Immigration and Refugee Board of Canada

Responses to Information Requests

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Lebanon: Situation of sexual minorities in Beirut, including treatment by society and the authorities, legislation, support services and organizations that provide assistance (2010-2013)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Legislation

   Article 534 of the Lebanese Penal Code bans sexual acts contrary to nature (Al Arabiya 20 July 2013; SocialistWorker.org 2 Feb. 2011; Human Rights Watch June 2013, 11). According to Human Rights Watch, the legislation does not explicitly outlaw homosexuality and does not provide a definition of a "nature", thereby "leaving a large margin of interpretation" to judges (ibid.). Two sources report that article 534 has been interpreted as prohibiting same-sex relations (ibid.; Al Arabiya 20 July 2013). Other sources report that homosexuality is effectively illegal in Lebanon (VOA 20 Mar. 2011; Wagner et al. 2013, 2; SocialistWorker.org 2 Feb. 2011).

   Sources indicate that the legislation provides for a maximum one-year sentence for violating article 534 (Human Rights Watch June 2013, 11; US 19 Apr. 2013, 32). Voice of America (VOA) reports that the sentence is not usually applied (20 Mar. 2011). The US Department of State reports that, according to Helem, a Lebanese NGO established in 2004 that campaigns for the rights of LGBT [lesbian, gay, bisexual and transgender] people (Helem n.d.a), there were fewer than 10 prosecutions under article 534 in 2010 (US 19 Apr. 2013, 32). Similarly, a Lebanese activist who operates a LGBT website on tourism in Lebanon, and was quoted in a Gay Star News article in August 2013, stated that there have been very few recent cases of arrests (Gay Star News 29 Aug. 2013). However, the US Department of State’s Country Reports on Human Rights Practices for 2012 indicates that this provision is sometimes applied to men who participate in same-sex activities (US 19 Apr. 2013, 32, 33). Various sources report that the authorities subject men who are suspected of being gay to rectal examinations, the results of which are used as "evidence" that these men have engaged in illegal sexual activity (BBC 7 Aug. 2012; Human Rights Watch 10 Aug. 2012).

   According to the Country Reports 2012, article 534 is rarely applied to women, but the police use it to blackmail women (US, 19 Apr. 2013, 33). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2. Attitudes Towards and Treatment of Sexual Minorities by Society

   The Lebanese newspaper L’Orient-Le Jour indicates that sexual minorities are [translation] "less persecuted" in Lebanon than elsewhere in the Middle East, but [translation] "remain ostracized by society, except in the affluent areas of the capital" (L’Orient-Le Jour and AFP 9 May 2013). Similarly, a research report on men who have sex with men (MSM) in Beirut, co-published in 2013 by researchers from the American think-tank RAND Corporation, the Lebanese AIDS Society and other organizations, reports that in Beirut there
is a growing acceptance of the gay community, however, this is not reflective of the rest of Lebanon (Wagner et al. 2013, 2). The BBC indicates that there is a discreet but dynamic gay scene in Beirut, which includes bars and clubs specifically for the LGBT community (24 Nov. 2013). A 2011 article published by VOA also reports that there are clubs, bars and restaurants open to LGBT populations, which is not the case in the rest of the country (20 Mar. 2011).

However, the research report on MSM in Beirut indicates that homosexuality is still strongly condemned in the city and that MSM use considerable discretion (Wagner et al. 2013, 2). In a VOA interview, a Helem founder and activist stated that despite the gay nightlife in Beirut, gays frequently suffer from "physical and psychological abuse" in private (VOA 20 Mar. 2011). He indicated that LGBT people are sometimes forced to stay at home, forced into marriage or beaten by members of their family (ibid.). That same VOA article also states that, in Beirut, LGBT people are verbally abused and are sometimes attacked on the street (ibid.). In 2013, in an interview with the Lebanese news site Now, a Helem representative stated that LGBT people are often driven out of their homes by their family and that sexual assaults, blackmail and threats are "very common" (Now 6 May 2013). A Human Rights Watch report states that parents who disapprove of their children's sexual orientation sometimes have them arrested by the police under article 534 (June 2013, 12). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

In a 2009 survey conducted among 72 Lebanese doctors, a researcher indicates that that 49 percent of doctors working in an urban setting were of the opinion that homosexuality is an illness that requires medical treatment, and that 66 percent of them believed that homosexuality is an illness that must be treated through psychotherapy (Elkak 2010, 10, 11, 16). In July 2013, the Lebanese Psychiatric Society released a statement declaring that homosexuality is not a mental disorder and should not be medically treated (LebMASH 11 July 2013; Al Arabiya 20 July 2013).

