



5 KEY INDICATORS OF LGBTQ+ RIGHTS VIOLATIONS IN LEBANON.

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I. Context Analysis

LGBTQ people in Lebanon, regardless of their nationality, age, or location, have been on the receiving end of discrimination and violence for much of the country's modern history, and queer bodies are often the site and the locus of where state power and transgression manifest. While same-sex relations are implicitly criminalized as part of Article 534 of the penal code and other articles that concern vague interpretations of public morality, the fact of the matter is that queerness and LGBTQ identities are excluded and resisted in all aspects of Lebanese legal, social, economic, and political rights. This exclusion has traditionally been focused on violations of civil and political rights in both advocacy and media coverage but has always included other less visible violations in labor rights, access to healthcare, education, democratic participation, civic engagement, housing, to name a few that Helem has expanded to include in its work. The challenge in addressing these problems lies not only in the difficult and slow work of building momentum around LGBTQ advocacy in a crisis setting but also the weak and sometimes non-existent spaces and programming aimed at supporting and harvesting LGBTQ-related data in Lebanon in order to make large scale mobilization and policy and legislative change possible. This includes access to reliable and accurate human rights violations documentation in order to decipher exactly where, when, and how many of these violations are taking place in Lebanon.

While LGBTQ individuals have long suffered from violence and discrimination across the board, these violations have increased dramatically in late 2019 and all the way into the time of writing this report in early 2022. LGBTQ communities have been among the hardest hit by the combined impacts of the 2019 protests, the COVID-19 pandemic, the ongoing economic crisis, and the aftermath of the 2020 Beirut Port Blast which devastated areas of the city where concentrations of LGBTQ communities worked and lived. A report produced by Oxfam in June 2021 in collaboration with Helem found that 70% of 101 members of the LGBTQ community surveyed lost jobs in the previous year, compared to an unemployment rate of 40% among the total Lebanese workforce. The research also found that around 41% of LGBTQ individuals cannot pay their rent anymore, with 35% reporting they were forced to relocate or change their living arrangements and 39% reporting they did not have access to safe shelter or housing.

These deteriorating socio-economic conditions have had a profound impact on the community's safety, security, and sustainability and exacerbated already existing violations of their civil and political rights – primarily connected to institutionalized homophobia and transphobia within all public services and especially law enforcement, but also extending to other concerns such as political participation, personal status affairs, hate speech, and bodily harm. This report focuses on examining how the advent of the multiple crises in Lebanon over the past three years have impacted already existing violations of LGBTQ persons' civil and political rights across a set of pre-determined indicators that Helem had been documenting before the expansion of its violations monitoring efforts to include social and economic violations.

Overall, Helem has processed 4,007 incidents of violations, risk, and/or humanitarian need with 2,331 different case evaluations within the LGBTQ community in Lebanon in 2021 alone,

Up from 2,161 incidents in 2020 and 522 incidents in 2019 – indicating a total increase of 667% of total incidents recorded. However, for the purposes of this report – Helem will only consider those incidents that constituted human rights violations specifically – excluding incidents that expressed the need for emergency assistance in areas such as shelter, medication, and food. With this division in mind – Helem has recorded a total of 1,262 violations in 2021 alone.

We have chosen in this report to concentrate on 5 key indicators that related to the most egregious forms of these violations against individuals' civil and political rights. The 5 chosen indicators include: Arrest, Blackmail, Physical Violence, Rape, and Sex Trafficking. Combined, the number of violations recorded under these indicators in 2021 was a total of 369, up from 183 in 2020 and 109 in 2019 comprising a 238% increase of total violations over two years.

According to the data gathered, 68% of all of these violations were reported by Syrian nationals, the large majority of which being recorded are UNHCR applicants who found themselves having to depend on protection services provided by UNHCR, Helem, and other organizations operating in Lebanon. The reason for this high percentage is closely linked to the increased levels of vulnerability affecting non-Lebanese refugees and undocumented immigrants alike, as both often lack even the most basic and rudimentary form of social or familial support that is available to Lebanese nationals affected by the same deteriorating social, economic, and security conditions. In addition, prevalent attitudes of xenophobia and racism against Syrian nationals permeate throughout Lebanese society and are responsible for many violations against the community who suffer from both homophobic/transphobic as well as xenophobic discrimination and violence with it often being very difficult to determine what was the primary factor in the perpetration of any individual rights violation documented. It is also important to add the main factor in increased violence against refugees lies in the fact that perpetrators are aware that there is a high chance that these refugees, especially those who are unemployed or working without sponsorship, do not have legal residency permits, which reduces the possibility of them taking retaliatory legal measures as resorting to legal actions would probably put survivors at a high risk of arrest and/or detention for breaching legal residency regulations.

