

LGBTQIA+ Syrian Refugee
Experience in Lebanon Report

مشروع ليلى

Mashrou' Leila

حركة مشروع ليلى

A Mashrou' Leila Movement

Lameese Madi

Sophie Marionne

Joseph Hansen

Relevant Authorities

1. [Article 1A\(2\)](#) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees; “membership of a particular social group”
2. [Article 33](#) 1951 Convention- Non-Refoulement
3. (“same circumstances,” in relation to housing, healthcare, travel documentation, education, and employment, non-discrimination)
4. Convention Against Torture
5. International Covenant on Civil and Political Rights
6. International Covenant on Economic, Social and Cultural Rights
7. [Article 534](#) of the Lebanese Penal Code: “Any sexual intercourse contrary to nature is punishable by imprisonment up to one year.” (Not well enforced, but still in place)
8. [Article 520](#) of the Syrian Penal Code: “Any sexual intercourse contrary to nature is punishable by imprisonment up to one year.”
9. [Article 521](#) criminalizes gender expression by making it an offence for a man to “disguise himself as a woman”. The penalty for this offence is up to six years imprisonment.

Background of Lebanon & LGBTQ+ Communities

Historically, Lebanon has been more lenient than any other Arab country towards the LGBTQ+ community, although many still face many different difficulties that are not experienced by heteronormative residents. The first LGBTQ+ organization [Helem](#) (dream) in the Arab world started in December of 2009, launching in Lebanon and into the greater SWANA region to help aid in any violations to any individual and collective civil, political, economic, social, and cultural rights. Many [judges](#) have [ruled](#) that article 543 shall [not be used](#) to detain any Lebanese citizen for what is deemed as “homosexual” acts. Lebanese LGBTQ+ are exempt from same sex activities, marriage, there is no anti-discrimination laws in place, they are unable to enlist in the military, and there is no expunging of criminal records. Conversely, the Lebanese LGBTQ+ community can have a legal sex change and there has been a declassification of homosexuality as an illness. Additionally, class, religion, legal status, and wealth all contribute to the [nonhomogeneous experience](#) of being gay in Lebanon. The largest case that caused a lot of controversy in Lebanese civil society included when in 2008 in the American University of Beirut, the band [Mashrou'Leila](#) (Leila's Project) was born. They



quickly grew in popularity due to their lyrics often spoke of Lebanese politics, sexuality, and greater society. They have since been outlawed from performing live performances in Lebanon and in Egypt. Although not necessarily kicked out, they hold controversy because of their movements, voice and sexuality have cause concerts to shut down, they have been banned from performing and many listeners have been arrested for various reasons (including raising the gay flag). This further exacerbates the issues of LGBTQ+ as they gained visibility.

LGBTQ+ Syrian Refugees Subjected to Targeted Abuse during Police Investigations

While largely unenforced among Lebanese citizens, [Article 543](#) continues to have very detrimental effects such as discouraging reporting to authorities. Article 543 also is used to target refugee populations which has an even larger detrimental outcome because not only is this law used to single out refugees, but it also discourages refugees even more than Lebanese citizens from filing claims with authorities. Article 543 outlaws 'unnatural sexual intercourse' which is punishable for up to one year of which homosexual acts fall under this article. Because we are focusing on Syrian refugees in Lebanon, it's important to note also that Syrian and Lebanese penal codes are the same, specifically [Article 520](#) in the Syrian Code which states: "any sexual intercourse contrary to nature is punishable by imprisonment up to one year" Although, [Lebanon](#) is oftentimes perceived as much more lenient speaking about, being a part of, or having

association to lesbian, gay, transgender and intersex community is still considered to be taboo, although Article 520 is not well enforced amongst the Lebanese. The Amnesty international report documents the effects of being Syrian, a refugee and being a part of the LGBTQ+ community. Omar, a 34-year-old gay Syrian Refugee states

"In general I am not feeling safe or stable. It's worse because I am not only Gay, but I am Syrian as well. There is double discrimination."

