



Resource Project for LGBTQ Muslim women



# Country Information Report

## Lebanon

2004



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## Introduction

The Safra Project is a resource project working on issues relating to lesbian, bisexual and transgender women who identify as Muslim religiously and/or culturally. Please see our website for more information: [www.safraproject.org](http://www.safraproject.org). This report is part of our Country Information Research Project (CIRP). The overall aim of CIRP is to research and provide information on the treatment of lesbian, gay, bisexual and transgender (LGBT) people in countries with a predominantly Muslim population, specifically for the use in asylum cases. CIRP was developed in response to the lack of accessible, up-to-date and good quality information on LGBT people in countries with a majority Muslim population. The reasons for this lack of information are diverse and include:

- many (inter-)national human rights groups and media are not aware of LGBT issues or consider them a 'taboo' or difficult subject and therefore chose not to address it
- some groups, particularly human rights groups based in countries with a Muslim majority or human rights groups on a religious basis, consider persecution of LGBT people not a priority, or think that LGBT issues are not a human rights issue at all
- human rights groups or individual activists, particularly those based in countries with a Muslim majority, risk losing support, credibility, esteem and funding, or they may even face persecution themselves if they take on LGBT issues
- many LGBT people living in countries with Muslim majorities are unwilling to speak out or increase their visibility because they fear repercussions.

The invisibility of LGBT people in countries with a Muslim majority and the lack of information about the issues they are facing perpetuate their marginalisation and keeps abuse and oppression hidden. This in turn complicates asylum claims made by LGBT people outside their country of origin, as legal representatives often can not find sufficient information on the situation for LGBT people in the country of origin to support their client's asylum application. Moreover, some decision makers reason that if LGBT people were really persecuted in a particular country, more information or publicity about this would have been available. Unfortunately, this type of reasoning does not recognise that the 'invisibility' of (the abuse of) LGBT people is an integral part of the problem. Lack of information and publicity does not necessarily indicate that persecution, discrimination and attacks are not taking place. Often lack of publicity is actually an indication

of continued taboos around homosexuality, sexuality and gender diversity as well as of fears to address these issues.<sup>1</sup>

With CIRP the Safra Project hopes to improve the availability and accessibility of relevant information on LGBT issues for the use in asylum cases, thereby decreasing bias in the assessment and processing of the asylum applications of LGBT people from countries with a Muslim majority. Due to the limited resources available for this project, the reports are largely based on secondary sources and do not always include references to current asylum case law. Their main purpose is to provide an overview of existing resources on human rights and country information with regards to LGBT people and to signpost asylum caseworkers and solicitors to these. Where possible and appropriate, the reports will compare sources and criticise conclusions or assumptions made in the existing country information.

### Homosexuality & Gender Diversity in *Shari'ah*

Some governments of countries with a significant Muslim majority identify themselves as an 'Islamic country' others as 'secular'. In either case, it is relevant to know something about 'Islam's position' on homosexuality and gender diversity in order to contextualise and understand the situation for LGBT people in countries with a Muslim majority. 'Islam's position' on homosexuality and gender diversity can be relevant to understand the (interpretation of) legislation used in prosecutions of LGBT people, whether this legislation explicitly addresses homosexuality, or other 'morality issues'. Knowledge of 'Islam's position' is also relevant to understand the (expected) attitudes of the government, police and judiciary, as well of society and family members towards LGBT people.

It is difficult to give one general, simple answer to what 'Islam's position' on any particular issue is, as this depends on what is meant by 'Islam'. Some talk about "Islam" when referring to a particular culture or certain traditions, others use the word "Islam" to refer to the practice of religious rituals, a certain type of spirituality or a political viewpoint. Nevertheless, most Muslims agree that *shari'ah* (classical Muslim law) should be applied as the proper moral and legal guidance for Muslims. *Shari'ah* is a body of rules, norms and laws according to which, from a traditional viewpoint, Muslims (are supposed to) live their lives. The *shari'ah* rules are largely moral or religious, carrying consequences only in the hereafter. However, some *shari'ah* rules are also considered to be punishable in the here and now, although most Muslim scholars agree that these punishments should only be executed in "true Muslim societies" ran by "true Muslim governments" and are therefore not applicable in modern states.

