

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	322
Land:	Libanon
Kilde:	Immigration and Refugee Board of Canada - Lebanon
Titel:	"Legal status of homosexuals; treatment of homosexuals by the authorities and the population"
Udgivet:	9. november 2007
Optaget på baggrundsmaterialet:	28. januar 2008



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Refugee Board of Canada

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LBN102624.FE

09 November 2007

Lebanon: Legal status of homosexuals; treatment of homosexuals by the authorities and the population (2005 - October 2007)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Legal status

Article 534 of the Lebanese Penal Code criminalizes "unnatural sexual intercourse," which is punishable by up to one year of imprisonment (Helem n.d.c). In practice, homosexual acts fall under this law (*ibid.*).

Although the 2001 Code of Criminal Procedure stipulates that terms of imprisonment of less than one year are not implemented, detainees in Lebanese prisons are often held for lengthy periods as they await trial (*ibid.*).

The *Los Angeles Times* indicates that article 534 is rarely enforced (24 June 2007), but another source reports that the law can have damaging effects on the lives of homosexuals (*Daily Star* 19 May 2006). For example, homosexual victims of crimes sometimes avoid filing complaints with the police (*ibid.*; BBC 26 May 2006). Moreover, the British Broadcasting Corporation (BBC) indicates that police sometimes abuse the legislation and harass homosexuals (*ibid.*), but this information could not be corroborated among the sources consulted within the time constraints for this Response.

Helem

Helem, an "association for the protection of the rights of homosexuals and lesbians" (*Haaretz* 6 June 2006), is the first organization of its kind in the Arab world (BBC 26 May 2006; UN 7 Dec. 2005). The organization is based in Beirut and had more than 120 members in June 2006 (*Haaretz* 6 June 2006). According to an article from Adnkronos International (AKI) that was picked up by Gay Middle East, Helem receives financial support from the Dutch embassy in Beirut (AKI n.d.). Helem is fighting for the removal of article 534 from the Penal Code (Al-Bawaba 20 June 2006; *Daily Star* 19 May 2006; Helem n.d.a), organizes social and cultural events, works on AIDS-related problems, and defends the rights of sexual minorities by working closely with other human rights organizations (*ibid.*). Helem also offers a mediation service to homosexuals who experience discrimination in the workplace or at university; further, thanks to Helem, "there are doctors who offer free treatment to gays" (ANSA 12 Oct. 2005).

Treatment by the authorities

According to the United Nations Integrated Regional Information Networks (IRIN), Lebanese police arrested 11 people at a nightclub patronized

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by homosexuals on 12 November 2005; most were released that same night, but three were kept in custody for three days (7 Dec. 2005). However, this information could not be corroborated among the sources consulted within the time constraints for this Response.

In May 2006, at a three-day public conference organized by Helem (Helem 16 May 2006) and sponsored by the Heinrich Boll Foundation (AKI n.d.), members of the Lebanese gay community spoke about their lives and discussed strategies for abolishing article 534 of the Penal Code (Al-Bawaba 20 June 2006; *Haaretz* 6 June 2006). Lebanese police ensured the security of the participants (Al-Bawaba 20 June 2006; BBC 26 May 2006), and *Haaretz* reports that the conference went smoothly (6 June 2006).

In relation to that conference, Beirut city councillor Saad ad-Din al-Wazzani asked [translation] "the government and the minister of the Interior to withdraw any permission given to associations that promote homosexual and transgender activities" (Têtu 7 June 2006; AKI n.d.). Some months earlier, he had filed a complaint against Helem because he was of the opinion that the organization was "endangering society and public morality" (Helem 9 June 2006; see also Têtu 7 June 2006). An investigation into the association's activities was launched and then dropped for "lack of evidence" (Helem 9 June 2006; Têtu 7 June 2006). According to the attorney general, [translation] "the mere fact that the association's members were able to meet and have a website 'did not constitute a crime' of unnatural relations or any other public decency offence" (AFP 17 June 2006).

According to Helem, the al-Arabiya website ran a smear campaign against the organization in covering the public conference held in May 2006 (9 June 2006).

When an association is formed in Lebanon, the law gives the authorities three months to present their objections (*Haaretz* 6 June 2006). In the case of Helem, even though it was not officially recognized by the Lebanese authorities, *Haaretz* indicates that "the association can view itself as legal" since the authorities have not objected to its creation (6 June 2006).

In June 2006, Agence France-Presse (AFP) quoted a member of Helem:

[translation]

We feel that part of civil society supports our fight and is moving toward greater tolerance. This is noticeable with judges, with the less brutal behaviour of the security forces and with the attitude of the free press toward us. (17 June 2006)

According to the *Daily Star*, in the second half of 2006, Helem acknowledged that its efforts to amend article 534 of the Lebanese Penal Code were unsuccessful and decided to focus instead on offering services to its members (22 Nov. 2006).

More recently, a Lebanese gay rights activist stated that Lebanese politicians are not more open than before toward homosexuals, but, since they portray themselves as the guardians of democracy and civil rights, they do not attack homosexuals (*Los Angeles Times* 24 June 2007).

For more information on the treatment of homosexuals by the Lebanese authorities before 2005, visit Helem's website at <http://www.helem.net/page.zn?id=3>.

Treatment by the population

According to a Lebanese sociologist quoted by AFP, Lebanon's cultural diversity contributes to a [translation] "moral freedom" that [translation] "allows for a more permissive society" (22 June 2006).

For example, people are beginning to speak more openly about homosexuality on radio and television (*Los Angeles Times* 24 June 2007).

In 2005, a member of Helem stated that "the Lebanese are quite tolerant" and that, according to him, "the Lebanese gay community has a problem with political and religious leaders, not the people" (UN 7 Dec. 2005).

According to some media sources, the word "homosexual" in Lebanese Arabic is often translated as "deviant" (NPR 17 July 2007) or as "pervert" (*Los Angeles Times* 24 June 2007), although certain newspapers have begun using more neutral terms (ibid.). An article published by *Libération* in October 2005 recognized that certain Lebanese newspapers have started to give [translation] "a voice to members of the community" (5 Oct. 2005).

According to Helem, religious leaders oppose homosexuality (n.d.b). The organization cites examples from 2003 of a Shia cleric who called for the death penalty for homosexuality, and of a Christian television station that associated homosexuals with devil worshippers (Helem n.d.b).

For more information on the treatment of homosexuals by Lebanese society before 2005, consult the Helem website (n.d.b).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

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Last updated: 2007 06 08

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