Article 543 is used by [police punitively](#) when it comes to this particular intersection of identities of gender and sexual identity and the fact they are Syrian and is particularly harsh to trans women as well as sex workers. Furthermore, the identity of being Syrian can have an outcome of discrimination by even LGBTQ+ Community led initiatives by Lebanese members themselves.

Implementation of IHL, IHRL, IRL Affecting LGBTQ+ Syrians in Lebanon

As a transit country, Lebanon is not a signatory to the [1951 Refugee Convention](#), but still adheres to the customary international law principle of non-refoulement enshrined by Article 33. While Syrian refugees are largely protected from involuntary or unsafe return, LGBTQ+ individuals within the community are subjected to multiple forms of discrimination including, for instance, [inhumane treatment](#) by Lebanese authorities during interrogation and/or detention. Because Lebanon ratified the [Convention Against Torture](#), those protections apply. However, the [Lebanese Penal Code](#) falls short of the protections enshrined in the international convention, limiting their scope only to methods ["carried out with the purpose of extracting a confession or obtaining information."](#) Currently, no laws exist to protect LGBTQ+ individuals in Lebanon, however some [caselaw](#) illustrates increasing judicial activism against Article 534 of the penal code, applied only, however, to Lebanese citizens. Arguably, because these methods target and disproportionately affect the Syrian LGBTQ+ population, they constitute violations of non-discrimination protections under Article 2 of the [ICCPR](#) and

Article 1(a) of the [ICESR](#), both of which conventions are ratified by Lebanon.

Under these political and social conditions, LGBTQ+ Syrians in Lebanon, may seek access to asylum, awarded on a case-by-case basis, with varying standards of judicial scrutiny and evidence in American, European, and other international courts. Where the government is unwilling and unable to control persecution, LGBTQ+ Syrians refugees in Lebanon, as well as Lebanese citizens affected by the penal code, are granted asylum under Article 1A(2) for "membership of a particular social group." [Karouni v. Gonzales \(United States Court of Appeals for the Ninth Circuit, 7 March 2005\)](#), for instance, reversed a finding by an immigration judge that the appellant did not possess a well-founded fear of persecution. It found, instead, that Hezbollah and Lebanese local governments were credible threats to gay men like the appellant, and that the risk of persecution was increased by his infection with AIDS. The standard for well-founded fear of persecution, here, is determined by [Al-Harbi v. INS](#) (ten percent chance of future persecution). Because LGBTQ+ Syrians in Lebanon are affected by [multiple forms of discrimination](#) and bases for persecution, those multiple compounding factors give weight to credible fear.

Significant Political & Social Reforms are Necessary to Protect the LGBTQ+ Syrian Community in Lebanon

While the totalitarian political structure of the Syrian government is unlikely to change, the parliamentary confessionalist constitutional structure of the Lebanese government provides for looser restrictions on freedoms of association, press and movement that promote opportunities for positive change. Freedom House [report](#) indicates that Lebanon is partly free (30/60) with regard to civil liberties: an increasing number of politicians and parliamentary officials have publicly called

for the decriminalization of same-sex relations. The same report indicates Syrian and Palestinian refugees in Lebanon possess no political rights, this is due in part to the reluctance of offsetting the [sectarian balance](#) of the Lebanese parliament. However, funding Lebanese NGOs, such as [Helem](#), that provide healthcare and legal aid to LGBTQ+ refugee populations who are directly impacted by violations of human rights abuses as highlighted above.

Organizations for More Information

[Helem](#): organization started in 2001 in Beirut to aid LGBTQ+ if their rights have been violated.

[Mosaic-Mena](#): Started in 2014, offers a holistic approach of committing to improve the health and wellbeing of LGBTQ+ Lebanese and the greater SWANA region.

[UNHCR](#): organization to aid refugees apply for asylum and provide basic needs.

[Imore cup](#): SWANA organization for research, empowerment, capacity development and unbiased productions.

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