked Safia’s record and found she owed a fine for missing a previous court date. They transferred her to Hobeish police station, where, she said, “They made me confess, under beating, that I was an escort. I told them I wasn’t, but they insisted.”¹⁷⁵

Safia was held at Hobeish for two weeks, until Helem helped secure her release. Although police placed her in a cell with women, they humiliated her by addressing her as male, she said.

The criminalization of sex work deters reporting of abuses. Trans women who practiced sex work reported being blackmailed by customers and security forces, who committed violence against them with impunity.¹⁷⁶ None of the trans women sex workers interviewed by Human Rights Watch felt that they could report violence perpetrated against them to the police, because they feared being detained as a result of their work.¹⁷⁷ Moreover, trans women sex workers noted that many of their customers are members of security agencies and government officials.¹⁷⁸

Lola, 42, said:

About a year ago, a customer pulled out a gun on me in my own house and took all my money and my phone. I thought he was a customer and I heard about him through my friend, but it turned out he is a high-ranked officer in the army. He blackmailed me and said that if I say anything, he will report me and put me in prison.¹⁷⁹

¹⁷⁴ Human Rights Watch interview with Safia, Beirut, October 30, 2018.

¹⁷⁵ Ibid.

¹⁷⁶ Human Rights Watch interview with Lola, Beirut, November 9, 2018.

¹⁷⁷ Human Rights Watch interview with Roro, Beirut, November 11, 2018.

¹⁷⁸ Human Rights Watch interview with Lola, Beirut, November 9, 2018.

¹⁷⁹ Ibid.

Nawal, 32, said:

I hate this line of work. Not even 1 percent of me wants to do it. I wouldn't get in the car with whoever, I pick my clients carefully, but I'm always scared. I started as an escort when I was 16. It's a lot of work, I use protection but I'm afraid of diseases, I'm scared of violent men, I'm scared of the police, I'm scared of checkpoints, I'm scared of blackmail. I've been in so many situations where guns were pulled on me and I was beaten, and the men asked for their money back. There's nothing I can do about it.¹⁸⁰

In an occupation made unsafe by its illegality, trans women who engage in sex work have created their own networks and informal systems of protection, but they are preventive at best. Several domestic NGOs provide sexual health workshops for trans women sex workers on protecting themselves from sexually transmitted infections and diseases.

Human Rights Watch opposes the criminalization of consensual adult sex work. For trans women who engage in sex work, criminalization creates significant barriers to exercising their basic rights, such as protection from violence, access to justice for abuses, and access to essential health services.

On the other hand, coercing a person to provide sexual services (whether this amounts to sexual assault, trafficking, forced prostitution, or other forms of exploitation) should be criminalized and prosecuted.

¹⁸⁰ Human Rights Watch interview with Nawal, Beirut, November 27, 2018.

VI. Access to Health Services

Physical Health Services

I got really sick and had to be taken to the hospital. When I got to the Lebanese Canadian Hospital, I was spitting blood, but they refused to let me in because I am trans. I had to call my brother, who I barely talk to, because he works for Internal Security and has connections. We had to pay them a bribe to let me in. I could have died on the hospital door.

—Karen, 30-year-old Lebanese trans woman, on November 15, 2018¹⁸¹

Most of the population in Lebanon pays for health services entirely out of pocket, with less than half the population covered by any form of insurance.¹⁸² The National Social Security Fund (NSSF) is the primary provider of health care in Lebanon, covering about a quarter of the population. All employers and employees are required to contribute to NSSF; however, according to the International Labour Organization, many companies fail to do so, weakening the fund's ability to provide quality health care.¹⁸³ A smaller share of Lebanese residents, about 16 percent, is covered by private health insurance plans.¹⁸⁴

The barriers to employment discussed in section five of this report limit Lebanese trans women's access to the formal labor sector, thereby excluding them from accessing the NSSF healthcare coverage. Trans women refugees and asylum seekers do not benefit from NSSF healthcare coverage. Unable to afford private insurance coverage, most trans women pay for health services through out-of-pocket expenditure. This reality, coupled with the stigma that transgender women face in the public and private health sectors due to their gender expression, contribute to trans women's debarment from their right to a safe, affordable, and inclusive system of health protection.

¹⁸¹ Human Rights Watch interview with Karen, Beirut, November 15, 2018.

¹⁸² International Labour Organization (ILO), "Financial Assessment of the Cost of Providing Health Care Coverage for Palestinian Refugees in Lebanon," 2012, https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_236500.pdf (accessed March 7, 2019).

¹⁸³ Ibid.

¹⁸⁴ Ibid.

Many trans women reported being too fearful to access both public and private health services due to stigma, discrimination by healthcare providers, insufficient knowledge among providers around trans-specific health needs, and the possibility of being reported to the police for their gender non-conformity.

Diana, a 27-year-old Lebanese trans woman, said:

I started feeling severe pain in my leg and I went to the hospital in Daher Al Bashek. They wouldn't admit me to the hospital at first, they didn't even let me enter the building, until I called my uncle and he gave them a bribe to let me enter.¹⁸⁵

Diana continued:

Now I'm really scared because I have a medical issue that requires that I go to the hospital, and I'm too fearful to go. I don't have insurance, and for me to get insurance I have to go to the Health Ministry and deal with paperwork and I keep postponing it because I'm scared of how they will treat me or that they will arrest me.¹⁸⁶

Trans women spoke to Human Rights Watch about their need to access basic health services related to conditions like diabetes and cardiovascular diseases.¹⁸⁷ Although the health ministry provides a comprehensive plan for chronic diseases, including diabetes, hypertension, heart disease, and osteo-articular conditions, trans women reported being hesitant to seek treatment at primary care centers due to fear of stigma and discrimination.¹⁸⁸

¹⁸⁵ Human Rights Watch interview with Diana, Beirut, November 8, 2018.

¹⁸⁶ Ibid.

¹⁸⁷ Human Rights Watch interview with Lola, Beirut, November 9, 2018.

¹⁸⁸ The Ministry of Public Health. "Non-Communicable Diseases Prevention and Control Plan (NCD-PCP) Lebanon 2016-2020," January 2016, <https://moph.gov.lb/en/Pages/2/3687/non-communicable-diseases#/en/view/3691/non-communicable-diseases-prevention-and-control-plan-ncd-pcp-lebanon-2016-2020-> (accessed April 1, 2019).

Trans women also noted that NGO sector health initiatives usually address HIV treatment and sexual health services, but rarely do they account for general health needs. Lola, 42, said, “I’ve done enough HIV tests; I need a general medical check-up!”¹⁸⁹

The lack of financial security related to the discriminatory labor market, and the absence of government benefits or health insurance guarantees in older age, render trans women fearful for their future and long-term health needs. Nayla, 30, said “What will happen to me when I’m 50 or 60 years old? Who will look after me?”¹⁹⁰

Role of Nongovernmental Organizations

When public and private hospitals are inaccessible, NGOs often step in to fill the gap. Several community-based NGOs provide different services to trans people, including psychosocial support, some medical care, sexual health services, and educational programs around trans-specific issues as well as general health.¹⁹¹ However, healthcare services are not comprehensive, and resources are limited.

Several trans people interviewed for this report did not know that these services exist or how to access them.¹⁹² Since the NGOs which provide health support are located primarily in Beirut, trans women residing outside Beirut reported difficulty in getting to the centers, especially since public transportation is often a site of stigma and violence.¹⁹³

Following the Syrian crisis, health initiatives that support the needs of refugees and asylum seekers were established in Lebanon, mainly in the NGO sector. This has alleviated some of the barriers to health access for refugees and asylum seekers, but not all. The

¹⁸⁹ Human Rights Watch interview with Lola, Beirut, November 9, 2018.

¹⁹⁰ Human Rights Watch interview with Nayla, Beirut, November 11, 2018.

¹⁹¹ Lebanese Medical Association for Sexual Health (LebMASH), “A Stakeholder Analysis of the Current Lebanese Context for Transgender Healthcare: The Perspectives of Non-Governmental Organizations,” 2017, <https://www.lebmash.org/stakeholder-analysis-current-lebanese-context-transgender-healthcare-perspectives-non-governmental-organizations/> (accessed March 7, 2019).

¹⁹² Human Rights Watch interview with Mirna, Beirut, November 8, 2018; Human Rights Watch interview with Randa, Beirut, October 15, 2018; Human Rights Watch interview with Sally, Beirut, October 15, 2018.

¹⁹³ Human Rights Watch interview with Carmen, Beirut, October 21, 2018; Human Rights Watch interview with Suha, Beirut, November 27, 2018.