In addition, 57% of individuals who reported these incidents identified as cisgender GBQ men. This higher representation in the data is mostly attributable to cis GBQ men's higher susceptibility of being targeted and included under homophobic and transphobic laws and policies from public and private institutions alike. They also constitute a majority of individuals who come to Helem for support as beneficiaries of services, even though they constitute 50% of overall community attendance within Helem's overall existing programming. In addition, 35% of individuals reporting violations identified as transgender women, who are more vulnerable in general due to the discrimination and violence they receive based on their non-normative gender expression, lack of ability to change and adjust gender markers on official papers, and their inability to find sustainable work and access to services within formal employment. Cisgender women and transgender men comprised approximately 5% and 1% respectively of the numbers under these indicators. It is important to mention that this does not mean cisgender women and transgender men are less vulnerable to discrimination and violence on account of their SOGIESC in Lebanon, they are just less likely to be affected by the 5 indicators chosen to be represented in this report and/or they do not resort to Helem as the primary source of protection and services for their needs in Lebanon.

Moreover, 41.7% of all violations recorded occurred in Beirut and the Mount Lebanon area comprising the largest concentration of LGBTQIA+ residents that frequent Helem's services and spaces in Lebanon. 23% of incidents were recorded in the district of Meten and Kesserwen, the former adjacent to Beirut and Mount Lebanon and constituting a more affordable extension to the urban sprawl of the capital city in terms of housing (especially after the Beirut Blast of August 04, 2020), and a hub for commercial and industrial zones, while the latter comprises areas of Lebanon famous for tourism and nightlife and along associated with the relatively easy access to sex workers.

II. Overview of Indicators

The most egregious human rights violations against the community had traditionally been mostly perpetrated by the state, specifically the myriad number of security bureaus and apparatuses that work parallel to one another. Institutions such as the Internal Security Forces (ISF) and General Security (GS) were active in perpetrating the largest number of arbitrary arrests and detention of LGBTQ individuals under Article 534 of the penal code or other articles (523, 524, 526, 469) that are frequently used to target LGBTQIA+ individuals under the guise of upholding public decency and morality – targeting mostly Lebanese nationals and Syrian refugees respectively - and especially trans women and gender non-conforming and non-normative individuals. Given the rapid shift in the geopolitical and socio-economic situation in Lebanon described in the contextual analysis above, this has had a profound impact on the location, nature, and frequency of human rights violations in Lebanon. For one, they have necessitated the expansion of Helem's human rights violations documentation from primarily civil and political rights violations to social and economic rights violations which exponentially increased the total number documented each year. For example, the total number of incidents recorded by Helem in 2019 was 522. This number increased dramatically to 2,161 incidents in 2020 and 4007 incidents in 2021. The overwhelming majority of these were linked to housing, employment, access to healthcare, livelihood, and other socio-economic indicators of a community in crisis – in direct correlation with the deterioration of services and living standards and conditions in Lebanon. However, there was an uncharacteristic drop in the number of indicators that we historically documented in relation to violations against the community by the state and its institutions, as well as by society in general. For the purposes of this report, Helem's focus on **5 key indicators** of violations against the community relates directly to violations against the security, safety, and integrity of LGBTQ persons and their bodies in Lebanon from state and non-state sources. The indicators are presented below with contextual analysis for each indicator and breakdown of demographic information related to age, nationality, and when relevant, geographic location within Lebanon. Each indicator is also measured with the total number of identical violations Helem had documented in 2020 and 2019 in order to further elucidate how violations against LGBTQ persons are expanding or contracting depending on the general situation in the country.



