



This factsheet is from a three part series for LGBTQ people, looking at laws that affect you, your rights and what to do if arrested, and information on sexual health, in Egypt, Iran, and Lebanon.

ARTICLE 19

THE LAWS THAT AFFECT YOU

LEBANON



February 2018

WE ARE ALL HUMANS

We are all born human, and as such, should be entitled to the same rights. Essentially this means wealth, age, gender, ethnic background or nationality, religious or political beliefs, and sexual orientation cannot be used against us to limit our legal rights. Any violation of these rights is against international treaties that most countries, including **Lebanon**, have signed.

EQUAL RIGHTS FOR ALL - INTERNATIONAL LAW

Member states of the United Nations are party to the [Charter of United Nations](#), which guarantees the “Equal Rights” of all people, and calls on all nations to promote “respect for human rights and for fundamental freedoms for all without distinction”. These fundamental rights and freedoms are reflected in greater detail in the [Universal Declaration of Human Rights](#) (UDHR), the cornerstone of most human rights treaties.

Lebanon was one of the original 48 countries that signed the UDHR on 10 December 1948.



Under the UDHR:

- *All human beings are born free and equal and are entitled without any discrimination to equal protection of the law (Articles 1 and 7).*
- *Everyone has the right to life, liberty and security of person (Article 3).*
- *No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment (Article 5).*
- *No one shall be subjected to arbitrary arrest, detention or exile (Article 9).*
- *Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him (Article 10).*

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Other international treaties specifically protect the human rights guaranteed in the UDHR. **Lebanon** has officially committed to implementing several of these treaties, including:

- [International Covenant on Economic, Social and Cultural Rights](#)
- [International Covenant on Civil and Political Rights](#)
- [International Convention on the Elimination of All Forms of Racial Discrimination](#)
- [Convention on the Rights of the Child](#)

WHAT ABOUT LGBTQ PEOPLE?



International law speaks about equal rights for **all** people. It does not exclude anyone because of who they are. The right to be free and equal with respect and dignity is not negotiable or subject to exceptions.

No government is allowed to use religious beliefs, cultural norms, or traditional values to justify discrimination or abuse of certain groups of people. Remember this!

LGBTQ people are entitled to the same rights and respect as anyone else in the society. Popular beliefs or religious teachings are no excuse to mistreat those who look or act different.

HOW DOES THIS WORK IN LEBANON?

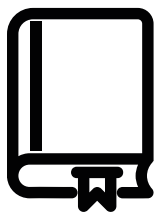


For the most part there is a big gap between the application of international laws and actual practice on the ground which makes standards feel more like theory than practice.

Laws in Lebanon criminalise homosexuality but they remain vague. Police officers are not known to systematically raid the homes of LGBTQ people but there are repeated reports of cases where the police randomly stop and check people on the streets based on their perceived sexuality.

With vague laws in place, LGBTQ people remain vulnerable to police harassment, whether they are having sex or not. This law contributes greatly to the state of impunity enjoyed by those who decide to attack, blackmail, or rob LGBTQ people.

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Paragraph (c) of the preamble of the Constitution states that “Lebanon is a parliamentary democratic republic based on respect for public liberties, especially the freedom of opinion and belief”. Article 13 reiterates the “freedom to express one’s opinion orally or in writing”, emphasising the importance of having protective national legislation. Article 19 of the UDHR defines freedom of expression as “the freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers”.

SO WHAT SHOULD WE DO?

While the preamble of the Lebanese Constitution and international agreements allow the judiciary to add a human rights angle to legislation or to fill legislative gaps, the general principles, fundamental rights and freedoms are limited and often violated by national legislation and administrative practices.

Though principles of equality and non-discrimination between Lebanese citizens are established in the Constitution, discriminatory provisions remain, causing damage and marginalisation for communities in Lebanon.



LEBANESE STATUTES DO NOT CONDEMN OR CRIMINALISE ACTS OF DISCRIMINATION OR RACISM COMMITTED BY INDIVIDUALS.