NGOs that provide subsidized health services often target specific refugees, mostly Syrian and Iraqi, while excluding other nationalities.¹⁹⁴

Transgender Women Living with HIV

Transgender women are particularly vulnerable to HIV, in part due to higher risks inherent in anal sex, as well as intersecting significant drivers of HIV risk, including their exclusion from society, employment, education, housing, and accessing health care. While the health ministry supplies free antiretroviral treatment (ART) for Lebanese and refugees living with HIV, the financial costs of receiving comprehensive care remain an individual burden.¹⁹⁵

Dr. Nesrine Rizk, an HIV Specialist at the American University of Beirut Medical Center, told Human Rights Watch that many private insurance companies in Lebanon refuse to cover people living with HIV, which increases the financial burden on them and deters them from seeking treatment.¹⁹⁶ Dr. Rizk added that it is a priority to address social stigma on the basis of HIV status more generally, as well as stigma from healthcare providers, as main barriers to accessing treatment. These barriers are solidified by the absence of legislation which protects people living with HIV from discrimination.

Mental Health Services

My parents took me to a psychologist. I tried to talk to her, until we got to a point where she said, ‘Be a man, I can see it in front of me that you’re a man and you need to accept it.’ Then she said that she can’t accept me in her clinic anymore because I don’t want to change. I said, ‘I’ve sat with you for four sessions and you expect to change me? I have been battling myself for 23 years, no one has taken the measures I have to ‘be a man,’ but I would

¹⁹⁴ Human Rights Watch interview with MOSAIC, Beirut, December 12, 2018.

¹⁹⁵ American University of Beirut Knowledge to Policy Center, “Addressing Limitations to Equitable Access to Healthcare Services for People Living with HIV in Lebanon” 2015, <https://www.aub.edu.lb/k2p/Documents/K2P%20Policy%20Brief%20HIV%20AIDS%20Dec%2016%202015.pdf> (accessed April 1, 2019).

¹⁹⁶ Human Rights Watch meeting with Dr. Nesrine Rizk, Beirut, December 20, 2018.

sleep and wake up and feel more and more a woman. My body isn't what determines my identity, my mind does.'

—Dunya, 31-year-old Lebanese trans woman, November 8, 2018¹⁹⁷

Mental health services in Lebanon are predominantly provided by the private sector. Even for transgender people who have insurance, their insurance often does not cover mental health services. Although the Ministry of Health in its 2015 mental health strategy identified LGBT people as a vulnerable category, and called for “adopting international standards” and “developing the capacities of mental health professionals” to better address the needs of LGBT people, the strategy failed to explicitly address transgender people’s mental health needs.¹⁹⁸

As in Dunya’s case, many transgender women face familial or societal pressure to seek mental health services as an avenue for “conversion therapy,” which aims to change an individual’s gender identity from transgender to cisgender, based on the false assumption that transgenderism is a disorder that needs to be remedied. Facilities and practitioners that carry out these unscientific and sometimes abusive practices are not monitored. Many trans women refrain from accessing mental health services for fear of being subjected to these practices when they seek safe spaces.

Although some NGOs offer psychosocial support and free counseling, their providers rarely have expertise on mental health matters specific to transgender patients. A few specialized professionals in Lebanon are known for providing quality services to trans women,¹⁹⁹ but financial constraints, including lack of mental health insurance coverage, renders their services inaccessible to many. The absence of suitable mental health services exacerbates the isolation and neglect that trans people experience in Lebanon.

¹⁹⁷ Human Rights Watch interview with Dunya, Beirut, November 8, 2018.

¹⁹⁸ Ministry of Public Health, Mental Health and Substance Use- Prevention, Promotion, and Treatment- Situation Analysis and Strategy for Lebanon 2015-2020, 2015, <https://www.lebmash.org/wp-content/uploads/2017/12/MentalHealthStrategy-Eng-2015.pdf> (accessed March 7, 2019).

¹⁹⁹ International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), “Transgenders Lead an Alternative Life in Lebanon,” October 17, 2011, <https://ilga.org/transgenders-lead-an-alternate-life-in-lebanon> (accessed August 21, 2018).

Roro, a 27-year-old Lebanese trans woman, said, “We need a psychological support center specifically for trans people, because we have severe mental health issues without anyone to turn to.”²⁰⁰

Gender Affirming Healthcare Services

Thirty-seven of the fifty trans women interviewed by Human Rights Watch expressed their desire to undergo gender affirming surgical interventions. The decision to undergo gender affirming medical procedures for transgender people depends on their own perceptions of their identities, their financial capacity, and societal factors.²⁰¹ Some trans women in Lebanon have sought out gender affirming medical services, including hormone treatment and surgery, but many have faced obstacles.

Legally, doctors can prescribe hormone treatment and surgical interventions for trans people who wish to undergo gender affirming surgeries.²⁰² However, most trans women interviewed by Human Rights Watch do not have financial resources or insurance to cover the costs of surgery, and said that most insurance plans in Lebanon, including NSSF, rarely cover gender affirming surgeries. One trans activist interviewed by Human Rights Watch was aware of two cases in which the NSSF covered some gender affirming procedures for trans men.²⁰³ According to the activist, such coverage requires convincing a doctor to advocate on behalf of trans individuals.²⁰⁴

Trans women interviewees who had undergone surgical interventions in Lebanon reported that the cost for top surgery²⁰⁵ ranged from US\$2,000-\$3,000, while the cost for bottom surgery²⁰⁶ is in the \$20,000 range, making surgical interventions unattainable for many trans women.

²⁰⁰ Human Rights Watch interview with Roro, Beirut, November 11, 2018.

²⁰¹ Transfocus, “Transfocus Report,” [forthcoming online], 2015, (accessed August 13, 2018).

²⁰² Ahmad Saleh and Adriana Qubaia, “Transwomen’s Navigation of Arrest and Detention in Beirut: A Case Study (En-Ar),” *Civil Society Knowledge Center, Lebanon Support*, January 2015, <https://civilsociety-centre.org/paper/transwomen%E2%80%99s-navigation-arrest-and-detention-beirut-case-study-en-ar> (accessed August 13, 2018).

²⁰³ Human Rights Watch interview with trans activist, Beirut, May 3, 2019.

²⁰⁴ Ibid.

²⁰⁵ “Top surgery” refers to breast augmentation for trans women, or removal for trans men.

²⁰⁶ For trans women, “bottom surgery” refers to vaginoplasty (construction of a vagina). Additional surgeries might include a trachea shave (reducing the size of the Adam’s apple), bone restructuring to feminize facial features, and hair transplants.

Trans women also reported difficulty accessing hormone treatment, which, like gender affirming surgery, is not covered by most insurance plans. Dunya, a 31-year-old Lebanese trans woman, said:

I started taking ‘Yasmin’ birth control pills on my own, because I read it online, but the first month my body wasn’t reacting well and I was feeling depressed, so I stopped. Then I started going to a doctor for hormonal treatment. I did the tests and started the hormone program a year and one month ago. I have to pay around \$50 a month for vitamins and hormones. Every three months I have to get a check-up and pay \$200 for that. Because it is so expensive, I cannot afford going every three months, so I save all the money from my delivery job to be able to go once every six months.²⁰⁷

²⁰⁷ Human Rights Watch interview with Dunya, Beirut, November 8, 2018.

VII. Access to Name and Gender Marker Change

Changing gender markers and names should be a normal process that doesn't even require lawyers or medical professionals. I don't need to 'prove' to anyone that I'm a woman, it's just an internal feeling.

—Lina, 28-year-old Iraqi trans woman, November 29, 2018²⁰⁸

Possessing an identification document that does not match one's gender identity or expression is a significant obstacle in accessing basic needs, including housing, health care and employment, as well as freedom of movement and physical security, as documented in the preceding chapters of this report.²⁰⁹ However, in Lebanon, trans people struggle to obtain documents that match their identities.

Diana, a 27-year-old Lebanese trans woman, said:

I threw my ID in the trash and applied for a new one. I told them I lost it. I had to go to my hometown, to the *mukhtar*, I swear around a dozen times just to have them put my picture on an ID as I look now. I got so much harassment, they asked me, 'Why do you look like this? Aren't you a man? You are disgusting.' The *mukhtar* said he won't start my papers until I cut my hair, and I had to bribe him so he would accept. Finally, after months of running around, they put my picture on my ID as I look now, but my name obviously stayed the same.

The name and assigned sex of every person born in Lebanon is recorded in a civil registry. Under a law dating to 1932, "an entry listed in the registry can only be corrected by virtue of a ruling from a competent court, issued in the presence of the civil registry officer or their representative, except in the case of entries subject to change such as profession,

²⁰⁸ Human Rights Watch interview with Lina, Beirut, November 29, 2018.

