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February 11, 2019

Clement Nyaletsossi Voule

Special Rapporteur on the rights to freedom of peaceful assembly and of association

HUMAN
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HRW.org

Michel Forst

Special Rapporteur on the situation of human rights defenders

Victor Madrigal-Borloz

Independent expert on protection against violence and discrimination based on sexual orientation and gender identity

Re: Violations Targeting SOGI Human Rights Defenders in Lebanon

Dear Mr. Voule, Mr. Forst, and Mr. Madrigal-Borloz,

We write to you on behalf of Human Rights Watch to raise concern regarding the violations committed by Lebanese security forces against human rights defenders working on issues related to sexual orientation and gender identity (SOGI) in Lebanon. Lebanese General Security Forces and Internal Security Forces in violation of multiple international human rights protections, have repeatedly interfered with human rights events related to gender and sexuality based on spurious “morality” claims.

On September 29, 2018, General Security attempted to shut down the annual NEDWA conference organized by the Arab Foundation for Freedoms and Equality (AFE), a group that works to advance lesbian, gay, bisexual, transgender (LGBT) and other human rights. NEDWA stands for Networking, Exchange, Development, Wellness and Achievements. General Security officers also took details of all conference participants from the hotel registry where the conference was being held, including participants from countries such as Egypt, where police arrested over 70 people in 2018 for being gay or transgender, and Iraq, where armed groups have murdered LGBT people with impunity.

The four-day NEDWA conference, which included workshops on issues such as human rights, advocacy, movement-building, health, and the arts, has taken place annually in Lebanon since 2013 and includes people of diverse sexual orientations and gender identities. General Security's interference with the conference followed public statements from the Muslim Scholars Association, a group of religious leaders that frequently condemns LGBT-related events, accusing NEDWA organizers of promoting homosexuality and drug abuse. The association called for the organizers' arrest and the cancellation of the conference on the grounds of "incitement to immorality." The Muslim Scholars Association has more recently filed a legal complaint against AFE's HIV prevention program, accusing it of promoting debauchery. Internal Security Forces responded to the complaint and called in the director of AFE, Georges Azzi, for an investigation.

In May 2018, Lebanon's Internal Security Forces detained an activist, Hadi Damien, and pressured him to cancel some events associated with Beirut Pride. Scheduled events included a poetry reading, a karaoke night, a discussion of sexual health and HIV, and a legal literacy workshop. In August 2017, General Security Forces ordered a hotel to cancel a human rights workshop organized by AFE.

Government disruptions of peaceful human rights activities violate the rights to freedom of assembly and association, expression, and non-discrimination. We are particularly concerned to see such back-tracking in a country that has witnessed progress in the courts toward respecting the rights of LGBT people. In July, a district court of appeal issued a groundbreaking ruling that same-sex conduct is not unlawful, dismissing charges under article 534 of the Penal Code, which criminalizes "any sexual intercourse contrary to the order of nature" and provides for a sentence of up to one year in prison. The appeals court judge denounced the law's discriminatory intrusion in people's private lives and declared that homosexuality is not "unnatural." While the ruling is not binding on other courts, appellate court rulings in Lebanon carry authority and are likely to serve as precedent for lower courts. The ruling also provides an opportunity to shift the public narrative around same-sex relationships in Lebanon by reaffirming that such relationships are not "unnatural."

Human Rights Watch has attempted to engage with the Lebanese government regarding its obligation to ensure freedom of expression, assembly and association, including for those working on issues related to gender and sexuality. On October 25, Human Rights Watch sent a letter to the Director of General Security, Major General Abbas Ibrahim, raising our concerns and requesting clarification on General Security's position as to the legality of advocacy or cultural events that touch on issues related to gender and sexuality in Lebanon.

On November 26, 2018, Major General Ibrahim responded, citing the so-called "morals" exception within Article 21 of the International Covenant on Civil and Political Rights (ICCPR) on the right of

peaceful assembly as justification for shutting down the conference. He claimed that “the wording of this ICCPR article is clear in its requirement for the meeting to be consistent with the moral standards of the particular society,” and maintained that “the topic of the conference remains controversial in Lebanese culture.”

“Incitement to immorality” and “breach of public morality” laws in Lebanon include article 526 of the penal code, which prohibits “inciting people to immorality,” and articles 531 and 532, which criminalize undefined “violation of public morality.” However, the interference with human rights events related to gender and sexuality in the name of preserving public morality violates Lebanon’s obligations under international law. Security forces have a responsibility to protect everyone’s rights, not to act on the basis of spurious and unfounded allegations.

The Human Rights Committee stated in its General Comment 34 that restrictions on the right to freedom of expression must not violate the non-discrimination provisions of the ICCPR. In its review of Russia in 2009, the Committee called on Russia to take “all necessary measures to guarantee the exercise in practice of the right to peaceful association and assembly for the LGBT community.”

Major General Ibrahim also claimed that the Minister of Interior has the right to shut down events that have not obtained prior appropriate legal permission, citing the Lebanese Law on Public Meetings, which dates from 1911. However, the international guidance on freedom of association and assembly clearly stipulates that no authorization should be required to assemble peacefully in a democratic society. Although states might require prior *notification* of assemblies of up to 48 hours, the requirement of prior *authorization* would be a violation of the right to free peaceful assembly. General Security justified its interference in NEDWA by claiming that AFE “failed to obtain prior approval from the authorities” to exercise its right to free assembly, which directly violates Lebanon’s international obligations.

Since the NEDWA conference was held, AFE has reported that General Security has prevented at least three of the conference attendees from re-entering Lebanon, without providing the individuals with any explanation.

On December 17, 2018, Human Rights Watch sent another letter to Major General Ibrahim, requesting a formal meeting to discuss these developments. Unfortunately, he has declined to meet with us to discuss these issues at this time.

Although it is unclear whether these entry bans are directly related to the individuals’ participation in NEDWA, Human Rights Watch is concerned that these measures serve to further restrict the

space for free speech and assembly in Lebanon. We request that you ask the Lebanese government to lift the entry bans if they are related to the activists' participation in NEDWA.

Human Rights Watch also urges the Special Procedures mandate holders to engage with the government of Lebanon to encourage it to ensure that groups can organize around SOGI rights without official interference and intimidation.

As you know, Lebanon is one of the few remaining destinations in the region that has provided a safe space for networking between rights activists, and we are regrettably watching this space shrink. Despite our attempts at domestic engagement, the Lebanese government has demonstrated no real interest in protecting the human rights of SOGI activists. Therefore, we believe strong international pressure that holds it accountable to its rights obligations is necessary.

Thank you for your continued support. Please feel free to contact us should you require any additional information regarding any of the issues we have raised.

Respectfully,

Neela Ghoshal
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