*Shari'ah* developed somewhere between the eight and ninth century AD in various Muslim schools of thought where legal and religious rules were derived from the Quran and *hadith*. *Hadith* are recounts of

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<sup>1</sup> See for example the complexities encountered in the few reports that are available: **Ilkharacan, Pinar (ed.), Women for Women's Human Rights** (2000) *Women and Sexuality in Muslim Societies*; **Amnesty International** (June 2001) *Crimes of hate, conspiracy of silence*

the practices and sayings of the Prophet Muhammad that had been passed on from generation to generation. Although *shari'ah* is presented by some conservative Muslim scholars as a monolithic set of rules, it actually includes a variety of opinions between the original schools of thought and differing opinions of individual scholars. It also reflects regional influences and local customs. Many countries with significant Muslim populations have implemented are based state laws on *shari'ah*, particularly in the area of family laws and morality. Only few Muslim countries have legal systems that are (entirely) based on *shari'ah*. Nine countries have laws in place that prescribe the death penalty for same-sex sexual activities: Afghanistan, Arab Emirates, Chechnya, Iran, Mauritania, Pakistan, Saudi Arabia, Sudan, and Yemen. But even if there are no official *shari'ah* laws in a country with a Muslim majority, *shari'ah's* position homosexuality and gender diversity is still relevant as many Muslims believe that they should live their life in accordance with *shari'ah*, whether this is imposed by their government or not.

Generally it can be said that according to *shari'ah* sexual relations are only allowed within a (heterosexual) marriage. Therefore, most sexual relations outside of marriage qualify as adultery or fornication both of which are sinful and punishable by flogging for unmarried men and women, or death for married men and women. Some traditional Muslim scholars have argued that lesbian or gay sexual relations would always take place outside of a marriage (as recognised by *shari'ah*), and that therefore the *shari'ah* prohibition of (heterosexual) adultery and fornication also applies to all same-sex sexual relations. However, most traditional Muslim scholars base their opinion that same-sex sexuality is sinful on the basis of Quranic verses, in particular the story of Lut (similar but not identical to the story of Lot in the Bible) and on several *hadith* condemning same-sex relationships.<sup>2</sup>

As the Quran does not specify any punishment for same-sex sexuality in these verses, some scholars refer back to the *shari'ah* rules on heterosexual adultery or fornication. They therefore argue that anal sex between men, as considered equivalent to heterosexual intercourse, is punishable by one hundred whiplashes for an unmarried man and death by stoning for a married man. Other traditional scholars have ruled that "sodomy" between men is always punishable by death for both partners, whether married or not, based on a *hadith*. The punishment of toppling a wall on two men who practised "sodomy" which is sometimes reported, particularly in Afghanistan, is based on another *hadith*.<sup>3</sup> Most traditional scholars also hold that sexual contacts other than anal sex between men and sexual relations between women are sinful. This is based on analogies to *shari'ah* rules prohibiting illicit heterosexual sexual activities other than full intercourse, as well as on *hadith*. Same-sex sexual activities other than anal sex are usually considered punishable by flogging.<sup>4</sup>

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<sup>2</sup> See e.g.: **Abdur Rahman I. Doi** (1984) *Shari'ah: the Islamic law* [p. 241-243]

<sup>3</sup> As e.g. reported by the **Central Mosque**, *website section on homosexuality*, <http://www.central-mosque.com/fiqh/Homosexuality.htm>.

<sup>4</sup> See e.g.: **Abdur Rahman I. Doi** (1984) *Shari'ah: the Islamic law* [p. 241-243]

In practice, transgender people will often be perceived of as being 'homosexual' and treated as such, therefore we will often also refer to the treatment of transgender people when speaking about the treatment of 'homosexuals'. But there are also specific *shari'ah* rules on gender diversity. For example, there are *hadith* referring to men and women who do not behave in accordance with their prescribed gender role, for example, cursing men who dress like women and women who dress like men, and instructing Muslims to turn "effeminate men" out of their houses as well as "women who assume the manners of men". It is generally held that *shari'ah* does recognise the existence of hermaphrodites or intersex people, and many Muslim countries do allow or even encourage, surgery for those. Some also allow for surgery for transgender people whose biological sex is not ambiguous, but this is rarer. Nevertheless, surgery is not a solution or option for all transgender people, such as those who are not sure, those who do not identify as either male or female, and those who identify as both.

### Legal provisions on Homosexuality

According to the UK Home Office's CIPU report "section 538 of the 1943 Penal Code states that homosexual acts between men and between women are punishable with a term of imprisonment not exceeding one year".<sup>5</sup> In Lebanese law, the term 'homosexual' is actually not mentioned as such, but article 534 (not 538) of the Penal Code refers to 'carnal relationships against nature'.<sup>6</sup> This article is used to arrest and prosecute LGBT people for same-sex sexual activities. The maximum penalty for this offence is one year imprisonment. In addition, articles 518 - 522 of the Penal Code refer to 'shameless acts' or 'indecent acts' which carry a penalty of up to six months imprisonment.<sup>7</sup> These articles are also used to arrest and prosecute LGBT people. These laws date from the 1940-ies and are based on Ottoman codes according to the organisation LEGAL.<sup>8</sup> LEGAL also states that these laws are applicable even when sexual activities take place in private domicile and between consenting adults.<sup>9</sup>

Referring to an article in the Beirut daily L'Orient-Le Jour of 27 June 2000, the Canadian IRB reports that "the penalty can only be applied when the accused is caught in the act".<sup>10</sup> This level of evidence