²⁰⁹ Human Rights Watch, *Rights in Transition: Making Legal Recognition for Transgender People a Global Priority, World Report 2016* (New York: Human Rights Watch, 2016), <https://www.hrw.org/world-report/2016/rights-in-transition>; Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, A/HRC/31/57, January 5, 2016 (accessed March 7, 2019).

confession, religion, place of residence and the like, such entries being corrected by civil registry offices without the need for a court ruling.”²¹⁰

According to a 2017 report by the Marsa Sexual Health Center, in Lebanon, this law is interpreted to mean that name and gender marker changes are only recognized through a court ruling.²¹¹ In other words, recognition of a trans person’s gender identity is seen as a “correction,” not a factor “subject to change.” This interpretation fails to recognize that “gender” is a fluid category that is subject to change similarly to the categories of “profession, religion,” etc. Since court procedures in Lebanon are lengthy and expensive, and their subsequent rulings do not set a precedent, allowing trans women to correct their records through civil registry offices would lessen the bureaucratic loop they are forced into when having to resort to the courts.

Absent any guiding legislation on legal gender recognition, judges make decisions on a case by case basis, in part based on the opinion of a forensic doctor appointed by the court.²¹² The Lebanese Medical Association for Sexual Health (LebMASH) states that a medical diagnosis of “gender dysphoria”²¹³ is the first step to correcting identification documents, and other criteria are unclear.²¹⁴ Courts often require that trans people undergo gender affirming surgeries to be eligible to change their identification papers and vital records.²¹⁵ Some transgender people may indeed want to undertake all or some of

²¹⁰ Decree N. 8837, art. 21, adopted on January 15, 1932 under the French mandate, reproduced in Marsa Sexual Health Center, “Transgender Individuals’ Status under the Lebanese Law,” 2017 (accessed February 12, 2019).

²¹¹ Marsa Sexual Health Center, “Transgender Individuals’ Status under the Lebanese Law,” 2017 (accessed February 12, 2019).

²¹² Ibid.

²¹³ Gender Dysphoria is described as the emotional distress that can result from “a marked incongruence between one’s experienced/expressed gender and assigned gender.”

²¹⁴ Lebanese Medical Association for Sexual Health (LebMASH), “A Stakeholder Analysis of the Current Lebanese Context for Transgender Healthcare: The Perspectives of Non-Governmental Organizations,” 2017, <https://www.lebmash.org/stakeholder-analysis-current-lebanese-context-transgender-healthcare-perspectives-non-governmental-organizations/> (accessed March 7, 2019).

²¹⁵ Ahmad Saleh and Adriana Qubaia, “Transwomen’s Navigation of Arrest and Detention in Beirut: A Case Study (En-Ar),” *Civil Society Knowledge Center, Lebanon Support*, January 2015, <https://civilsociety-centre.org/paper/transwomen%E2%80%99s-navigation-arrest-and-detention-beirut-case-study-en-ar> (accessed August 13, 2018).

these actions as part of their transition. However, requiring all transgender people to do so violates their rights to privacy and bodily integrity.²¹⁶

On January 13, 2015, a court ruling recognized a trans man's gender change from female to male, even though he had not undergone the full spectrum of gender affirming surgeries. The ruling states that "the applicant had only undergone a hysterectomy and hormonal treatment without any other procedure such as a mastectomy or a genital reassignment surgery."²¹⁷

In 2016, an appeals court in Lebanon delivered a ruling allowing another transgender man to change his name and gender marker on his identity documents, overruling a lower court and compelling the government to change the papers. The court found that gender affirming surgery should not be a prerequisite to gender identity recognition.²¹⁸

According to Lawyer Youmna Makhoul of the Beirut-based NGO "Legal Agenda," the Court of Appeals based its position on the view that a "discrepancy between a reality arising from medical necessity and personal status records can be considered a correctable error, and secondly, an individual's right to respect for their private life," protected under article 17 of the International Covenant on Civil and Political Rights.²¹⁹

While some of the trans women who were interviewed for this report did not know that they could legally change their name or gender marker on ID in Lebanon, most interviewees said procedural obstacles, including high fees, reluctance to engage in protracted court proceedings, and lack of legal assistance, kept them from accessing courts to attempt to change their gender markers, even if they had undergone surgery. Human Rights Watch is only aware of a few cases in which trans women have changed their gender marker from male to female.

²¹⁶ Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, A/HRC/31/57, January 5, 2016 (accessed March 7, 2018).

²¹⁷ Marsa Sexual Health Center, "Transgender Individuals' Status under the Lebanese Law," 2017, Jbeil Personal Status Magistrate, Decision N. 10 dated January 13, 2015, unpublished on p. 6 (accessed February 12, 2019).

²¹⁸ See "Lebanese judge grants trans man right to change gender," *Daily Star*, January 15, 2016, <http://www.dailystar.com.lb/News/Lebanon-News/2016/Jan-15/332090-lebanese-judge-grants-trans-man-right-to-change-gender.ashx> (accessed March 7, 2019).

²¹⁹ Youmna Makhoul, "Lebanese Judicial Ruling: Respecting the Right to Sex Change," 2016, The Legal Agenda, <http://legal-agenda.com/en/article.php?id=3125> (accessed March 7, 2019).

In recent years, medical expert bodies have urged governments to remove medical requirements from legal gender recognition procedures. The World Health Organization (WHO) published its new International Classification of Diseases in 2018, which removes “gender identity disorders” from the “mental disorders” section much like the American Psychological Association did in 2012.

VIII. Lebanon's Human Rights Obligations Under International and National Law

Lebanon is among countries that voted to adopt the Universal Declaration of Human Rights (UDHR) in 1948, which declares that “all human beings are born free and equal in dignity and rights.”²²⁰ Article 25 of this document recognizes the right to an adequate standard of living, which includes the right to housing, health, and security in case of unemployment.²²¹ The evidence collected from the trans women interviewed for this report expose the glaring violation of these principles.

The International Covenant on Civil and Political Rights (ICCPR) was ratified by Lebanon in 1972 and came into force in 1976. Article 26 states that “all persons are equal before the law and are entitled without any discrimination to the equal protection of the law.”²²² However, the absence of accountability and lack of protection from discrimination under domestic law prevents trans women from seeking redress for discrimination. Article 9 of the ICCPR states that anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.²²³ The cases documented in this report show that this legal right is not always upheld.

Lebanon ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) in 1972. Article 2 of the ICESCR guarantees that the rights stipulated by the covenant should be exercised “without discrimination of any kind as to race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”²²⁴ Article 11 of this covenant sets out the right to housing as a human right

²²⁰ Universal Declaration of Human Rights (UDHR), adopted December 10, 1948, G.A. Res. 217A(III), U.N. Doc. A/810 at 71 (1948), https://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf (accessed January 23, 2019).

²²¹ Ibid.

²²² International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, <https://www.ohchr.org/Documents/ProfessionalInterest/ccpr.pdf> (accessed January 23, 2019).

²²³ Ibid.

²²⁴ International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976, <https://www.ohchr.org/documents/professionalinterest/cescr.pdf> (accessed January 23, 2019).

recognized as part of the right to an adequate standard of living.²²⁵ Article 12 of the ICESCR recognizes “the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.”²²⁶ The covenant further states that the economic, social and cultural rights “apply to everyone including non-nationals, such as refugees, asylum-seekers, stateless persons, migrant workers and victims of international trafficking, regardless of legal status and documentation.”²²⁷ However, as evident in the statements of the trans refugees and asylum seekers interviewed by Human Rights Watch, the inequitable reality on the ground violates these principles.

The need to combat torture and ill-treatment lie at the heart of several international conventions, treaties, and declarations that Lebanon is obligated to uphold under international law and is bound to by the preamble of its constitution. These include the Universal Declaration of Human Rights, the ICCPR, the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT), and the OPCAT.

The Yogyakarta Principles, principles on the application of international human rights law in relation to sexual orientation and gender identity, state that “everyone has the right to be free from torture and from cruel, inhuman or degrading treatment or punishment, including for reasons relating to sexual orientation or gender identity.”²²⁸ The Principles further instruct states to “take all necessary legislative, administrative and other measures to prevent and provide protection from torture and cruel, inhuman or degrading treatment or punishment, perpetrated for reasons relating to the sexual orientation or gender identity of the victim, as well as the incitement of such acts.”²²⁹

In 2016, Lebanon’s parliament passed a law establishing the National Human Rights Institute (NHRI), which includes the National Preventative Mechanism against Torture. This legislation brings Lebanon into compliance with its obligation under the Optional Protocol

²²⁵ International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976, <https://www.ohchr.org/documents/professionalinterest/cescr.pdf> (accessed January 23, 2019).

²²⁶ Ibid.

²²⁷ Ibid.

²²⁸ International Commission of Jurists, The Yogyakarta Principles - Principles on the application of international human rights law in relation to sexual orientation and gender identity, March 2007, http://yogyakartaprinciples.org/wp-content/uploads/2016/08/principles_en.pdf (accessed April 17, 2019).