Lebanese statutes do not condemn or criminalise acts of discrimination or racism committed by individuals. The only exceptions are the service of sectarian communities, under the pretext of maintaining domestic peace and preventing damage to the reputation of the Republic; or to avert sectarian and racial strife by restricting freedom of expression in publications, as well as cinematic and theatrical artwork.

Lebanon continues to be dangerous for LGBTQ people as long as the government refuses to fully repeal laws that can be used to punish same-sex relations, and fails to protect them from violence.

But...



While we fight for social acceptance and legal recognition, there are basic safety measures that we can take in order to protect ourselves and our community members. One important step is having a clear outline of what the law actually stipulates about LGBTQ people.

These measures are no substitute for the need for equality and fair treatment, but they can help you to better protect your safety and avoid risky situations that may pose serious threats to you and your friends.

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UNDER- STANDING LEBANON'S LEGAL SYSTEM



Understanding the laws that apply to you is an act of empowerment for the LGBTQ community, especially in Lebanon, where the law is constantly misconstrued.

Same-sex practices are criminalised in Lebanon, though the law is vague. Article 534 of the Lebanese Penal Code states: “Any sexual intercourse against the laws of nature is punishable with imprisonment for a period of one month to one year, as well as a penalty ranging from 200 thousand Lebanese Pounds to one million Lebanese Pounds”.

However, over the last few years, Lebanon has witnessed a few exceptions to this general trend which highlight the law’s complexity and the ability to challenge it: In 2009, Judge Mounir Suleiman advised in a court rule, that homosexual relationships **should not be considered as “against nature”**. Judge Suleiman based this opinion on the idea that a relationship between consenting adults cannot go against the rules of nature.

In January 2017 in judicial decision issued by a criminal judge in the Metn spring Maalouf, challenged the legal basis of the arrest of men for same-sex conduct, based on Article 183 of the Penal Code, considering the acts to be the exercise of fundamental rights or expression. The Article states that “An act undertaken in exercise of a right without abuse shall not be regarded as an offense”. If no harm is done, there is no crime.

There have been a few cases that have benefited the trans community. In January 2014 another case ruled in favour of trans rights. A judge in the criminal court of Jdeidet al Metn, Naji Dahdah, ruled in favour of a transwoman accused of having sex with men. In his ruling, he indicated that as the defendant identifies as a woman the law does not apply, as Article 534 applies to same-sex practices only. Furthermore, in September 2015, the Court of Civil Appeals in Beirut issued a court order in favour of a trans man’s request to correct their registration details at the census office. The Court of Civil Appeals, presided by Judge Janette Hanna, stated that a person should be able to change reference to their sex for the sake of their psychological, sexual, developmental, and social wellbeing.

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WHAT IS LEGAL AND WHAT IS ILLEGAL?

Remember, if you confess (out of fear or under pressure) to the lustful nature of your act, lawyers can do little to protect you against punishments.

Also remember:

Under no circumstances offer any information about:

1. your sexual orientation and,
2. the intimate nature of your sexual relationship with other people

Refer to the factsheet on ***Your Rights and What to do if You're Arrested***

FINAL WORD



Despite the positive nature of the above rulings, this doesn't mean that every judge will follow these new interpretations of Article 534 and stop using it against homosexuals because interpretation of Article 534 depends on the judge.

Remember, if an LGBTQ person is caught having sex in a car or a public place they will be arrested and convicted under two articles of the law: Article 531 condemns public sex and Article 534 is used to criminalise same-sex acts.

Remember: it is **illegal** to force or to ask an arrested person to undergo an anal test to prove their action of sodomy. **If asked you should refuse an anal test under any circumstances and report the incident.**

History shows that LGBTQ people and culture survive oppression. If you are being persecuted under the law remember that as a member of the LGBTQ community you are not alone and as a human being you have done nothing wrong. The LGBTQ community still persists and no amount of pressure or coercion can change that.

Helem Organization Helpline: 71916146

Mosaic Organization Helpline: 76945445

We hope you find this factsheet helpful and educational. Please share it with your friends and loved ones.