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<sup>5</sup> **UK Home Office CIPU (IND)** (April 2002) *Country Assessment: Lebanon [section 5.78]*

<sup>6</sup> **Ministry of Foreign Affairs – the Netherlands** (August 2002) *Algemeen Ambtsbericht Libanon/homoseksualiteit [chapter 3.1]*; **Canadian IRB** (1 March 2002) *LBN38524.E* [quoting a French article: **Haddad, Scarlett** (22 November 1998) *Les homosexuels au Liban, solitude et vie en marge*]; **ILGA** (website last updated in 1999) *World Legal Survey: Lebanon*

<sup>7</sup> **Haddad, Scarlett** (22 November 1998) *Les homosexuels au Liban, solitude et vie en marge* [also quoted in: **Canadian IRB** (1 March 2002) *LBN38524.E*]; **LEGAL** (undated, website visited 19 February 2004) *Legal Institute Yearly Report 2001*, <http://legal.20m.com/report01.htm>

<sup>8</sup> **Lebanese Equality for Gay and Lesbians (LEGAL)** [Based in the USA, Australia and Canada due to legal prohibitions in Lebanon but with members present in Lebanon], <http://legal.20m.com/index.htm>

<sup>9</sup> **LEGAL** (undated, website visited 19 February 2004) *Guide & Legal Institute Yearly Report 2001*, <http://legal.20m.com/guide.htm> & <http://legal.20m.com/report01.htm>

<sup>10</sup> **Canadian IRB** (1 March 2002) *LBN38524.E*

is not actually mentioned in the legal provisions themselves, nor did we find any other sources for this. On the contrary, a report by the Dutch Ministry of Foreign Affairs actually states that LGBT people *can* be arrested merely on the basis of a 'serious suspicion'. A medical (anal) examination can be enforced to provide further evidence.<sup>11</sup>

## Prosecutions and Punishments

LEGAL reports that the above mentioned laws are enforced by a special vice-squad, the 'morals police' that is indiscernible from other police squads and sometimes operate undercover.<sup>12</sup> The UK Home Office's CIPU report states that "the authorities do not actively prosecute homosexuals, but open homosexual relationships are not allowed".<sup>13</sup> The report of the Dutch Ministry of Foreign Affairs also states that there is no active policy to prosecute 'homosexuals'. However, the latter report does state that prosecution of 'carnal relationships against nature' usually takes place either in conjunction with other offences, such as prostitution, sexual contacts with minors or trading in drugs, or in cases where third parties make complaints about breaches of the public order.<sup>14</sup> The Dutch Ministry of Foreign Affairs also reports that 'known meeting places' are raided from time to time and those present are taken into custody. At least in one case entrapment by an under cover policeman was reported.

The Dutch Ministry of Foreign Affairs' report also notes that 'homosexuals' who behave in a 'gay manner' outside 'known meeting places', are at risk of being detained for a brief period. Those arrested after complaints about breaches of the public order, are usually released after a brief period under the condition not to breach the public order again.<sup>15</sup> In addition, it reports that 'homosexuals' can also be the victim of extortion by the police or third parties, and that the police keep a list with the names of known gay people. The list is not a public document but LGBT people feel threatened by it.<sup>16</sup> (See also below under 'public attitudes & social issues')

ILGA states that "newspapers often report cases of homosexuals (mainly male homosexuality) convicted by the Lebanese penal courts".<sup>17</sup> The Lesbian and Gay Immigration Rights Taskforce (LGIRTF)

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<sup>11</sup> **Ministry of Foreign Affairs – the Netherlands** (August 2002) *Algemeen Ambtsbericht Libanon/homoseksualiteit [chapter 3.2]*

<sup>12</sup> **LEGAL** (undated, website visited 19 February 2004) *Guide*, <http://legal.20m.com/guide.htm>

<sup>13</sup> **UK Home Office CIPU (IND)** (April 2002) *Country Assessment: Lebanon [section 5.78]*

<sup>14</sup> **Ministry of Foreign Affairs – the Netherlands** (August 2002) *Algemeen Ambtsbericht Libanon/homoseksualiteit [chapter 3.2]*

<sup>15</sup> **Ministry of Foreign Affairs – the Netherlands** (August 2002) *Algemeen Ambtsbericht Libanon/homoseksualiteit [chapter 3.2]*

<sup>16</sup> **Ministry of Foreign Affairs – the Netherlands** (August 2002) *Algemeen Ambtsbericht Libanon/homoseksualiteit [chapter 3.2]*