²²⁹ Ibid.

to the Convention against Torture (OPCAT), which it ratified on December 22, 2008.²³⁰ Although the five members of the National Preventative Mechanism were named in March 2019, the Cabinet has yet to allocate a sufficient budget for the body so that it can begin its work.²³¹

In September 2017, Lebanon passed a new law criminalizing torture. While positive, the law falls short of Lebanon's obligations under international law. Shortcomings in the new law include a statute of limitations for prosecuting torture and the ongoing jurisdiction of military courts over certain torture cases.²³²

While article 47 of Lebanon's Code of Criminal Procedure limits detention without charge to 48 hours, renewable with permission from the public prosecutor, this limit is often violated in practice. These abuses are not limited to trans people, but also target members of vulnerable groups, including refugees, asylum seekers, and sex workers. Additionally, police do not always inform suspects of the charges brought against them, in violation of international and domestic law, including article 76 of the Code of Criminal Procedure.

The Yogyakarta Principles specifically call on states to ensure all human rights without discrimination on the basis of sexual orientation or gender identity, including the right to housing, the right to work, the right to education, and the right to the highest attainable standard of health.²³³ The Yogyakarta Principles plus 10 (YP+10) expand state obligations to ensure the right to legal recognition (Principle 31), and the right to freedom from criminalization and sanction (Principle 33).²³⁴ The YP and the YP+10 instruct states to

²³⁰ "Lebanon: New Law a Step to End Torture," Human Rights Watch news release, October 28, 2016, <https://www.hrw.org/news/2016/10/28/lebanon-new-law-step-end-torture> (accessed March 27, 2019).

²³¹ "Lebanon: Anti-Torture Body Named," Human Rights Watch news release, March 22, 2019, <https://www.hrw.org/news/2019/03/22/lebanon-anti-torture-body-named> (accessed March 27, 2019).

²³² "Lebanon: New Torture Law Positive, But Incomplete," Human Rights Watch news release, November 13, 2017, <https://www.hrw.org/news/2017/11/13/lebanon-new-torture-law-positive-incomplete> (accessed March 27, 2019).

²³³ International Commission of Jurists (ICJ), The Yogyakarta Principles - Principles on the application of international human rights law in relation to sexual orientation and gender identity, March 2007, http://yogyakartaprinciples.org/wp-content/uploads/2016/08/principles_en.pdf (accessed April 17, 2019).

²³⁴ International Commission of Jurists (ICJ), The Yogyakarta Principles Plus 10 - Additional Principles and State Obligation on the Application of International Human Rights Law in Relation to Sexual Orientation, Gender Expression and Sex Characteristics to Complement the Yogyakarta Principles, November 2017, http://yogyakartaprinciples.org/wp-content/uploads/2017/11/A5_yogyakartaWEB-2.pdf (accessed April 17, 2019).

amend domestic legislation accordingly, including by targeting public and private acts of discrimination.²³⁵

²³⁵ International Commission of Jurists (ICJ), The Yogyakarta Principles Plus 10 - Additional Principles and State Obligation on the Application of International Human Rights Law in Relation to Sexual Orientation, Gender Expression and Sex Characteristics to Complement the Yogyakarta Principles, November 2017, http://yogyakartaprinciples.org/wp-content/uploads/2017/11/A5_yogyakartaWEB-2.pdf (accessed April 17, 2019).

IX. Full Recommendations

To the Lebanese Parliament

- Pass comprehensive anti-discrimination legislation that prohibits discrimination on the grounds of gender identity and sexual orientation and includes effective measures to identify and address such discrimination.
- Introduce legislation that allows for name and gender marker change through a simple administrative procedure based on self-declaration.
- Repeal article 534 of the Lebanese Penal Code, which criminalizes “sexual intercourse contrary to the order of nature.”
- Amend article 521 of the Lebanese Penal Code to include trans women under the definition of women and ensure that they are not prosecuted under the clause “masquerading as women to enter women spaces.”
- Repeal article 523 of the Lebanese Penal Code, which criminalizes “secret prostitution.”
- Amend article 49 of the Code of Criminal Procedure to explicitly guarantee suspects the right to a lawyer during police questioning.
- Ratify the budget and related financial decrees to allow the National Human Rights Institute and the National Preventative Mechanism against Torture to fulfill their mandates.

To the Office of the Public Prosecutor (OPP)

- Prosecute security officials who violate laws related to surveillance, arbitrary searches, and unlawful invasion of privacy.
- Ensure that all torture complaints are heard in the competent civilian courts.
- Ensure that complaints submitted against security forces are dealt with swiftly, especially in cases of torture where the OPP has an obligation to act within 48 hours.
- Issue clear policy directives to ensure that reported cases of violence against transgender individuals are effectively and impartially investigated and prosecuted.
- Issue a directive at all levels of the Internal Security Forces (ISF) to refrain from arresting trans women in female-only spaces under Article 521.

To the Ministry of Justice

- Introduce comprehensive training for judiciary members on gender identity, including the right to legal gender recognition, the right of transgender detainees to be held according to their gender identity, and gender-based violence against trans people.
- Ensure that legal recognition of transgender people's gender identity applies to all aspects of people's interactions with the judicial system.
- Direct the public prosecutor and the investigative judges to thoroughly investigate all allegations of torture and mistreatment of trans people by members of security forces.
- Ensure that individuals who discriminate against, abuse, mistreat, or inflict violence on trans people are held accountable, and the penalties imposed are commensurate with the gravity of the crime/harm inflicted.
- Ensure that judiciary members apply the 2014 Domestic Violence law to transgender individuals experiencing domestic violence, including through provision of protection orders.

To the Ministry of Labor

- Introduce to parliament a reformed Labor bill that includes protection against discrimination on the grounds of gender identity and sexual orientation.
- Upon passage of a labor law that protects against discrimination on the grounds of gender identity, issue a circular informing all employers that discrimination against transgender people in employment will be punished by law.

To the Ministry of Interior

- Issue clear guidelines on treatment of transgender detainees, with clear lines of responsibility and a list of appropriate sanctions.
- Ensure that detainees, including transgender individuals, are aware of the existing complaints mechanisms, that complaints are handled confidentially and swiftly, following a clear procedure, and that detainees can submit complaints without fear of reprisals.
- Ensure that all members of the ISF and General Security Office (GSO) are clearly identifiable through name and rank tags on their uniforms.

- Prohibit security forces from inquiring about the legal residency status, sexual orientation, or gender identity of individuals who are reporting violations.
- Ensure that groups can organize around LGBT rights without interference and intimidation.

To Lebanese Security Forces, including the Internal Security Forces (ISF), General Security Office (GSO), and Lebanese Armed Forces (LAF)

- Stop arresting and detaining transgender women on the basis of their gender identity, including under article 534 on “unnatural offenses,” “morality laws” outlined in articles 209, 526, 531, 532, and 533, and article 521 on “masquerading as women.”
- Ensure that no crime victim is denied assistance, arrested, or harassed on the basis of their gender identity, their sexual orientation, their legal residency status, or their status as a sex worker. Safeguard the right of sexual and gender minorities to report crimes without facing the risk of arrest.
- Respect the rights and identities of transgender people at checkpoints and police stations, and refrain from harassing them on the basis of their gender identity or expression.
- Ensure that transgender detainees are held in facilities in accordance with their gender identity.
- Ensure that the treatment of victims, suspects, and detainees is in accordance with the ISF and LAF codes of conduct.

To the Ministry of Public Health

- Adopt the World Health Organization’s new category of “gender incongruence.” Publish official guidance that gender incongruence is not a mental disorder and should not be treated as such.
- Ensure that transgender people have access to the medical and psychological assistance and support they require without discrimination.
- Ensure access to the highest attainable standard of gender affirming health care, on the basis of an individual’s free, prior, and informed consent.

- Ensure that gender affirming health care is provided by the public health system or, if not so provided, that the costs are covered or reimbursable under private and public health insurance schemes.
- Ensure that medical schools offer training in gender affirming surgery and hormone therapy to expand the pool of specialists.
- In collaboration with community-based organizations, ensure that training is available to health service professionals, including psychologists, psychiatrists and general practitioners, as well as social workers, regarding gender identity and the specific needs and rights of transgender persons.
- Develop a complaints mechanism through which people can report cases of denial of service, stigma, or discrimination in the health sector.
- Issue clear guidelines to all public and private hospitals and clinics indicating that conversion therapy has no medical basis; closely monitor hospitals, clinics, and mental health practices to determine whether conversion therapy is taking place; and, where it is, hold such facilities accountable, including by suspending the licenses of errant facilities or practitioners.

To the Lebanese Government

- Allocate a sufficient budget for the National Human Rights Institute and the National Preventative Mechanism against Torture.
- Make publicly available the report issued by the United Nations Sub-Committee on the Prevention of Torture in 2010, as well as the state's response submitted in 2012.
- Adhere to article 22 of CAT giving the UN Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT) committee the authority to look into individual complaints.
- Provide support for emergency and longer-term housing assistance for trans individuals who are victims of violence.