Indicators

ARREST

The arrest and detention of LGBTQ individuals in Lebanon on the basis of violating Article 534 of the penal code has been central to our efforts in measuring the amount of state-sponsored violence and discrimination against our community since Helem's inception.

It is very difficult to collect accurate data on this indicator as many arrests happen in Lebanon without Helem's knowledge due to detainees' preference not to inform any external party mostly due to the shame and danger associated with being outed as LGBTQ+ in Lebanon – with many individuals preferring to tolerate and cover up the mistreatment in the police station and not risk the incident being shared with their families and social circles. Furthermore, any arrests that happen outside of the Morality Protections Bureau at the Hobeich Police Station in Ras Beirut (the bureau responsible for processing any and all cases involving violations of article 534 of the penal code throughout Lebanon), are generally not reported to Helem as the general dysfunction and lack of resources throughout Lebanon's security apparatuses often leads to complete disregard to protocol and many cases being arrested, detained, and interrogated outside of the designated bureau – often in other urban centers and rural areas outside of Beirut.

In 2021, Helem recorded 12 cases

of arrest throughout the entire year. 58% of those arrested and detained were Syrian refugees, mostly on grounds of having no formal residency papers- and 25% were Lebanese nationals. The majority of arrests occur not under accusations of violating Article 534 but more so for any member of the community suspected to be in possession of controlled substances or in the active promotion and commercial activities involving drugs. It is important to mention that these "suspicions", whether involving drug possession, drug use, sex work, or any other issue are primarily baseless and are more used as an excuse to justify the arrest and detention of LGBTQ+ individuals. Another major reason for the arrest of individuals is suspicion of being engaged in sex work or facilitating it for others. Throughout 2021, detainees who reported their arrest to Helem mentioned being subject to verbal abuse and general mistreatment by police officers but did not mention any incidents of physical violence in the 3 different police stations where these arrests took place. All mentioned being coerced to give false statements and testimonies as part of the interrogation process and told that doing so would reduce any jail time and result in improved treatment conditions - a common tactic used by police officers and investigators to reduce investigation time and to intimidate detainees. The overwhelming majority, over 90%, of these cases involved cis gay men and trans women, while the remaining 10% involved a non-binary person who was assigned male at birth. This means 100% of individuals that are traditionally the most vulnerable members of the LGBTQ community are assigned male at birth due to being disproportionately affected by the criminalization of same-sex relations as well as sex work and non-conformity in terms of gender expression. It is important to mention that many trans women who are arrested under the suspicion of being sex workers are arrested due to their gender expression, and not in connection to any evidence or reasonable grounds for suspicion of having engaged in any sexual acts of any kind.

36% of these cases occurred in the greater Beirut metropolitan area & 36% occurred in the district of Keserwen,

The former due to it being an urban center with a concentration of community members living there and the latter due to it being in close proximity to major commercial and industrial centers in the country as well as including areas such as Jounieh, Maameltein, and Tabarja known for being a hub for tourism and nightlife where many individuals from the community find both formal and informal employment including sex work.

It is worthy to mention that the number of arrests in 2021 was far less than in previous years and indicated a general downward trend in the number of arrests documented by Helem. The number of arrests documented in 2019 was 32 arrests, approximately 6% of the total number of violations recorded that year. Conversely, 17 arrests were recorded in 2020 and 12 arrests were recorded in 2021, comprising 2.2% and 0.95% respectively of all violations recorded. While this at face value might indicate more knowledge and tolerance of LGBTQ related concerns by state authorities, it is more likely connected to the general lack of resources and functionality within all state institutions in Lebanon as a result of the financial crisis, as well as the prioritization of maintaining security in the face of rising street mobilization and popular tensions in the country – decreasing the time and prioritization of targeting the LGBTQ community and other vulnerable groups as well. It is also important to mention that even though Helem observed an overall decreasing number of arrests in 2021, the additional indirect effects of criminalization remained intact, such as discouraging survivors to take legal actions against perpetrators due to fear of arrest based on said criminalizing articles, giving more power to previous and future perpetrators to commit violence against the community.