<sup>17</sup> **ILGA** (undated, website visited 15 July 2004) *World Legal Survey: Lebanon*, [http://www.ilga.info/Information/Legal\\_survey/middle%20east/lebanon.htm](http://www.ilga.info/Information/Legal_survey/middle%20east/lebanon.htm); [Note: also quoted in **Canadian IRB** (1 March 2002) *LBN38524.E*]

also points to the the regular publication in newspapers of the names of those prosecuted for being 'homosexual'.<sup>18</sup> Generally, there are more newspaper reports on prosecutions of male same-sex relationships because female sexuality is more hidden.<sup>19</sup> Nevertheless, in August 2002 the Lebanese Daily Star reported about the arrest of two lesbians for 'engaging in unnatural sexual practices'.<sup>20</sup>

Being arrested and/or prosecuted for having 'carnal relationships against nature', 'shameless acts' or 'indecent acts' can have severe consequences for those involved. The organisation LEGAL summarised the situation as follows: "An arrest by the police for homosexuality carries with it a detention of several days, sometimes weeks, a humiliating anal examination, dubbed medical (*Farrouj*), torture by policemen and prisoners, a judgement in public open-courts, incarceration for 6 month up to one year, and a fine. And if this is not enough, the charge of 'sexual perversion' will be recorded eternally on the criminal record which means a suspension of voting rights, a prohibition to take up employment in the public sector, and other innumerable difficulties".<sup>21</sup> Publication of the names of those in newspapers may also acerbate problems encountered within the family and in society.

Regarding the number of prosecutions, the International Lesbian and Gay Association (ILGA) reports that "(i)t is not possible to compute the legal actions and judgements issued in this matter",<sup>22</sup> presumably because access to information on this issue is limited: homosexuality is still largely taboo and the activities of organisations promoting LGBT rights are restricted (see also below). The exact numbers of LGBT people that are being prosecuted may not be available, but those figures do not necessarily indicate the level of tolerance or acceptance by public authorities. The 'effectiveness' in oppressing LGBT people of legislation criminalising homosexuality is not necessarily reflected in the number of prosecutions. Many LGBT people either abstain from same-sex relationships, or keep occasional social and sexual contacts secret, applying severe restrictions to their social life and personal identity, in order to prevent arrests, harassment or prosecutions. As long as 'open homosexuality' is not allowed,<sup>23</sup> and LGBT people live their life in fear and secrecy, the criminalisation of homosexuality can be said to be 'effective' in its repression, even if this is not reflected in large numbers of prosecutions and/or arrests. (See also below under 'Public Attitudes and Social Issues')

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<sup>18</sup> **Lesbian and Gay Immigration Rights Task Force Newsletter** (Summer 1996) *Gay men from China, Jordan, Lebanon, Pakistan, Romania, and Russia win asylum*

<sup>19</sup> **ILGA** (undated, website visited 15 July 2004) *World Legal Survey: Lebanon*, [http://www.ilga.info/Information/Legal\\_survey/middle%20east/lebanon.htm](http://www.ilga.info/Information/Legal_survey/middle%20east/lebanon.htm)

<sup>20</sup> **Lebanese Daily Star** (23 August 2002) *Two Lesbians Arrested for 'Unnatural' Sex*; **LEGAL** (29 August 2002) *Urgent Action Alert: Press Release – Daily Star: Two Lesbians Arrested*, [http://legal.20m.com/alert\\_aug02.htm](http://legal.20m.com/alert_aug02.htm)

<sup>21</sup> **LEGAL** (undated, website visited 19 February 2004) *Legal Institute Yearly Report 2001*, <http://legal.20m.com/report01.htm>

<sup>22</sup> **ILGA** (undated, website visited 15 July 2004) *World Legal Survey: Lebanon*, [http://www.ilga.info/Information/Legal\\_survey/middle%20east/lebanon.htm](http://www.ilga.info/Information/Legal_survey/middle%20east/lebanon.htm)

<sup>23</sup> Which it isn't, see e.g. **UK Home Office CIPU (IND)** (April 2002) *Country Assessment: Lebanon [section 5.78]*

Increased visibility and increased demands for freedom, rights and equality for LGBT people in Lebanon, have provoked increased repressive activities by public authorities. The Canadian IRB (referring to article in the Beirut daily L'Orient-Le Jour of 27 June 2000) states that in reaction to the increased visibility of 'homosexuals' "the number of sentences and convictions have increased in proportion."<sup>24</sup> Recently, there are reports of a considerable increase in the activities of the vice police since early 2002, parallel to the increased oppression of LGBT people by the Egyptian police force.<sup>25</sup> Lebanese authorities also seek to repress websites and (human rights) organisations that (appear to) support LGBT rights. (See also below under 'public attitudes & social issues').