The study on MSM in Beirut conducted by researchers from the RAND Corporation and the Lebanese AIDS Society indicates that 24 of 31 respondents-77 percent-had revealed their sexual orientation to a member of their family; half had told their mother or father about their homosexuality (Wagner et al. 2013, 4). According to the research, several respondents reported that their family continued to support them afterwards (ibid.). However, a respondent feared being beaten by members of his family should they discover his sexual orientation (ibid.). Several respondents indicated that they had experienced discrimination or rejection, and four men suffered physical or sexual assaults because of their sexual orientation (ibid., 5).

According to a Helem representative, LGBT people risk losing their job if they disclose their sexual orientation (L'Orient-Le Jour and AFP 9 May 2013). Country Reports 2012 indicates that no information is available on discrimination based on sexual orientation or gender identity in the areas of employment, housing, and access to education or healthcare (US, 19 Apr. 2013, 33). Country Reports 2012 adds that the government has not collected such information and has not taken steps to address potential discrimination (ibid.). In November 2010, during its Universal Periodic Review before the United Nations Human Rights Council, the government of Lebanon rejected the recommendation to [translation] "decriminalise homosexuality and ensure non-discrimination on the basis of sexual orientation and gender identity" (UN 12 Jan. 2011, 20-21). In November 2013, UPR Info, a Swiss NGO whose aim is [translation] "to raise awareness on the Universal Periodic Review and to provide capacity-building tools to the different actors of process" (UPR Info n.d.), reported that Lebanon still had not implemented the recommendation (22 Nov. 2013, 45).

3. Treatment of Sexual Minorities by Authorities

According to the Country Reports 2012, incidents of violence or discrimination against LGBT people are rarely reported (US 19 Apr. 2013, 34). Similarly, in an interview with VOA, the founder of Helem reported that gay victims of violence do not seek police or legal protection because they are considered to be "illegal" (20 Mar. 2011).

Sources indicate that, in July 2012, the police conducted a raid of a Beirut movie theatre (Human Rights Watch 10 Aug. 2012; BBC 7 Aug. 2012), a reported meeting place for gay men (ibid.). Thirty-six men were arrested and transferred to a police station, where they were all forced to undergo a rectal examination in order to "check" whether they had participated in homosexual activities (ibid.; Human Rights Watch 10 Aug. 2012). According to Human Rights Watch, all the men were released a few days later, but three of them were charged under article 534 of the penal code (ibid.). The raid was reportedly the third to have been organized over the last few months and was allegedly conducted in the district of Bourj Hammoud (ibid.), described by the BBC as "one of the poorest districts of Beirut" (BBC 7 Aug. 2012). The government allegedly later requested a ban on rectal examinations (BBC 24 Nov. 2013; Human Rights Watch June 2013, 36). However, according to dozens of gay people interviewed by the BBC in November 2013, the practice is ongoing (24 Nov. 2013). This information is corroborated in a June 2013 Human Rights Watch report (36).
In April 2013, the police of Dékouané, a suburb of Beirut, conducted a raid of a gay nightclub and arrested four people, including a transgendered person, for "offending public decency" (L'Orient-Le Jour 24 Apr. 2013; Now 25 Apr. 2013). Those arrested were forced to undress in front of the police officers (ibid.; L'Orient-Le Jour 24 Apr. 2013). According to the transgendered person, the police officers verbally and sexually assaulted her and took photographs of her while she was undressed (Now 25 Apr. 2013). According to Helem, the police had been watching the nightclub for several months and reportedly detained a number of clients who were taken to the police station in the trunks of police cars (ibid.; L'Orient-Le Jour 24 Apr. 2013).

In a report on the alleged mistreatment and torture of LGBT people, drug users and sex workers by the police in Beirut and in other Lebanese cities, in which 52 detainees from these groups were interviewed in 2012, Human Rights Watch states that police officers subject detainees to “torture as well as cruel and degrading treatment to punish suspects for 'immoral acts' such as drug use or various sexual offences” (June 2013, 7, 19). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Some sources report that the treatment of LGBT people by the police depends on the socio-economic status of the individual (Human Rights Watch June 2013, 42; SocialistWorker.org 2 Feb. 2011). According to a Helem representative, individuals who go to public meeting places are more often targeted by the police than individuals who have the means to go to private nightclubs (ibid.).

4. Support Services

Helem offers an awareness program on HIV and sexually transmitted infections, a legal aid service for individuals charged under article 534, and a telephone hotline that is available 24 hours a day. Helem also manages a community centre for LGBT people (Now May 6 2013). According to its website, Helem also provides referrals for clients to access sexual and psychological health services (Helem n.d.b).

Founded in 2007, Meem, a support group for lesbian, bisexual, queer and questioning women, manages a shelter in Beirut (Meem 2010, 25).

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 sources consulted in researching this Information Request.

References


### Additional Sources Consulted

**Internet sites, including:** *The Daily Star; International Center for Not-for-Profit Law; International Lesbian, Gay, Bisexual, Trans and Intersex Association; Lebanese Media Monitor.*

**Tips on how to use this search engine.**