To Donor States and Agencies Supporting Civil Society and State Reforms in Lebanon, including France, Germany, Denmark, the US, UK, EU, and UNHCR

- Provide support for emergency temporary shelters for transgender women across Lebanon, including for trans women escaping domestic violence.

- Fund trans-led initiatives and civil society projects that focus on other service provisions for trans people, including medical access, financial assistance, legal assistance, and employment.
- Audit funding and technical assistance to the ISF, GSO, and the LAF to ensure that funding is not supporting policies, programs, or practices that violate international law, including torture and ill-treatment of transgender people.
- Ensure that aid to the Internal Security Forces, GSO, and LAF supports the development of internal oversight and accountability mechanisms.
- Refrain from funding security forces' units that are credibly found to abuse human rights and make resumption of funding to such units subject to enactment of reforms that guarantee the cessation of such abuses and accountability for past violations.

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Annex 1: Human Rights Watch Letter to Lebanese Ministry of Interior

Minister Raya El-Hassan
Ministry of Interior and Municipalities
Beirut, Lebanon
July 17, 2019

Dear Minister El-Hassan,

I am writing to you on behalf of Human Rights Watch to share the findings of our research on the range of human rights abuses faced by transgender women in Lebanon, and to request information around transgender women's interactions with security forces and access to protection in Lebanon. Transgender women are people designated male at birth but who identify and may present themselves as women.

Human Rights Watch is an international nongovernmental human rights advocacy organization whose work involves investigating and documenting human rights abuses in over 90 countries across the world, including Lebanon.

In September, Human Rights Watch will publish a report based on our research focusing on the discrimination and violence that transgender women experience in Lebanon. It is based on 50 interviews with Lebanese transgender women as well as transgender refugees and asylum seekers from other Arab countries, all of whom reside in Lebanon.

Human Rights Watch research found a disturbing pattern of violence by security officials against transgender women. This included cases of

physical assault – even torture – as well as frequent verbal abuse and arbitrary arrests. Some transgender women said that security officials arrested them simply because they looked gender non-conforming. Forty of the fifty transgender women interviewed by Human Rights Watch described how military and security personnel mistreated them in one of the abovementioned ways while they were in public because of their gender expression.

Almost all of the 50 trans women interviewed for this report said that they would not report a crime committed against them to the police, either because of previous failed attempts—where police refused to receive the complaint and mocked them for their gender identity or expression—or because they feel that the blame will be redirected at them due to their non-conforming gender identities. They were afraid they would even be arrested themselves if they reported crimes against them to the police. Those who are refugees or asylum seekers said their refugee status, which in most cases does not provide legal residency, was an additional obstacle to reporting crimes to the police.

We found that transgender women are further deterred from seeking redress for abuses committed against them because of a combination of social marginalization, laws that criminalize homosexuality and sex work, loosely defined “morality laws,” and the absence of legislation protecting against discrimination as well as reliable complaint systems for reporting police abuse.

Ten of the fifty transgender women Human Rights Watch interviewed were detained by the ISF at least once in the last four years. Transgender women detainees reported being subjected to coerced confessions and prolonged pre-trial detention while being denied access to a lawyer. With one exception, transgender women detainees were placed in men’s cells, which makes them vulnerable to verbal, sexual, and physical abuse from male detainees. During detention, some reported being placed in overcrowded cells, subjected to physical abuse, denied food and water, and deprived of the right to make a phone call. For example, one Syrian trans woman who was arrested on sodomy charges and detained by the ISF for a total of five months and five days, much of it underground in Roumieh, said,

“They interrogated me from midnight until 5am. They beat me non-stop and kept trying to make me tell them names of other LGBT individuals. They barely gave me food or water for 10 days. They didn’t let me call a lawyer or assign me one. They

shaved my head. They tied me up to a chair with my hands cuffed behind my back. Every time the officer would ask me a question and I said, 'I don't know,' he smacked me across the face. Another officer would come and put out his cigarette on my arm. I got sick while I was detained and I could barely stand up, and I asked for a doctor. They said, 'Leave him to rot and die.'”

Human Rights Watch’s practice is to give relevant authorities the opportunity to provide information and to have that information and point of view reflected in the reports that we publish. We will endeavor to reflect any relevant information you send us in our reporting, provided we receive it by August 17, 2019. In order for our report to be as complete as possible, we would greatly appreciate your response to the following questions:

- 1) We will recommend in our forthcoming report that the Ministry of Interior direct security forces to stop arresting and detaining transgender women on the basis of their gender identity, including under article 534 on “unnatural offenses”, “morality laws” outlined in articles 209, 526, 531, 532, and 533, and article 521 on “masquerading as women.” Will the Ministry commit to ending these arbitrary arrests?
- 2) We recommend that the Ministry issue clear instructions to the police that no one who comes in to report a crime against them will be arrested, denied assistance or harassed by police on the basis of their gender identity, their sexual orientation, or their status as a sex worker. Will the Ministry commit to taking up this recommendation?
- 3) We recommend that the Ministry issue clear instructions to the police that no one who comes in to report a crime against them will be arrested, denied assistance or harassed by police on the basis of their legal residency status. Will the Ministry commit to taking up this recommendation?
 - a. Does the ISF require complainants to disclose their residency status?
Please elaborate on what this process looks like.
- 4) Our research found that transgender women are often exposed to abuse at checkpoints when having their documents examined by security forces. We recommend that the Ministry issue a clear instruction that no one should be

harassed at checkpoints on the basis of having an identity document with a gender marker that does not match their appearance. Will the Ministry commit to taking up this recommendation?

- a. How will the Ministry of Interior ensure that security forces respect the rights and identities of transgender people at checkpoints, and refrain from harassing them on the basis of their gender identity or expression?

5) We are aware that the ISF has a complaints mechanism through which individuals who have been harassed or abused by the ISF can report violations:

- a. Please describe the mechanisms currently in place to hold members of the security forces accountable for violations they commit against private individuals.
- b. In the past five years, has any member of the security forces been held accountable for violations he/she committed against private individuals? If so, how many, for what crimes, and what were the punishments enforced?
- c. In the past five years, has any member of the security forces been held accountable for violations he/she committed against transgender people? If so, how many, for what crimes, and what were the punishments enforced?
- d. What concrete steps has the Ministry of Interior taken to ensure that detainees, including transgender individuals, are aware of the existing complaints mechanisms, that complaints are handled confidentially and swiftly, following a clear procedure, and that detainees can submit complaints without fear of reprisals?

6) Will the Ministry of Interior ensure that transgender detainees are held in facilities in accordance with their gender identity if that is where they feel most safe? If so, please provide us with a timeframe for this measure and the concrete steps you will undertake to implement it.

7) We recommend that the Ministry of Interior issue clear guidelines on the treatment of transgender detainees, with appropriate sanctions for failure to follow the guidelines. Will the Ministry commit to taking up this recommendation? If so, please provide us with a timeframe for this measure and the concrete steps you will undertake to implement it.

- 8) What measures has the Ministry of Interior taken to ensure that all members of the ISF and GSO are clearly identifiable through name and rank tags on their uniforms?
- 9) Transgender people interviewed by Human Rights Watch stated that they often rely on lesbian, gay, bisexual, and transgender (LGBT) organizations to seek spaces for community alliances, including events related to gender and sexuality, and exercise their right to freedom of association and expression. Human Rights Watch has documented instances where Lebanese security forces have repeatedly interfered with human rights events related to gender and sexuality, in violation of international human rights protections. What steps, if any, has the Ministry of Interior undertaken or does the Ministry plan to undertake to guarantee that groups, including transgender people, can organize around LGBT rights without interference and intimidation?

We look forward to your response to these questions, as well as any additional comments you wish to provide relating to transgender people's access to protection in Lebanon. We would also welcome the opportunity to meet with you to discuss our findings.

Thank you in advance for considering our request. Should you have any clarificatory questions or comments, please feel free to reach out to my colleague Rasha Younes at

[REDACTED]

Sincerely,

[REDACTED]

Lama Fakih
Beirut Director
Acting director, Middle East and North Africa Division
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Annex 2: Human Rights Watch Letter to Lebanese Ministry of Labor

Minister Camille Abousleiman
Ministry of Labor
Beirut, Lebanon

July 17, 2019

Dear Minister Abousleiman,

I am writing to you on behalf of Human Rights Watch to share the findings of our research on the range of human rights abuses faced by transgender women in Lebanon, and to request information around transgender people's access to employment opportunities in Lebanon. Transgender women are people designated male at birth but who identify and may present themselves as women.

Human Rights Watch is an international nongovernmental human rights advocacy organization whose work involves investigating and documenting human rights abuses in over 90 countries across the world, including Lebanon.