## Public Attitudes and Social Issues

### Attitudes of society and family

As in many other countries, in Lebanon homosexuality is generally considered a sin or an illness, a social or ideological deviation, or a betrayal of one's culture and/or religion.<sup>26</sup> ILGA reports that homosexuality is not accepted in Lebanese society and relationships are therefore kept hidden.<sup>27</sup> The Canadian IRB reports that despite the deep-rooted tradition of homosexuality in the region, the patriarchal and homophobic society is intolerant and calls it a 'anomaly' or 'perversion', thereby isolating gay people in 'ghettos'.<sup>28</sup> LEGAL states that "Intolerance and homophobia are strongly set in the Lebanese society and the whole of the religious institutions rejects any concept of homosexuality".<sup>29</sup> The Dutch Ministry of Foreign Affairs reports that "there is a taboo on homosexuality in Lebanese society, both amongst Christian and Muslim communities".<sup>30</sup> Although *shari'ah* is not enforced in Lebanon, its position on homosexuality (see above) is relevant to the Muslim communities' attitudes towards LGBT people. The Dutch Ministry of Foreign Affairs reports that – apart from occasional incidents – there is in general no persecution of 'homosexuals' by religious groups.<sup>31</sup> (See also below on the specific situation of Palestinians in Lebanon)

The attitude encountered and the level of ill-treatment and discrimination experienced by LGBT people in Lebanon depends to a large extent on individual circumstances and needs. For example, some

<sup>24</sup> **Canadian IRB** (1 March 2002) *LBN38524.E*

<sup>25</sup> **LEGAL** (undated, website visited 19 February 2004) *Monthly Updates - April 2002 & June 2002*, <http://legal.20m.com/newsdesk.htm>

<sup>26</sup> See e.g. **Amnesty International** (June 2001) *Crimes of hate, conspiracy of silence [introduction]*

<sup>27</sup> **ILGA** (undated, website visited 15 July 2004) *World Legal Survey: Lebanon*, [http://www.ilga.info/Information/Legal\\_survey/middle%20east/lebanon.htm](http://www.ilga.info/Information/Legal_survey/middle%20east/lebanon.htm); **Canadian IRB** (1 March 2002) *LBN38524.E*

<sup>28</sup> **Canadian IRB** (1 March 2002) *LBN38524.E*

<sup>29</sup> **LEGAL** (undated, website visited 19 February 2004) *Legal Institute Yearly Report 2001*, <http://legal.20m.com/report01.htm>

<sup>30</sup> **Ministry of Foreign Affairs – the Netherlands** (August 2002) *Algemeen Ambtsbericht Libanon/homoseksualiteit [chapter 2.1]*

<sup>31</sup> **Ministry of Foreign Affairs – the Netherlands** (August 2002) *Algemeen Ambtsbericht Libanon/homoseksualiteit [chapter 2.2]*

limited level of gay sexual activities may be possible in certain urban areas, but this would be extremely difficult in rural or more conservative areas. The level of acceptance by family members and freedom depends strongly on factors such as location, social class, level of education, wealth and religion.

In general, there is an enormous pressure on heterosexual conformity and homosexual condemnation in society and within families, both amongst Muslim and Christian communities. Young people will usually be expected to remain living with their parents until they get married (to someone of the opposite sex), and exploring one's sexual orientation or gender identity is therefore very limited. Upon discovering that a person is lesbian, gay, bisexual or transgender, a few families or family members may be (or become) accepting and understanding, but most will be condemning, particularly strictly religious or traditional families. Many LGBT people are subjected to physical and mental violence by parents, siblings or other family members and their movements are restricted. Some are even killed in so-called honour crimes, as LEGAL reports on the case of a gay man murdered by his family in Beirut.<sup>32</sup> The Dutch Ministry of Foreign Affairs states carefully that the possibility of honour crimes "can not be excluded".<sup>33</sup> Honour crimes and domestic violence are known to be kept secret and private, therefore these crimes rarely get any mentioning in the media. It is unlikely that LGBT people, even those in urban areas, can withdraw from violence experienced from their family as, in order to find employment and/or housing people are mostly dependent on their religious community, making them easily traceable to their own family.<sup>34</sup>

One author describes that until fairly recently "many people couldn't even fathom the concept of being gay (let alone lesbian), and analogues for the word 'gay' did not exist in the Arabic language".<sup>35</sup> Public discussion of homosexuality is now increasing and at least more people understand the concept of homosexuality, although this does not necessarily mean acceptance. "(...) most public discussions take place in popular magazines and TV shows, aiming at mere titillation and, depending on the audience, mockery".<sup>36</sup> LEGAL states that there are numerous reports of establishments denying services to "people suspected of being homosexual and to men with a feminine aspect". One director declared that many customers feel disturbed by "gay aspects".<sup>37</sup> The report by the Dutch Ministry of Affairs also reports on:

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<sup>32</sup> LEGAL (undated, website visited 19 February 2004) *Monthly Updates - May 2002*, <http://legal.20m.com/newsdesk.htm>

<sup>33</sup> Ministry of Foreign Affairs – the Netherlands (August 2002) *Algemeen Ambtsbericht Libanon/homoseksualiteit [chapter 2.1]*

