

SOGI & REFUGEE ISSUES

Protection of LGBTI Refugees in Lebanon



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Heartland Alliance for Human Needs & Human Rights
Arab Foundation for Freedom & Equality

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As service providers, it is important for us to be aware of what makes certain individuals more vulnerable than others so we can better understand how we can assist these populations. **One group of people particularly at risk, especially in the refugee context, is those struggling with sexual and gender issues.** Not only do they have to contend with understanding their own personal self-identification but they face discrimination from family, friends, authorities, community members, and sometimes even actors providing humanitarian support. As both refugees and part of a stigmatized “sexual minority,” they are often at serious risk of harm. In order to uphold their human rights and provide this population with quality services that respond to their needs, it is important that we are informed on the issues surrounding sexual orientation and gender identity as related to refugees.

This is particularly crucial in the context of **Iraqi refugees** since many men who were regarded as engaging in homosexual conduct, or simply being “too effeminate,” were targeted by militant groups in Iraq in 2009, with numbers estimated in the hundreds. Many Iraqi gay men fled to countries in the neighboring region to seek asylum. Individuals continue to be at serious risk from discrimination and violence in both home and host countries and their needs for safety and support are often not identified by service providers working with them.

DEFINITIONS [1]

Before discussing issues of gender and sexuality, it is important that we ensure we understand the real meaning of the terms used. These terms are often subject to discussion and debate, even amongst the LGBTI community itself, which is a reflection of the difficulty of simplifying the complex issues of gender and sexuality.

Homosexual

A person physically and/or emotionally attracted to people of the same sex.

Gay – A term used to refer to a homosexual man.

Lesbian – A term used to refer to a homosexual woman.

Bisexual

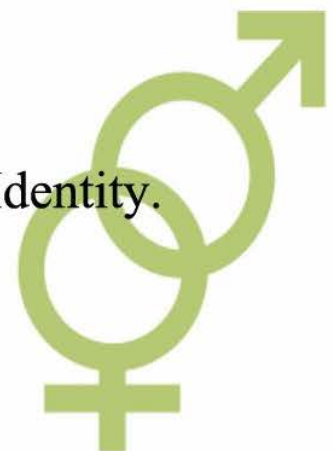
Someone with significant physical and/or emotional attractions to both the same and the opposite sex.

LGBTI

Acronym for Lesbian, Gay, Bisexual, Transgender and Intersex.

SOGI

Acronym for Sexual Orientation and Gender Identity.



Transgender [2]

Someone whose gender identity (i.e. their self-identification as being a man, a woman, neither, or both) does not match their assigned gender. Broadly speaking, anyone whose identity, appearance, or behaviour falls outside of conventional gender norms can be described as transgender.

Transsexual

Someone who switches physical sexes by undergoing sex reassignment surgery (SRS).

Transvestite

Someone who obtains pleasure from the appearance and sensation of cross-dressing, e.g. a man who cross-dresses as a woman.

Intersex [3]

Someone who is born with a reproductive or sexual anatomy that does not fit the typical definitions of male and female. For example, a person may appear female on the outside but have mostly male-typical anatomy on the inside. Intersex is a socially constructed category used to encompass a range of biological variations.

Homophobia

An unreasonable fear of homosexuals consisting of negative attitudes and feelings towards LGBTI persons which can lead to discrimination and violence.



Queer [4]

A simple label to explain a complex set of sexual behaviours and desires. For example, a person who is attracted to multiple genders may identify as queer. However it is also a political statement, as well as a sexual orientation, which encourages people to see both sexual orientation and gender identity as potentially fluid.

Asexual [5]

Someone who is asexual does not feel sexual attraction or has no desire to act upon it. They may be interested in forming romantic relationships but do not wish to develop such relationships to a sexual level. Like homosexuality and heterosexuality, asexuality is not a choice. Being asexual is not the same as being celibate as celibacy is a choice, often based on religious or moral beliefs.

TACKLING MYTHS ABOUT HOMOSEXUALITY [6]

Fact or fiction?

MYTH: Being homosexual is a choice and people who claim to be homosexual can be cured.

FACT: Sexual orientation is not a personal choice. Scholars have agreed that there is no specific factor that leads to homosexuality. It is not a disease or an illness that can be “cured” despite claims from homophobic groups that “sexual reorientation therapy” can be successful. Such “treatment” has been widely discredited by reputable psychological organizations across the world such as the *American Psychiatric Association*.

MYTH: Gay men act like women and lesbian women act like men.

FACT: It is not possible to tell whether someone is homosexual from the way they dress or act. Not all gay men act in an effeminate way and not all lesbian women are “butch.” Stereotypes of gays and lesbians develop because people confuse sexual orientation with gender roles. Alternative gender roles do not necessarily mean that someone is homosexual. In the same way that heterosexual people vary enormously in their appearances, attitudes and behaviour, so do homosexual people.

MYTH: Homosexuals are more likely to be mentally ill and abuse drugs and alcohol.