In September, Human Rights Watch will publish a report based on our research focusing on the discrimination in education, employment, housing, and the provision of healthcare that transgender women experience in Lebanon. It is based on 50 interviews with Lebanese transgender women as well as transgender refugees and asylum seekers from other Arab countries, all of whom reside in Lebanon.

According to nearly all the transgender people interviewed for this report, the lack of employment opportunities is the most grueling form of discrimination they face. High unemployment rates pose challenges for

anyone attempting to enter the labor market, but transgender people's chances of landing a steady job are worsened by bias and their lacking identification papers that reflect their gender expression. For transgender refugees and migrants, these conditions are exacerbated by their lack of legal residency that limits their ability to work in the country.

Forty-two of the 50 transgender women interviewed for this report recounted at least one instance of being turned away from employment because of their appearance or due to the mismatch between their gender expression and the name and gender on their identity documents. Transgender women interviewed by Human Rights Watch also reported being arbitrarily terminated from work, experiencing harassment and exploitive working conditions in instances when they were employed, and lacking protection from discrimination and access to redress. Human Rights Watch research revealed that the absence of accountability and lack of protection from discrimination under Lebanese law prevents transgender women from seeking redress for discrimination, including unjust expulsion from work, and reinforces employers' sense of impunity in prejudiced practices. One transgender woman interviewee spoke about these barriers to employment; she said,

“The utmost priority is employment. Employment and training opportunities must involve trans individuals in society so we can live like any other person.... Trans people are like everyone else, we have abilities and skills and we can be productive members of society, we're not mentally disabled, we just need opportunities. The government must introduce non-discrimination laws that prohibit the constant rejection and violation of rights that trans people face in employment, education, and housing.”

Another Lebanese transgender woman interviewee described her experience with employment discrimination:

“At my last job, at the airport, my hair was very long but I put it in a bun and wore a cap, but they still insisted I cut it all off, and I just couldn't, so they fired me. The security officers at the airport were not okay with me having long hair, that's the reason they gave me. This was after three months of waking up at 5 a.m. to get to work at 6 a.m. and I worked until 7 p.m. every day, they paid me \$400. I accepted that so that I can work and not be on the streets, and then they fired me.”

Human Rights Watch's practice is to give relevant authorities the opportunity to provide information and to have that information and point of view reflected in the reports that we publish. We will endeavor to reflect any relevant information you send us in our reporting, provided we receive it by August 17, 2019. In order for our report to be as complete as possible, we would greatly appreciate your response to the following questions:

- 1) What concrete steps, if any, has the labor ministry initiated to combat discrimination in the labor market, including on the basis of gender identity, and ensure working conditions that comply with health and safety regulations?
- 2) Has the labor ministry developed an effective complaints mechanism through which people can report cases of arbitrary dismissal from work, harassment, or discrimination in the labor market? If so, please summarize how the mechanism works.
- 3) How will the labor ministry guarantee access to redress for transgender people who report having been forced out of jobs, harassed, or discriminated against in other ways on the grounds of their gender identity or expression, and hold employers accountable?
- 4) Our forthcoming report will recommend that the labor ministry introduce a reformed Labor law to parliament that includes protection against discrimination on the grounds of gender identity and sexual orientation. Will you commit to introducing a reform law that includes these protections?
- 5) Our forthcoming report will also recommend that upon passage of a labor law that protects against discrimination on the grounds of gender identity, the labor ministry issue a circular informing all employers that discrimination against transgender people in employment will be punishable by law. Will you commit to issuing such a circular?
- 6) The International Labour Organization, in a 2019 report, expressed concern over Lebanon's failure to set in place and adhere to international labor standards on arbitrary termination, protection against discrimination on any grounds, and corruption in the workplace. What measures has the labor ministry taken to rectify these practices and adhere to international labor standards? Is the ministry planning on taking any measures to address these concerns? If so, please elaborate.

We look forward to your response to these questions, as well as any additional comments you wish to provide relating to transgender people’s access to employment in Lebanon. We would also welcome the opportunity to meet with you to discuss our findings.

Thank you in advance for considering our request. Should you have any clarificatory questions or comments, please feel free to reach out to my colleague Rasha Younes at

[REDACTED]

Sincerely,

[REDACTED]

Lama Fakhri
Director, Beirut Office
Acting Director, Middle East and North Africa Division
Human Rights Watch

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Annex 3: Human Rights Watch Letter to Lebanese Ministry of Public Health

Minister Jamil Jabak
Ministry of Public Health
Beirut, Lebanon

July 17, 2019

CC: Director General Dr. Walid Ammar

Dear Minister Jabak,

I am writing to you on behalf of Human Rights Watch to share the findings of our research on the range of human rights abuses faced by transgender women in Lebanon, and to request information around transgender people's access to health services in Lebanon. Transgender women are people designated male at birth but who identify and may present themselves as women. Transgender women may or may not seek medical interventions such as hormone therapy of gender affirmation surgery, also known as sex reassignment surgery, in order to attain a physical appearance that accords with their lived or deeply felt gender identity.

Human Rights Watch is an international nongovernmental human rights advocacy organization whose work involves investigating and documenting human rights abuses in over 90 countries across the world, including Lebanon.

In September, Human Rights Watch will publish a report based on our research focusing on the discrimination in education, employment, housing, and the provision of healthcare that transgender women experience in Lebanon. It is based on 50 interviews with Lebanese

transgender women as well as transgender refugees and asylum seekers from other Arab countries, all of whom reside in Lebanon.

Human Rights Watch research revealed that when transgender women attempt to access medical and mental health resources, including basic primary health care, they are confronted with ignorance and bias, alongside a debilitatingly expensive healthcare system. Physicians in Lebanon can prescribe hormone treatment and surgical interventions for transgender people, without legal constraints on these services. However, these services are expensive and, according to our interviews with transgender women, not covered by any public or private insurance scheme, which limits transgender people's access to them. This reality, coupled with the stigma that transgender women face in the public and private health sectors due to their gender expression, impede transgender women's right to a safe, affordable, and inclusive system of health protection. For example, one Lebanese transgender woman said, "When I arrived at the hospital, I was spitting blood, but they refused to let me in because I am transgender. We had to pay them a bribe to let me in. I could have died on the hospital door." Several transgender women also said health practitioners subjected them to "conversion therapy," aiming to change their gender identity.

Human Rights Watch's practice is to give relevant authorities the opportunity to provide information and to have that information and point of view reflected in the reports that we publish. We will endeavor to reflect any relevant information you send us in our reporting, provided we receive it by August 17, 2019. In order for our report to be as complete as possible, we would greatly appreciate your response to the following questions:

- 1) Are transgender-specific health services, including hormone treatment, gender affirming surgeries, and mental health services, covered by any public health insurance scheme in Lebanon?
- 2) Has the health ministry taken any steps to ensure that training is available to health service professionals, including psychologists, psychiatrists and general practitioners, as well as social workers, regarding gender identity and the specific needs and rights of transgender persons? If so, please provide a summary of the steps that have been taken.

- 3) Has the health ministry developed a complaints mechanism through which people can report cases of arbitrary denial of service, stigma, or discrimination in the health sector? If so, please summarize how the mechanism works.
- 4) What specific measures has the health ministry taken to ensure that transgender people have access to the medical and psychological assistance and support they require?
- 5) Does the health ministry plan on adopting the World Health Organization's new category of "gender incongruence"? If so, could you please provide us with the timeframe for adopting this category? If not, please provide an explanation why.
- 6) Does the health ministry take a position on whether state-certified mental health practitioners can engage in conversion therapy? If so, please outline the ministry's position.
- 7) What measures if any has the health ministry taken to monitor hospitals, clinics, and mental health practices to determine whether "conversion therapy"—a practice which aims to change an individual's gender identity from transgender to cisgender (having a gender identity that accords with one's birth sex), based on the false assumption that transgenderism is a disorder that needs to be remedied—is taking place? Where conversion therapy is taking place, has the ministry taken steps to stop these abusive practices including by suspending the licenses of errant facilities or practitioners?

We look forward to your response to these questions, as well as any additional comments you wish to provide relating to transgender people's access to health services in Lebanon. We would also welcome the opportunity to meet with you to discuss our findings.

Thank you in advance for considering our request. Should you have any clarificatory questions or comments, please feel free to reach out to my colleague Rasha Younes at

[REDACTED]

Sincerely,

[REDACTED]

Lama Fakhri
Beirut Director
Acting director, Middle East and North Africa Division
Human Rights Watch

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Annex 4: Human Rights Watch Letter to Lebanese Ministry of Justice

Minister Albert Serhan
Ministry of Justice
Beirut, Lebanon

July 17, 2019

Dear Minister Serhan,

I am writing to you on behalf of Human Rights Watch to share the findings of our research on the range of human rights abuses faced by transgender women in Lebanon, and to request information around transgender people's access to legal gender recognition in Lebanon. Transgender women are people designated male at birth but who identify and may present themselves as women.