<sup>34</sup> Ministry of Foreign Affairs – the Netherlands (August 2002) *Algemeen Ambtsbericht Libanon/homoseksualiteit [chapter 2.1]*

<sup>35</sup> Halwani, Rajah (Jan-Feb 2002) 'Gay Lebanon' in: *the Gay and Lesbian Review*

<sup>36</sup> Halwani, Rajah (Jan-Feb 2002) 'Gay Lebanon' in: *the Gay and Lesbian Review*

<sup>37</sup> LEGAL (undated, website visited 19 February 2004) *Monthly Updates – June 2002*, <http://legal.20m.com/newsdesk.htm>

some people being fired because of their sexual orientation; LGBT people being chased out of public places such as café's, and some reports of attacks on, or rape of, LGBT people.<sup>38</sup>

#### Attitudes of public officials

In general the attitudes of the police and authorities towards LGBT people are in line with society's attitudes as described above, and in line with the official legal prohibition of same-sex sexual contacts. The IGLHRC notes a "long-standing pattern of hostility not only to gay and lesbian communities, but to freedoms of expression and association in general" and that "the Lebanese justice system is generally unsympathetic to gays".<sup>39</sup> Moreover, 'homosexuals' can be the victim of extortion by the police (or third parties) as the authorities keep a list with the names of know gay people.<sup>40</sup> There are serious social and legal consequences for LGBT people who have been prosecuted in the past, such as a suspension of voting rights and a prohibition to take up employment in the public sector, as well as other "innumerable difficulties".<sup>41</sup> The Dutch Ministry of Foreign Affairs reports that 'known homosexuality' will be used against anyone trying to take up a public office.<sup>42</sup>

According to the Dutch Ministry of Foreign Affairs, it is unlikely that LGBT people would seek protection from the police as they have little confidence in them and there is a chance of becoming the victim of extortion.<sup>43</sup> Moreover, it is unlikely that the authorities will actually provide protection of (suspected) LGBT people against violence from family members or the community. The Dutch Ministry of Foreign Affairs also points out that whether any protection will be provided is often dependent on the background and (political) influence of both the (family of the) complainant and the accused.<sup>44</sup>

The negative public attitudes towards LGBT people and the suppression by the authorities of any LGBT visibility is demonstrated by the following case. On 3 April 2000 two officers of the police des moeurs (vice squad police) entered the office of ITX, a company that manages the Lebanese Internet provider which hosts the gay website gaylebanon.com. The police questioned the director and personnel of ITX about the owners of this website, but the company denied any relation with the website or knowledge of the person or

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<sup>38</sup> **Ministry of Foreign Affairs – the Netherlands** (August 2002) *Algemeen Ambtsbericht Libanon/homoseksualiteit [chapter 2.2]*

<sup>39</sup> **International Gay and Lesbian Human Rights Commission** (March 2001) *Lebanon: Injustice in Uniform: Military Court Convicts Civilian Human Rights Defenders*

<sup>40</sup> **Ministry of Foreign Affairs – the Netherlands** (August 2002) *Algemeen Ambtsbericht Libanon/homoseksualiteit [chapter 3.2]*

<sup>41</sup> **LEGAL** (undated, website visited 19 February 2004) *Legal Institute Yearly Report 2001*, <http://legal.20m.com/report01.htm>

<sup>42</sup> **Ministry of Foreign Affairs – the Netherlands** (August 2002) *Algemeen Ambtsbericht Libanon/homoseksualiteit [chapter 2.2]*

<sup>43</sup> **Ministry of Foreign Affairs – the Netherlands** (August 2002) *Algemeen Ambtsbericht Libanon/homoseksualiteit [chapter 3.3]*

<sup>44</sup> **Ministry of Foreign Affairs – the Netherlands** (August 2002) *Algemeen Ambtsbericht Libanon/homoseksualiteit [chapter 3.3]*

persons behind it. The human rights organization MIRSAD protested against the police raid and deplored 'the blatant and unlawful attempts by the police to interfere in freedom of the Internet as well as the freedom of expression of the gay community. As a result, the Director of MIRSAD was also summoned for interrogation. On 5 August 2000 charges were brought against both the Director of ITX and the Director of MIRSAD and in March 2001 they were convicted to three months imprisonment by the Military Court of Beirut. Later on, the punishment was reduced to one month and commuted to a fine.<sup>45</sup>

The UK Home Office's CIPU report states that there is no visible support for gay rights.<sup>46</sup> According to LRGAL, raids and arrests are an official intent by the authorities to prevent Lebanese LGBT people from organising and imitating the gay liberation movements of the west.<sup>47</sup>