FACT: Homosexuality is not a mental disorder. Some homosexuals suffer from illnesses such as depression and may be more likely to abuse alcohol and drugs but this is not because they are homosexual. Instead it is a result of the persecution that they face from a homophobic society.

MYTH: Homosexuality is just about sex, not emotions.

FACT: Gay and lesbian couples are motivated by the same reasons as heterosexual couples, such as love, companionship and sexual pleasure. Homosexuals are just as likely to have long-term relationships as heterosexuals.



MYTH: Homosexuality is a Western import.

FACT: All societies have homosexuals, but in some societies they are more visible because they are less persecuted and are protected by law. Some examples of homosexuality in Arab culture include poet Abu Nuwas, poet Bachar Bin Burd, and jurist Yahya Bin Aktham.

MYTH: Bisexuals are lost and do not know their sexual orientation.

FACT: Bisexuality is a sexual orientation where the person can be satisfied with one of the sexes at different times. They are no more promiscuous than homosexuals or heterosexuals and, as with all sexual orientations, do not choose to be bisexual.

MYTH: Homosexuals abuse children.

FACT: This is a slur used by anti-gay campaigners because they know that it is emotive. There is no scientific evidence or any logic to support this claim. Research does not show that paedophiles are more likely to be homosexual. Most paedophiles are sexually attracted to children and not specifically girls or boys.

HOMOSEXUALITY AND THE LAW

Is homosexuality illegal?

Eighty countries around the world still criminalize sexual contact between consenting adults of the same sex. **In five MENA countries homosexual conduct is punishable by death:** Iran, Mauritania, Saudi Arabia, Sudan, and Yemen (as well as parts of Nigeria and Somalia). [7]

In Lebanon, **Article 534 of the penal code** which specifies that “every sexual intercourse against nature is punishable with up to one year imprisonment” is used to criminalize homosexuality. Likewise, in Iraq there is no article in the penal code that directly condemns consensual homosexual sex between adults, yet it is condemned using other laws.

Some civil society organisations in Lebanon, recognising that the **persecution of homosexuals under the law is unacceptable**, have been pushing for the abolishment of Article 534. Organisations working for LGBTI rights and/or offering direct services to LGBTI individuals in Lebanon include *Helem* and *Meem*.



SECURITY AND PROTECTION

Why are LGBT refugees in Lebanon at higher risk?

On December 18th, 2008, a statement supporting the rights of LGBTI people across the globe was presented at the UN General Assembly and signed by 66 countries. The **Joint Statement on Sexual Orientation & Gender Identity** “reaffirms that the principle of non-discrimination applies to all human beings regardless of sexual orientation or gender identity, condemns human rights violations of LGBTI people and urges all states to decriminalize consensual adult relations between persons of the same sex.”^[8] In addition the *United Nations High Commissioner for Refugees* (UNHCR) has also published material advising on best practices when dealing with LGBTI refugees.

Lebanon has not signed the 1951 Refugee Convention, which signifies that refugee status is not protected by law. Instead refugees are considered to have committed a crime for their illegal entry or stay and thus are at **risk of detention and deportation**. Therefore, the situation for LGBTI refugees is particularly precarious as not only does the law persecute homosexuals but it does not offer legal protection to refugees in general. LGBTI refugees are more vulnerable than other populations to being detained or denied services because of behaviour that might be seen as non-conforming or draw attention, their experience of trauma and the direct discrimination they face.

In the beginning of 2009 a campaign of **systematic killings** of homosexual men in Iraq led to a great increase in the number of gay men being killed in the country because of their actual or perceived sexual orientation. An estimated 400 men were kidnapped by “killing squads” and brutally murdered when certain leaders in the community riled up anti-gay sentiment and incited the population to remove the “third sex” and so-called a emasculated men from society.^[9] **These attacks caused an increase in the number of refugees, particularly LGBTI individuals, fleeing Iraq.**

In 2010, there were an estimated 50,000 Iraqi refugees in Lebanon, many of them living illegally and so under constant fear of arrest.^[10] As mentioned above, Lebanon does not recognise refugee status and therefore it is extremely difficult for refugees to sustain themselves in the country. The problems they face include long resettlement wait periods, an inability to find legal employment, and a high likelihood of being stuck in exploitative conditions if they accept illegal work. These problems can lead to frustration and can exacerbate discrimination of LGBTI refugees within the Iraqi community itself.

The situation in Lebanon is not secure for LGBTI as homophobia is widespread. A recent study in Lebanon has highlighted that only 50% of medical physicians would be willing to tend to a homosexual patient and only 12.9% believe homosexuality to be “acceptable behaviour”.^[11]

LGBTI refugees and asylum seekers continue to be at risk even if they are successful in leaving the Middle East. Many have fled their country of origin partly or entirely because they risk repercussions from their family and wider community. Therefore, they are unlikely to have anyone to rely on for support during the transition phase.^[12] Many will continue to experience discrimination in their host country as a result of gender and sexuality issues which will make the already difficult process of adapting to life in a new country harder still.