Human Rights Watch is an international nongovernmental human rights advocacy organization whose work involves investigating and documenting human rights abuses in over 90 countries across the world, including Lebanon.

In September, Human Rights Watch will publish a report based on our research focusing on the discrimination and violence that transgender women experience in Lebanon. It is based on 50 interviews with Lebanese transgender women as well as transgender refugees and asylum seekers from other Arab countries, all of whom reside in Lebanon.

Human Rights Watch research revealed that discrimination in accessing education, employment, housing, and healthcare is more acute for trans women who lack official identification documents that match their

gender expression. As you know, in Lebanon, name and gender markers can only be changed through a court ruling. In January 2016, an Appeals Court in Lebanon delivered a ruling allowing a transgender man to change his name and gender marker from female to male on his identity documents, overruling a lower court and compelling the government to change the papers. The court found that gender affirming surgery should not be a prerequisite to gender identity recognition.

Despite this positive precedent, all of the transgender women whom Human Rights Watch interviewed said procedural obstacles, including high fees, reluctance to engage in protracted court proceedings, and lack of legal assistance deterred them from seeking court rulings to change their gender markers. Internationally recognized best practice is to provide for transgender people to change their name and gender marker through a simple administrative process based on self-declaration, without requiring invasive medical procedures or examinations or lengthy court proceedings. As one transgender woman interviewee said, “Changing gender markers and names should be a normal process that doesn’t even require lawyers or medical professionals. I don’t need to ‘prove’ to anyone that I’m a woman, it’s just an internal feeling.” Legal gender recognition is an essential element of other fundamental rights including the right to privacy, the right to freedom of expression, and rights related to employment, education, health, and the ability to move freely.

Human Rights Watch’s practice is to give relevant authorities the opportunity to provide information and to have that information and point of view reflected in the reports that we publish. We will endeavor to reflect any relevant information you send us in our reporting, provided we receive it by August 17, 2019. In order for our report to be as complete as possible, we would greatly appreciate your response to the following questions:

- Does the Ministry of Justice have a position on what is required for transgender people to obtain legal gender recognition in Lebanon? If so, what is the position and what is the legal basis for the requirements?
- What are the specific criteria that would qualify a transgender person for legal gender recognition in Lebanon?

- Human Rights Watch research revealed that some transgender people may indeed want to undertake medical and surgical procedures as part of their transition. However, requiring all transgender people to do so violates their rights to privacy and bodily integrity. In recent years, global medical expert bodies have urged governments to remove medical requirements, such as evidence of surgery or hormone therapy, from legal gender recognition procedures. Does the justice ministry plan to adopt this approach? If not, please provide us with an explanation.
- Does the Ministry of Justice collect any data on the number of transgender women and men who have sought legal gender recognition through the courts?
 - If so, how many transgender women and men have sought legal gender recognition through the courts?
 - How many of these cases were successful? How many involved transgender women (persons changing their gender marker from male to female) and how many involved transgender men (persons changing their gender marker from female to male)?
 - How many of these cases were denied? How many involved transgender women (persons changing their gender marker from male to female) and how many involved transgender men (persons changing their gender marker from female to male)?
 - If denied, what were the reasons?
- Has the ministry initiated any training for judiciary members on gender identity on topics such as the right to legal gender recognition, the right of transgender detainees to be held according to their gender identity, or gender-based violence against trans people? If so, please provide us with more information on the subjects of these trainings and the participating judges.
- Human Rights Watch documented several cases where transgender people were subjected to torture and mistreatment by Lebanese security forces or by members of the public with impunity (see Annex for detailed testimonies). Our forthcoming report will recommend that the ministry direct the public prosecutor and investigative judges to thoroughly investigate all allegations of torture and mistreatment of transgender people and hold those responsible to account, in accordance with the 2017 anti-torture law. Will you commit to disseminating such

instructions? If so, please provide us with concrete steps you plan to take and a timeframe for implementation.

- Our forthcoming report will recommend that the Ministry of Justice direct judiciary members to apply the 2014 domestic violence law to transgender individuals experiencing domestic violence, including through provision of protection orders. Will you commit to providing such instructions?

We look forward to your response to these questions, as well as any additional comments you wish to provide relating to transgender people's access to justice in Lebanon. We would also welcome the opportunity to meet with you to discuss our findings.

Thank you in advance for considering our request. Should you have any clarificatory questions or comments, please feel free to reach out to my colleague Rasha Younes at

[REDACTED]

Sincerely,

[REDACTED]

Lama Fakih
Beirut Director
Acting director, Middle East and North Africa Division
Human Rights Watch

Annex of Evidence

Human Rights Watch's interviews with 50 transgender women found evidence of routine abuses from security officials including physical assault and arbitrary arrest. Forty of the interviewees said military and security personnel harassed them while they were in public because of their gender expression. Ten women said they were detained by the Internal Security Forces (ISF) at least once. They reported being subjected to coerced confessions and prolonged pretrial detention without access to a lawyer. Most transgender women detainees were placed in men's cells, which makes them vulnerable to abuse from male detainees. They were placed in overcrowded cells, denied food and water and the right to make a phone call, and physically abused by ISF officers. Two examples follow. We are able to provide you with more upon request.

One Syrian trans woman who was detained by the ISF on sodomy charges for over five months, much of it underground in Roumieh, said,

They interrogated me from midnight until 5 a.m. They beat me non-stop and kept trying to make me tell them names of other LGBT individuals. They barely gave me food or water for 10 days. They didn't let me call a lawyer or assign me one. They shaved my head. They tied me up to a chair with my hands cuffed behind my back. Every time the officer would ask me a question and I said, 'I don't know,' he smacked me across the face. Another officer would come and put out his cigarette on my arm. I got sick while I was detained and I could barely stand up, and I asked for a doctor. They said, 'Leave him to rot and die.'

A Lebanese transgender woman described how the ISF arbitrarily detained her, ill-treated her in detention, and forced her to sign a coerced confession:

I was on my way to my parents' house, and an [ISF] officer stopped me and asked where I was going. I told him I live here, he said that's a lie because he hadn't seen me before. Then looked at me and said 'Oh, you're also a faggot.' I cursed him out and said it is none of his business and that I am indeed a 'faggot.' So, he reported that I was 'coming onto him and convincing him to sleep with me.' They summoned me for an investigation and tried to coerce me into signing a paper that says I did

seduce the officer. They kept scaring me with the taser and threatened to electrocute me if I didn't sign. They interrogated me from 6 a.m. to 7 p.m., and I was forced to sign the paper so they would let me leave. After three months, they ordered me to go to military court, where they charged me with 'assaulting an officer,' and I had to pay a fine of 300,000 L.L. [US\$200].

Annex 5: Lebanese Ministry of Justice Response to Human Rights Watch

The Republic of Lebanon

with approval

Ministry of Justice

His Excellency the Minister of Justice Dr. Albert Serhan

Subject: Request for information about transgender individuals

Reference: - A referral from Your Excellency dated 7/18/2019
- Letter sent to you from Human Rights Watch, Beirut Office, dated 7/17/2019

In reference to the abovementioned subject and documents,

Ms. Lama Fakih, director of Human Rights Watch's Beirut office, has sent to your excellency a letter dated 7/17/2019 registered at the Ministry of Justice number 318/5, in which she expressed the organization's willingness to share with the Ministry the results of the research into human rights abuses faced by transgender women, and she hoped for a response to a number of questions seeking information about whether there are a legal recognition of transgender individuals.

First, some legal principles related to the subject of the above-mentioned letter and recognized in the Lebanese system must be specified:

On the one hand, it must be clarified that the Lebanese constitution ensures equality as a principle of the utmost significance, guaranteeing non-discrimination among all individuals in Lebanon, whether they are Lebanese or foreigners.

The principle of respect for equality of rights and protection of those rights without discrimination is among the fundamental constitutional principles enshrined in Lebanese system (paragraph

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C of the preamble to the Constitution, along with Articles 7, 9 and 11). It is incumbent upon official state agencies to respect this principle without discrimination based on race, color, descent, national or ethnic origin, or religion.

On the other hand, Article 13 of the Personal Status Records Registration Law stipulates that, “Birth certificates must state the year, month, day and hour of birth, and the sex of the newborn.” Thus, stating the sex of the person in records related to personal status documents is an essential function that cannot be neglected given its importance, and since its repercussions will affect a person from the moment of birth until death, and if there were any error during the registration or any amendment made to it subsequently, it would be corrected so as to be consistent with the actual situation.

As to how to amend the records, Article 42 of this law states that, “Requests related to correcting a record after **change of residence, profession, religion, or sect** are received by the Personal Status offices at any time, and these offices will take the necessary procedures to address it.”