#### LGBT socialising

A BBC article mentions Lebanon's thriving gay scene and the Gay Lebanon website has a list of places to go to 'cruise' or socialise.<sup>48</sup> The Dutch Ministry of Foreign Affairs reports that there is a "flourishing gay sub-culture with various bars, clubs and saunas that are known to be gay meeting and socialising places."<sup>49</sup> Compared to information obtained from other sources, particularly Lebanese sources, this picture may be a somewhat too positive description of the situation. LEGAL reports that Lebanon's minor advantage to some neighbouring Arab countries, is the existence of "a clandestine cyber-community and a pitiful network of meeting places."<sup>50</sup> However, it also reports that this comparatively active gay scene is "extremely secretive and risky".<sup>51</sup> Meeting places are constantly raided and websites are attacked.<sup>52</sup> The presence of some form of meeting places for gay men in Lebanon is (at least partly) the result of the absence of authorities during the civil war. However, "now that the government has returned in full force, special police forces are daily looking out for "public indecencies".<sup>53</sup>

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<sup>45</sup> As reported in: **Amnesty International** (June 2001) *Lebanon: Unfair Trial of a Human Rights Defender*; **International Gay and Lesbian Human Rights Commission** (24 April 2000) *Lebanese police threaten to close internet service provider*; **International Gay and Lesbian Human Rights Commission** (March 2001) *Lebanon: Injustice in Uniform: Military Court Convicts Civilian Human Rights Defenders*; **Human Rights Watch** (September 2000) *Lebanon: Internet, Gay Rights Targeted*

<sup>46</sup> **UK Home Office CIPU (IND)** (April 2002) *Country Assessment: Lebanon [section 5.78]*

<sup>47</sup> **LEGAL** (undated, website visited 19 February 2004) *Legal Institute Yearly Report 2001*, <http://legal.20m.com/report01.htm>

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<sup>53</sup> **Halwani, Rajah** (Jan-Feb 2002) 'Gay Lebanon' in: *the Gay and Lesbian Review*

LEGAL's Gay Lebanon Guide<sup>54</sup> mentions only two clubs in Beirut that cater for gay men and some lesbians. Neither of them is exclusively gay. In fact, men unaccompanied by females are likely to be refused entry! LEGAL also warns that the "morals police" frequently go to these clubs on undercover missions. Other possible places for LGBT people to socialise that are pointed out by LEGAL, include two restaurants/pubs, also in Beirut, but in one of these "security will usually kick out anyone suspected of being gay".<sup>55</sup> None of these places are openly advertised as 'gay'. LEGAL warns of false reports on the Internet that the situation in Lebanon for homosexuals is safe as their members present in Lebanon strongly insist that these are "inaccurate, false and unconfirmed".<sup>56</sup>

LEGAL also mentions a sauna in Beirut and two cruising areas. On the latter, LEGAL details the many risks and warns of undercover police, thieves, hustlers and robbers present. LEGAL recommends: "DO NOT engage in sexual activity anywhere nearby because police and army patrols are constantly lurking".<sup>57</sup> Other sources also report on the dangers of cruising areas.<sup>58</sup> Many gay men, transvestites, and transgender people men have been arrested and prosecuted by the police or army in these areas. It is also difficult to know for those frequenting cruising areas whether they can trust a potential sexual partner. If a person is raped or attacked in known cruising areas, it is unlikely they will seek protection from the police as it will be obvious they were engaging in illegal activities.

The CIPU report states that 'discreet homosexual behaviour is possible'.<sup>59</sup> This statement is likely to be true to be true for many middle class or upper class gay men living in Beirut - if one reduces their gay identity to being able to have sex, *and* if one finds the risks they run acceptable. The statement is certainly not true for most gay men from less privileged backgrounds, most lesbians and indeed for people not living in Beirut or other urban areas. Moreover, there is more to being gay or lesbian than being able to have secret or 'discreet' (occasional) sexual encounters! The assumption that as long as 'discreet sexual behaviour' is possible, LGBT people are not really persecuted, reduces the identities of LGBT people to their (secret) sex-life thereby perpetuating homophobic oppression in itself!

One gay man describes his situation as follows: "As a homosexual, I still find it difficult to live a secure and normal life in Beirut with my boyfriend. Temporary sexual adventures has never been a problem, it's enough to take a walk in a gay intensive area to get a one-night stand. But other decent people, who

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<sup>54</sup> LEGAL (undated, website visited 19 February 2004) *Gay Lebanon Guide*  
<http://legal.20m.com/gaylebanon.htm>

<sup>55</sup> LEGAL (undated, website visited 19 February 2004) *Gay Lebanon Guide*  
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<sup>56</sup> LEGAL (undated, website visited 19 February 2004) *Monthly Updates - June 2002*  
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<sup>57</sup> LEGAL (undated, website visited 19 February 2004) *Gay Lebanon Guide*  
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<sup>58</sup> See e.g.: Halwani, Rajah (Jan-Feb 2002) 'Gay Lebanon' in: *the Gay and Lesbian Review*;