APPLYING FOR ASYLUM

What guidance does UNHCR give?

- LGBTI persons are entitled to all **human rights on an equal basis** with others.
- An understanding of the **multiple forms of harm and discrimination** experienced by LGBTI persons throughout the displacement cycle is vital for states, NGOs and UNHCR staff.
- Like LGBTI persons, **intersex individuals** can be subject to persecution in ways that relate to their non-conformance with gender norms.



- More attention should be placed on **protecting LGBTI asylum-seekers and refugees** during flight and upon arrival in host countries, including from refoulement, physical and sexual violence, and crimes committed in the name of honor.
- **Laws** criminalizing consensual same-sex relations pose significant problems for LGBTI asylum-seekers and refugees throughout the displacement cycle.
- While claims made by LGBTI individuals have gained recognition under the “**membership of a particular social ground,**” other grounds are yet to be further explored and the ability of bisexual and intersex applicants to make claims under this 1951 Convention ground is not well established.
- Additional steps need to be taken to further **train and educate staff** on LGBTI issues.
- Due to the intolerant environment in much of the MENA region, **resettlement is often the only viable durable solution** for LGBTI refugees.

MENTAL HEALTH

What are the psycho-social effects of stigma and discrimination?

Prejudice and discrimination make it hard for LGBTI people to be part of society as common experiences such as finding a job, having a safe place to live, or being accepted by family and friends become difficult or impossible. This prejudice can become internalized, leading LGBTI people to believe the negative things they are being told about themselves. As a result they are much less likely to seek help and, even if they do, they are unlikely to express their real needs because of the shame and guilt they feel. Such feelings can lead to:

- **Anger**
- **Denial**
- **Isolation**
- **Depression**
- **Suicide**

Therefore, it is important to remember that **LGBTI refugees often need strong psycho-social support** in addition to financial and legal advice.



GETTING STARTED

How can you make your organisation more inclusive?

Given the high chance that LGBTI refugees will have internalized the prejudices they have experienced, it is extremely important that service providers **create an environment which allows potential LGBTI refugees to self-identify themselves and reach out for support.** Yet it is also important that service providers do not force refugees to identify themselves but instead let it be their choice. Some people, despite being LGBTI, do not know the specific terms to use to identify themselves; others perhaps do not want to use them either because of negative connotations or repercussions, or they feel differently how to express their identity.

➡ **Know the facts**

Educate yourself about sexual orientation and gender identity, making sure you focus on facts and not myths.

➡ **Be aware of your attitude and behavior**

Everyone has been affected by the prejudices of their family, friends and the media but we must be aware that we can change these perceptions, **focusing on seeing people as unique human beings and not as labels or stereotypes.** To help create an environment in which the refugee feels comfortable.

Don't be judgmental
Don't fall into stereotypes
Don't include your personal beliefs

Be objective
Be professional
Be a good listener
Be supportive when needed
Focus on the positive and show empathy
Stress on confidentiality and privacy

➔ Choose your words carefully

Use **sensitive language**. Some questions which might be useful to help show a refugee that you are understanding include:

Does your relationship make you feel worried?
Are you discriminated against by your community?
Are you threatened because of who you are?
Are you marginalized because of how you act?
Do you feel that you can't be yourself?

➔ Educate others

Find opportunities to pass on facts about LGBTI and challenge myths you hear. Inform people of how their **misinformation affects people** and continues false stereotypes and ideas.

➔ Focus on the positive

LGBTI are human beings. **Sexual orientation is just one part of who you are.**

➡ **Support people**

Treat LGBTI people with respect and **offer them the same services you offer everyone else**. Remember the importance of confidentiality and especially how serious it is in regards to LGBTI given the possible threat if family members or the authorities, for example the police, were to find out.

Cautionary measures should be taken to ensure LGBTI refugees are not at risk and crisis management and safety planning should be a part of service provision when necessary.

➡ **Be inclusive**

Help LGBTI people have an **equal opportunity to take part in society** by ensuring you have an inclusive and diverse workplace.



NEXT STEPS

How can you assist LGBTI refugees?

If you know of someone who needs specific support and assistance, we can help. For referral or for further information contact:

Helpline: 71-067261

lbprograms@ha-iraq.org or info@afemena.org

What do we do in Lebanon?

Heartland Alliance for Human Needs & Human Rights implements a protection project specifically for vulnerable Iraqi refugees in Lebanon and Jordan. Heartland Alliance's joint program with the **Arab Foundation for Freedoms and Equality (AFE)** aims to ensure protection for Iraqi refugee victims of violence due to their sexual orientation and/or gender identity in Lebanon and Jordan.

We provide **comprehensive services through case management, legal support and support packages** as well as **developing a network to support, protect and facilitate sustainable solutions** for LGBTI refugees. In addition, we provide **training for service providers** in LGBTI sensitivity and responding to the needs of LGBTI Iraqi refugees.

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