

HUMAN RIGHTS WATCH

SAGA bldg, 7th floor
Damascus Road, Saifi
Beirut, Lebanon
Tel: 01-217670
Fax: 01-217635
E-mail: beirut@hrw.org

MIDDLE EAST AND NORTH AFRICA DIVISION

Sarah Leah Whitson, *Executive Director*
Lama Fakih, *Deputy Director*
Eric Goldstein, *Deputy Director*
Ahmed Benchemsi, *Advocacy and Communications
Director*

ADVISORY COMMITTEE

Asli Bali, *Co-Chair*
Kathleen Peratis, *Co-Chair*
Bruce Rabb, *Vice-Chair*
Gary G. Sick, *Vice-Chair*
Fouad Abdelmoumni
Gamal M. Abouali
Yasser Akkaoui
Hala Al-Dossari
Salah Al Hejailan
Abdul-Ghani Al-Iryani
Ahmed Al-Mukhaini
Ghanim Al-Najjar
Lisa Anderson
Shaul Bakhash
David Bernstein
Robert L. Bernstein
Nathan Brown
Paul Chevigny
Hanaa Edwar
Bahey El Din Hassan
Hassan Elmasry
Mansour Farhang
Loubna Freih Georges
Aeyal Gross
Amr Hamzawy
Asos Hardi
Shawan Jabarin
Marina Pinto Kaufman
Youssef Khlaf
Marc Lynch
Ahmed Mansoor
Stephen P. Marks
Abdelaziz Nouaydi
Nabeel Rajab
Vicki Riskin
Charles Shamas
Sid Sheinberg
Sussan Tahmasebi
Christophe Tanghe
Mustapha Tlili

HUMAN RIGHTS WATCH

Kenneth Roth, *Executive Director*
Michele Alexander, *Deputy Executive Director,
Development and Global Initiatives*
Nicholas Dawes, *Deputy Executive Director,
Communications*
Iain Levine, *Deputy Executive Director, Program*
Chuck Lustig, *Deputy Executive Director, Operations*
Walid Ayoub, *Information Technology Director*
Emma Daly, *Communications Director*
Barbara Guglielmo, *Finance and Administration
Director*
Babatunde Olugboji, *Deputy Program Director*
Dinah PoKempner, *General Counsel*
Tom Porteous, *Deputy Program Director*
James Ross, *Legal and Policy Director*
Joe Saunders, *Deputy Program Director*
Frances Sinha, *Human Resources Director*

HUMAN
RIGHTS
WATCH

www.hrw.org

Major General Abbas Ibrahim
Director of General Security
General Directorate of the General Security of Lebanon
Adlieh, Beirut

Beirut, October 25, 2018

Dear Major General Ibrahim,

Following our brief phone call on the subject, I am writing to you on behalf of Human Rights Watch to raise our concerns about General Security's attempts to shut down the *NEDWA* 2018 conference organized by the Arab Foundation for Freedoms and Equality (AFE), which brought together advocates working on issues related to gender and sexuality in the Middle East and North Africa region. As you know, AFE is an officially registered nongovernmental organization and operates lawfully in Lebanon.

We are writing to seek a clarification on what General Security's position is on the legality of advocacy or cultural events which touch on issues related to gender and sexuality in Lebanon.

We are concerned that the recent attempt to shut down the *NEDWA* conference follows other recent interventions by security forces which have undermined the rights of sexual and gender minorities and human rights advocates working on gender and sexuality issues, and that these interventions may represent a pattern of repression against these groups.

Human Rights Watch has documented three cases of unwarranted interference by security forces at events that address topics of gender and sexuality in Lebanon since 2017. In August 2017, the Crowne Plaza Hotel cancelled a media literacy workshop for human rights activists, organized by AFE. Human Rights Watch raised concern about the incident with the InterContinental Hotels Group, the parent company of Crowne Plaza, and we were informed by IHG's Managing Director that General Security had ordered the closure. On May 14, 2018, the Internal Security Forces detained a prominent LGBT rights activist and pressured him to cancel some events associated with Beirut Pride, an annual LGBT festival of events. Scheduled events included a poetry reading, a karaoke night, a discussion of sexual health and HIV, and a legal literacy workshop. On September 29, 2018, officers from General Security arrived at the hotel where AFE's *NEDWA* conference was being held and questioned AFE executive director Georges Azzi, directing him to cancel the conference and sign a pledge to cease any activities

related to the conference. When Azzi refused, the officers ordered the hotel to shut down the conference and compelled Azzi to sign a commitment to cease conference related activities at the hotel. The four-day-conference included workshops on issues such as human rights, advocacy, movement-building, health, and the arts.