<sup>59</sup> UK Home Office CIPU (IND) (April 2002) *Country Assessment: Lebanon* [section 5.78]

want to have a serious same sex relationship, are the victims of the society's prejudice."<sup>60</sup> The IRB refers to a French article describing how gay men would have to live a double life, denying their identity during the day and secretly visiting gay nightclubs at night.<sup>61</sup> As a result of the various factors oppressing LGBT people's identities: criminalisation of homosexuality; society's attitudes and the pressure to conform to a heterosexual marriage, it is very difficult - if not impossible - for a same-sex couple to live together, even in areas where some level of sexual or social contacts with other LGBT people is possible. Being 'discreet' about the relationship is not a solution to the ongoing pressure to conform to a heterosexual lifestyle, including marriage. Many young people, in particular women, will never even be able or allowed to live outside of the family home, let alone live with their partner. The reality of many LGBT people's lives in Lebanon is that they "subsist in total suppression for fear of being discovered by the police, their families or their environment".<sup>62</sup>

### Palestinians in Lebanon

The situation for Palestinian LGBT people is exacerbated because of their particular situation. There are approximately 350.000 - 400.000 registered Palestinian refugees in Lebanon,<sup>63</sup> although it is believed that only 150.000 – 200.000 actually reside in Lebanon.<sup>64</sup> Amnesty International reports that "Palestinian refugees continued to face systematic discrimination, including wide prohibitions on the rights to work and own property, and on the freedom of movement".<sup>65</sup> Most Palestinian refugees live in overpopulated UNRWA camps where permanent structures are forbidden by the authorities as the Government does not accept permanent settlement of Palestinian refugees in the country.<sup>66</sup> The refugee camps tend to be 'controlled' by different Palestinian political factions.<sup>67</sup> These groups are reported to operate an 'autonomous and arbitrary system of justice'.<sup>68</sup> There were reports of abuse and detentions by Palestinian factions in the camps.<sup>69</sup> In

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<sup>60</sup> Gay and Lesbian Organisation in Lebanon (undated, website visited 4 July 2002), [www.fortunecity.com/village/orton/67/glol.html](http://www.fortunecity.com/village/orton/67/glol.html) [Note: website unavailable on 18 July 2004, printed copy of this page is available from the Safra Project]

<sup>61</sup> **Canadian IRB** (1 March 2002) *LBN38524.E*

<sup>62</sup> **LEGAL** (undated, website visited 19 February 2004) *Legal Institute Yearly Report 2001*, <http://legal.20m.com/report01.htm>

<sup>63</sup> **UK Home Office CIPU (IND)** (April 2002) *Country Assessment: Lebanon* [section 5.55]; **US Department of State** (25 February 2004) *Country Reports on Human Rights Practices 2003: Lebanon* [section 5]

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<sup>65</sup> **Amnesty International** (May 2004) *Report for the year 2003: Lebanon*

<sup>66</sup> **US Department of State** (25 February 2004) *Country Reports on Human Rights Practices 2003: Lebanon* [section 5]

<sup>67</sup> **UK Home Office CIPU (IND)** (April 2002) *Country Assessment: Lebanon* [s. 5.67]

<sup>68</sup> **UK Home Office CIPU (IND)** (April 2002) *Country Assessment: Lebanon* [s. 5.68]

<sup>69</sup> **US Department of State** (25 February 2004) *Country Reports on Human Rights Practices 2003: Lebanon* [section 1c]

practice, Lebanese authorities are “limited in their ability to assert their authority and enforce law within camp boundaries”.<sup>70</sup>

Persecution or ill-treatment of LGBT people by Islamists groups operating in these camps is common as *shari'ah* prescribes harsh penalties (flogging or death) for homosexuality. Because the camps are overpopulated and societal ties are tight, it would be very difficult, if not impossible, to be ‘discreet’ or ‘secretive’ when engaging in same-sex sexuality or relationships. In 1995, one Palestinian gay man was granted asylum in the USA because of persecution by Islamist groups in Lebanon.<sup>71</sup>

For many Palestinians it is practically impossible to live outside the refugee camps and it is particularly difficult to live in expensive places like Beirut (where attitudes are most liberal and limited gay contacts are possible for some).<sup>72</sup> Only few Palestinians receive work permits, usually only for unskilled occupations.<sup>73</sup> Palestinian incomes have declined in recent years,<sup>74</sup> and since April 2001 Palestinian refugees are not allowed to own property.<sup>75</sup> Moving between different refugee camps is also difficult as appropriate accommodation needs to be found in advance.<sup>76</sup> This makes the situation for LGBT Palestinians in Lebanon even more difficult.

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<sup>70</sup> **UK Home Office CIPU (IND)** (April 2002) *Country Assessment: Lebanon* [s. 5.71]

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