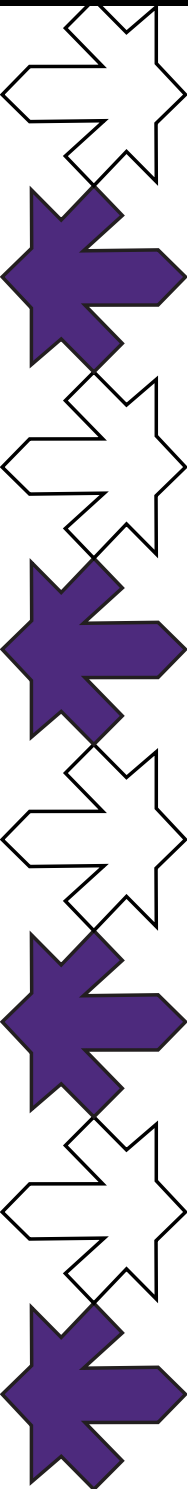
BLACKMAIL

Blackmail attempts against the community are extremely common and prevalent, particularly on social media platforms. Members of the community are often extorted with knowledge of their sexual orientation or gender identity, or with any audiovisual material depicting them in intimate contexts with other people or by themselves.

The majority of blackmail attempts concentrate on extorting money, labor, or sexual favors from individuals, often perpetrated by current or previous significant others or even by employers. In addition, sexual traffickers looking for leverage in order to ensure individuals continue being sexually trafficked and share their earnings with the trafficker also resort to similar patterns of blackmail.

There have been no recorded incidents that occurrences of blackmail have increased or intensified on gay social dating apps such as Grindr and others, with the majority reporting that blackmail often happens with individuals they know or have a prior or current relationship with, and not strangers met on dating apps.

In 2021, Helem documented 66 cases of blackmail, comprising approximately 5.2% of all of the violations we have recorded over the year. 60% of individuals who reported being blackmailed were Syrian nationals where the overwhelming majority of incidents involved extorting them for money or sexual favors by clients, sexual traffickers, employers, or current or previous partner/s.

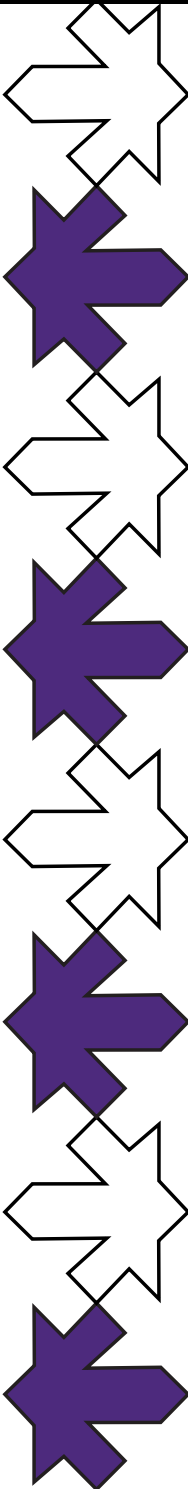


34% of those blackmailed were Lebanese citizens,

And the majority of those incidents involved threats from previous or existing relationships and/or family members to out them for revenge or for the settlement of debts through sexual favors and/or provision of drugs – but rarely for money. The reason for the disproportionate number of incidents with Syrian nationals is that they are almost all refugees formally registered with UNHCR and thus live and work in Lebanon without any formal social or economic safety net other than what UNHCR provides as monthly or emergency cash assistance. Syrian refugees are exponentially more vulnerable to blackmail and all other violations mentioned in this report due to their susceptibility to socio-economic rights violations – especially with access to housing, shelter, and employment – as well as the afore-mentioned barriers to taking legal action against perpetrators. The current economic crisis has also affected many Lebanese members of the community, who despite their increased vulnerability can still access basic and rudimentary means of social support from families or friends when needed – unlike refugees who often come to Lebanon with nothing and knowing no one.

69% of those who reported blackmail in 2021 were cisgender GBQ men, with the majority reporting being extorted for money or being outed through the use of compromising photos or videos of them obtained without consent. 25% of those who reported blackmail identified as transgender women, mostly those engaged in sex work or survival sex and being extorted for money or additional sexual favors.