General Security officers also took details of all conference participants from the hotel registry, including those from highly repressive countries such as Egypt, where, in 2017, police arrested over 100 people for being gay or transgender, and Iraq, where armed groups have murdered sexual and gender minorities with impunity.

In an oppressive regional climate around human rights and individual freedoms, Lebanon has set an international example by serving as a safe haven for activists from the Arab world to organize freely and without censorship, as well as a cultural and intellectual destination for human rights-related events. The annual *NEDWA* conference has been one such hub for inclusive advocacy for five years, inviting committed activists from around the region to strategize to protect human rights and advance equality.

We are further concerned that the rationale behind the interference with the *NEDWA* conference appears to be “public morality and ethics,” according to AFE officials who engaged with General Security.

Interpreting advocacy or cultural events on gender or sexuality as per se falling afoul of “incitement to immorality” and “breach of public morality” laws like penal code article 526, which prohibits “inciting people to immorality,” and articles 531 and 532, which criminalize the undefined “violation of public morality” would be a breach of Lebanon’s obligations under international law.

As a party to the International Covenant on Civil and Political Rights, Lebanon must protect freedom of expression, association and assembly for all people, regardless of their sexual orientation or gender identity. The Human Rights Committee, which interprets the Covenant, has made clear that it is prohibited to discriminate based on sexual orientation in upholding any of the rights protected by the treaty, including the rights to freedom of assembly, association and expression.¹ In its April 2018 evaluation of Lebanon, the Committee called upon Lebanon to “explicitly prohibit discrimination on the basis of sexual orientation and gender identity and ensure that LGBTI individuals are afforded, both in law and in practice, adequate and effective protection against all forms of discrimination, hate speech or violence based on sexual orientation or gender identity” and to “take all measures necessary to guarantee in practice the effective enjoyment of the rights to freedom of expression and peaceful assembly of LGBTI individuals.”² The Yogyakarta Principles, principles on the application of international human rights law in relation to sexual orientation and gender identity, specifically call on states to ensure that notions of public morality “are not employed to restrict any exercise of the rights to peaceful assembly and association solely on the basis that it affirms diverse sexual

¹ Human Rights Committee, General Comment 34, <https://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf>.

² Human Rights Committee, CCPR/C/LBN/CO/3, Concluding observations on the third periodic report of Lebanon, April 5, 2018, https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/LBN/CCPR_C_LBN_CO_3_30780_E.pdf.

orientations or gender identities.”³ United Nations resolution 15/21 also mandates member states to ensure the promotion and protection of the rights to freedom of peaceful assembly and of association in all their manifestations.

The UN Special Rapporteur on the Rights to Freedom of Assembly and Association has issued formal communications to governments, including Nigeria, Russia and Zambia, condemning their efforts to restrict freedom of assembly and association for groups working with sexual and gender minorities.

Major General, in light of the above, we respectfully request that you clarify the legal basis for General Security’s interference with the *NEDWA* conference in September 2018 and whether it is the position of General Security that events that touch on issues related to gender and sexuality or involve members of sexual and gender minority groups are unlawful. If so, please provide us with the legal basis for that conclusion.

Further, we are unaware of any legislation in Lebanon that imposes the requirement of a pre-authorization for organizing a conference of this nature. International law also requires that individuals be able to peaceably assemble without prior authorization from the state. The UN Special Rapporteur on Freedom of Assembly and Association has noted that “requiring authorization – even when couched as notification – turns the exercise of the right to freedom of peaceful assembly into a privilege.”⁴ Respectfully, please clarify whether it is the position of General Security that permits are required for such events. If so, please provide us with the legal basis for that conclusion.

We hope that Lebanon can continue to provide a safe space for networking between rights activists from around the region who are facing significant risks, including death, for their organizing work. In light of your esteemed record and position, we believe that your actions can have a real impact on this issue. Thank you for your attention to this matter. You can reach me at your convenience by phone on +961- [REDACTED] and email on [REDACTED]

Sincerely,
Lama Fakih
Director, Beirut Office
Deputy Director, Middle East & North Africa Division
Human Rights Watch

³ The Yogyakarta Principles, 2006, http://yogyakartaprinciples.org/wp-content/uploads/2016/08/principles_en.pdf.

⁴ Report of the Special Rapporteur on rights to freedom of peaceful assembly and of association on his mission to Chile, June 16, 2016, https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session32/Documents/A_HRC_32_36_Add.1_en.docx.