It can be concluded from the text of this article that amending some records (changing the place of residence, profession, sect or religion) is possible by administrative action in the appropriate administrations without the need to file a lawsuit, while amending some other records (name, date of birth, and **sex**) requires a recourse to the Personal Status Courts to issue a ruling to this effect, given the importance of the record, its accuracy and impact on the life of the person it applies to, and its repercussions, especially since personal status records are intended to identify the person. In the past, this identification was simple and it was based on objective biological standards (objective identity), but over time it became vague, and requests to take into consideration other composite standards centered on the individual’s conception of himself (self-identity) and the society’s conception of him has arisen publicly.

Concerning the subject of changing records related to sex, this may occur in one of two cases:

- The first case is when a male child has been registered at birth as a female, or a female child registered at birth as a male, by factual error of the person doing the registration.

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In this case, the record is corrected by simple judicial order since the requester of the correction (the relevant person or his representative) needs only to establish that this factual error was made, and a single judge adjudicating personal status cases can issue a ruling to amend the record to make it consistent with **the situation existing since birth.**

- The second case is more complicated, when the male or female child was born and registered as such without a factual error, and the registration was consistent with the situation existing at birth, but the person subsequently changed his/her sex for physical or psychological reasons. The Personal Status Records Registration Law did not explicitly address this case; however, the amendment of records based on this law cannot occur except by issuance of a judicial ruling to this effect, since its risks reach beyond a mere factual error, as in the previous case. if the amendment of a record with a factual error needs to be addressed with a judicial ruling, **then surely one will need a fortiori to recourse to courts for a judicial ruling to modify the record as a result of a change in the physical situation of the person,** and the subsequent change to the person's name in most cases.

In this regard, rulings and judicial decisions have been issued granting transgender persons the right to change their legal status in the civil registry to conform with their situation, once the physical, psychological, emotional and behavioral situation of the individual requesting the change had been established through a review of the available medical documentation, data and reports in the file. For example, the Beirut's Civil Court of Appeal issued on 9/3/2015 decision number 1123/2015 ordering the acceptance of a request to change the petitioner's recorded sex from "female" to "male." The Court of Appeals' stance was based on the necessity of resolving a discrepancy between the reality arising from a medical necessity and the personal status records, where the court considered it as a correctable error. The ruling held that in light of medical expertise highlighted in the case file, stating that the sex change of the petitioner, by way of hormonal treatment and surgical procedures was a necessary medical action to "treat and remedy" the petitioner due to "the hardship that had accompanied [him] throughout [his] life", as a result of having "gender dysphoria" since [his] childhood, and that there were no indication that [he] had brought this disorder upon himself by any willful action".

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The Appeals Court went further by confirming that, “a person's right to seek necessary treatment when they suffer from physical and psychological ailments, is a fundamental and natural right, and nobody may be deprived of it”. In justifying this position, the Court relied upon the International Covenant on Civil and Political Rights, ratified by Lebanon, which guarantees every person the right to protection of their privacy and the right to protection from interference with that privacy. The Court added that according to Article 21 of Ordinance 8837 of 1932, correcting errors in the population registry is not restricted to factual errors, but included [situations of] altered circumstances. (amendment to the registry in order to bring it into conformity with reality).

It should be noted here that Lebanese jurisprudence does not have a common position on this issue, particularly since there are no specific laws protecting these groups and no clear and explicit recognition of transgender men or women. Some other courts have rejected requests to correct records in similar cases, holding that they cannot respond to such requests in light of the ambiguity between the personal status records and the situation of the individual **resulting from this individuals’ personal preferences**, since “the hormonal, psychological and surgical treatments which the petitioner has undergone after seeking it out and pursuing it, were not initially intended to correct a congenital defect, or a case of ambiguity, or intersex status that the petitioner has been suffering from. All these treatments and surgical procedures created this new and novel situation.”

Concerning the judicial procedures, the letter sent by Human Rights Watch indicated, as we understood, that transgender women complained of procedural obstacles including high fees, protracted court proceedings, and the lack of legal assistance which deterred them from seeking court rulings to change records related to sex. In its letter, HRW asserts that the internationally recognized best practice is to provide transgender people the opportunity to change their names and gender markers via a simple administrative process based on self-declaration, without requiring medical procedures or examinations or lengthy court proceedings. HRW cited a transgender woman who claimed that, “Changing gender markers and names should be a normal process that doesn’t even require lawyers or medical professionals. I don’t need to ‘prove’ to anyone that I’m a woman, it’s just an internal feeling.”

Human Rights Watch in its letter here touched on some matters that we would explain in detail, as follows:

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- First: concerning the subject of giving transgender people the opportunity to change their names and gender markers via a simple administrative process without seeking a court ruling, as we previously stated, if modifying a record due to a mere factual mistake requires getting a court ruling, **then surely one should have to seek a court ruling to order the amendment of a record as a result of a change in the physical status of an individual**, and the subsequent change to the person's name in most cases. To argue otherwise would require amending the legislative text currently in place, which is not a simple matter given the sensitivity of the subject both legally and socially, therefore, it cannot be rushed. It should be noted in this regard that lawsuits to amend, change or correct records have unspecified costs, and are subject to a flat fee of LBP 25,000 , and the interested party may file the suit himself at the court registrar without the assistance of a lawyer, as this is a personal status case which the law authorizes to be filed in person by the individual . The Court retains the right to establish the validity of the lawsuit by all available legal means as in all suits, before issuing its final verdict. In other words, the court cannot treat this type of lawsuit differently than it does any other suits.
- As regards the assertions of the transgender women that she does not need to prove to anyone that she is a woman because it is merely the way she feels inside, this opens the door wide to an even more problematic issue related to the prospect of such self-identities becoming enshrined without adopting any objective standard which is a person's sex from a biological standpoint. is it possible that self-identities become enshrined irrespectively of any objective biological grounds? In other words, is it possible to amend the official record of a person's sex at birth irrespective of any hormonal treatment or surgical procedure having been done, merely because the person feels inside that he [she] does not psychologically identify with his[her] sex at birth, and of which he [she] still has the genital organs? To put it another way, in order to be recognized as a of a different sex, is it sufficient for a person to merely feel a certain way and to reject his [her] sex by whatever means of expression, be it by choice of clothes or manner of speaking or behaving, or must the person also undergo hormone treatments and surgical operations to remove the genital organs he [she] was born with and replace them with the genital organs of the gender he [she] wants to identify with? This question is a subject of debate internationally, and different countries

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came up with different answers. While there is no legislative text in Lebanon that provides a definitive answer, it could however be said that the Lebanese system in general usually assumes in such cases that records are completely consistent with the actual situation, so if the Court wants to correct a record, it must first confirm that the correction is consistent with the reality of the situation, before issuing a ruling. To assert otherwise would be to open the floodgates to total chaos, creating a situation of social instability, especially if the matter were left up to the whims of the individual each time.

Finally, Human Rights Watch asked several questions which can be answered in brief, as follows:

- 1- Concerning the question about data collection on the number of transgender women and men who have sought legal recognition of their gender through the courts, the Ministry of Justice does not have such data due to a near total lack of computerization in the courts, which makes it nearly impossible to get these data, therefore we cannot provide any answer to this or similar questions.
- 2- Concerning the question about the trainings organized for judges by the Ministry on gender identity, the answer is no, as the Ministry of Justice, while it does organize several trainings on various topics related to human rights in general and how to protect them, it does not address the topic of gender change.
- 3- Concerning the question of transgender people being subjected to torture by the security forces or members of the public with impunity, it should be noted first that the Parliament ratified Law number 65 which criminalized torture, in accordance with the various conventions which Lebanon ratified, the foremost of which is the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. And the Lebanese state, through its law enforcement agencies, has strived tirelessly in this regard and taken preventative and disciplinary measures, and it is working to improve detention conditions for everyone within detention premises in order to combat torture and all forms of abuse. When a detainee testifies that he [she] was subjected to torture to extract an confession, Criminal Courts appoint a forensic physician in order to establish the truth of the matter, and refer the case to the competent judicial authorities for further investigation.

Outside of the context of torture covered by Law number 65/2017, any citizen subjected to any form of abuse from

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any member of the community may recourse to the courts to file a lawsuit against the offender in order to prosecute him [her] and impose a deterrent penalty. Finally, it is noteworthy that a circular was issued prohibiting the use of forced anal exams, which are considered a form of cruel, inhuman or degrading treatment that may amount to torture.

- 4- Concerning the application of the Domestic Violence Law to transgender people, it should be noted that the Ministry of Justice had been proactive in taking up the issue of domestic violence in general and in its entirety, by participating in the ratification of Law number 293/2014. In practice, in case of any complaint or allegation about domestic violence of any kind, the Judiciary is considered the first resort to recourse to in order to get the necessary protection orders for victims, in accordance with the aforementioned law.

This is the information that must be stated.

In Beirut, 7/24/2019

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Lebanon
The Minister
Ministry of
Justice

Judge Angela Dagher
[signature]

Judge Ayman Ahmad
[signature]

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