Helem recorded 20 cases of blackmail in 2019, which increased to 25 cases in 2020 and 66 cases in 2021. The increase of approximately 230% over two years in the number of blackmail incidents is in direct correlation with the deteriorating socio-economic conditions in Lebanon, particularly the lack of any means of economic power for refugees and national alike as the rates of homelessness and unemployment continue to rise. The lack of recourse to justice, including going to the authorities in order to report such incidents also compounds the complexity of addressing it as often police officers would arrest the individual reporting the blackmail or extortion on the grounds of violating article 534 and engaging in same-sex relations to begin with. It is expected that as long as living conditions deteriorate and Lebanese security forces operate under the auspices of a homophobic penal code and within a culture of impunity, incidents of blackmail are expected to continue to rise.



PHYSICAL VIOLENCE

Incidents of physical violence against members of the LGBTQ community constitute one of the largest numbers of violations Helem records. These incidents can vary widely in terms of location and context and can include publicly inflicted violence, violence perpetrated by state institutions including the police, intimate partner violence, domestic violence, and violence at the workplace. Helem had not had the means to document which type of physical violence occurred in 2021 and in years prior but has expanded its violations categories to diversify this indicator further in future years. Physical violence is understood as either a single incident or a pattern of abuse that leads to physical harm – regardless of whether the harm resulted in permanent physical effects or led to the need for medical care or hospitalization.

In 2021, Helem recorded 254 cases of physical violence against the community. Out of those, approximately 70% were against Syrian nationals, refugees, and mostly perpetrated institutionally, socially, and by state actors such as policemen or public employees. A high number of Syrian refugees reported incidents of physical violence from neighbors and intimate partners, especially as the number of individuals living in a single domicile has increased dramatically since the advent of the economic crisis as fewer and fewer individuals can afford the cost of living alone due to the devaluation of the lira and the lack of any oversight or legal framework with which to govern the Lebanese housing sector. Around 24% of cases involving physical violence Helem recorded involved Lebanese nationals who mostly reported incidents of domestic violence perpetrated by nuclear or extended family members. This has been the case with most incidents of physical violence reported by Lebanese nationals in the past few years given that the advent of the COVID-19 pandemic and the economic crisis in Lebanon has forced multiple members of the community to move back with their parents or families and be subject to homophobic and transphobic discrimination and mistreatment as a result. 55% of all incidents were reported by cisgender GBQ men and 36% were reported by transgender women, the latter involving mostly incidents of intimate partner violence, particularly for trans women engaging in sex work or survival sex. Around 6% of incidents were reported by cis-gender women, mostly related to their sexual orientation and/or gender expression.

In 2019, Helem recorded 43 cases of physical violence throughout the entire year. That number had increased to 105 incidents in 2020 and 254 incidents in 2021, constituting an increase of almost 144% between 2019 and 2020 and a 141% increase from 2020 to 2021. This upward trend is also directly correlated with the same deterioration of socioeconomic conditions that have affected the increase in the number of blackmail incidents above.

Rape

Rape and various forms of sexual assault are some of the most under-reported crimes across the globe and the LGBTQ community in Lebanon is no exception. Incidents of sexual violence are usually not reported due to the common reasons why these incidents are not reported by women and gender and sexual minorities, mainly due to fear of retaliation by perpetrators or by society, or due to the lack of belief that anything can be done about it either from a judicial or social angle. In addition, feelings of shame, self-blame, and trauma are also other factors that discourage individuals from reporting violations.

In 2021, Helem recorded 30 cases of rape,

By far the highest recorded in any year since the organization began documenting violations against the community. The number of cases reported has been rising steadily since 2019 where Helem recorded 11 individual cases and through 2020 where 21 cases were recorded, comprising a 172% increase over two years. This increase is also largely attributable to the same conditions affecting the upward trend in recorded incidents of blackmail and physical violence, chiefly connected to lack of any means of social or economic protection in addition to the chronically non-existent state protections and recourse to justice for victims and survivors of rape, as well as the exclusion of gender and sexual minorities from the governmental attempts to advance its efforts in providing protection and justice for the survivors of rape. It is also important to note that: 100% of all survivors of rape under Helem's case management did not prosecute their perpetrators, expressing fear of being detained based on the article 534 and/or other articles related to legal residency.

In 2021, 83% of rape cases were reported by Syrian refugees, by far the highest percentage. The major reasons for this are in line with the increased levels of vulnerability and exposure many Syrian refugees suffer from as a result of prolonged periods of homelessness, unemployment, and lack of official papers which lead to multiple negative coping mechanisms including survival sex. 60% of individuals who reported incidents of rape were cisgender GBQ men, while 33% were transgender women. Approximately 50% of all cases were concentrated in the Beirut and Mount Lebanon area, with all other cases sporadically spread across other districts within Lebanon.

Sex Trafficking

Helem recorded 7 individual cases of sexual trafficking in Lebanon in 2021. The majority of individuals who report being sexually trafficked are refugees and non-Lebanese, comprising approximately 85% of all cases recorded.

There is a great deal of complexity and obscurity surrounding the sex trafficking industry in Lebanon, which has been expanding and becoming more prevalent since the advent of the Syrian conflict in 2011 where many organized sexual trafficking networks often operate between both countries illegally and with impunity having connections to both law enforcement as well as armed non-state actors on both sides of the border to facilitate the trafficking of human beings. Both Syrian cisgender men and transgender women are equally vulnerable to sex trafficking, with methods and reasons varying widely and evenly among those who reported the incidents in 2021. Approximately 25% of individuals reported joining sex trafficking networks under the false pretense the latter provided in return for safe passage and employment in Lebanon, and most indicated they discovered they were either lied to by traffickers in Syria about the nature of their employment in Lebanon or that their papers were confiscated - after they arrived in Lebanon. Survivors reported a number of coercive methods that were used against them to force compliance, including physical harm, blackmail, and imprisonment. All survivors described an extremely composite and clandestine underworld of sex trafficking in Lebanon perpetrated by well-funded and organized sex trafficking networks who employ a complex system of reward and punishment to ensure that all trafficked persons continue working and sharing their profits with their traffickers. Survivors also describe a connection between these networks, often led and managed by Syrian nationals living in Lebanon or between Lebanon and Syria, with Lebanese law enforcement – with accounts either describing sexual traffickers as purveyors of money or sexual favors for members of Lebanese law enforcement or as informants for intelligence bureaus who are allowed to continue their activities in exchange for information on clients and other persons of interest.

IV. Recommendations

FOR THE LEBANESE GOVERNMENT

- **Repeal Articles 534 of the penal code that is used to criminalize consensual adult same-sex relations.**
- **Repeal Articles 531, 532, 533, and 469 of the penal code that use vague and amorphous language to criminalize speech, acts, or content that contradicts public morality.**
- **Repeal Articles 523, 524, and 526 of the penal code criminalizing sex work, and ensure sex workers are not detained or arrested seeing that the formal labor market discriminates against them and many engage in survival sex.**
- **Ensure all detention centers, especially those belonging to state and general security, have oversight and that LGBTQIA+ detainees are treated with dignity and respect.**
- **Ensure that any violence or mistreatment against LGBTQIA+ individuals in detention is addressed and perpetrators are brought to justice.**
- **Ensure that LGBTQIA+ persons who have experienced blackmail, extortion, violence, and discrimination are able to resort to law enforcement for protection and aid and that survivors of assault, especially sexual assault and/or trafficking, are believed and receive proper care.**
- **Investigate ties of law enforcement with sex trafficking networks and actors in Lebanon and take necessary steps to uncover trafficking networks and their accomplices within and outside law enforcement.**

FOR LEBANESE CIVIL SOCIETY

- **Ensure that any and all humanitarian aid services, especially when connected to shelter, housing, healthcare, mental health, and livelihoods are accessible to LGBTQIA+ individuals.**
- **Ensure all humanitarian aid actors are familiar with the specific needs and particular services that LGBTQIA+ people require and that front-liners and first responders have the necessary information and training to engage with LGBTQIA+ individuals in crisis.**
- **Ensure that LGBTQIA+ individuals are part of the decision-making process and that a concerted effort is made to include LGBTQIA+ specific indicators in all data gathering and monitoring and evaluation efforts.**
- **Ensure that there is an expanded understanding of what constitutes gender identity and that transgender women and gender non-conforming individuals get access to resources usually reserved to their cisgender counterparts.**