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Lebanese Protection for Lesbians, Gay Men, Bisexuals, and Transgenders

SHADOW REPORT

VIOLENCE AGAINST WOMEN ON THE BASIS OF SEXUAL ORIENTATION

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Introduction

Sexual orientation is an axis on which grave discrimination occurs that is both socially and legally sanctioned in Lebanon. Homosexuality is criminalized in Lebanon by way of article 534 of the penal code, which punishes sexual activity that is “contradictory to nature”. While there has been some indirect governmental engagement with the issue of male homosexuality through the National AIDS Program, women’s experiences of discrimination due to sexual orientation remain unarticulated in the public domain. There has been some effort by one civil society organization fighting for the rights of LGBT persons to expand public awareness on homosexuality, but this effort is tolerated at best, and marginalized and ostracized at worst.

Issues concerning women whose sexualities are perceived to be non-conforming are completely absent from public discourse, and as such are ignored by the state, human rights and women’s NGOs, and the general public. This invisibility, which leads to lack of protection from discrimination, harassment, and exploitation, can be traced back to the patriarchal structure of Lebanese society. Female sexuality is only made manifest and acceptable through a legitimate heterosexual union, therefore women who have sex with women as well as heterosexual women who have sex outside of the marital institution are marginalized, stigmatized, and often subject to abuse and harassment.

One of the most effective ways of controlling sexuality is through the imposition of a normative paradigm of heterosexuality, where any behavior falling outside of this norm is rendered illegitimate and either punished or marginalized. For many lesbian women, this also means being socialized into eventual heterosexual marriage without being given the opportunity to live their lives as they want. The silence surrounding issues pertaining to female sexuality, whether on the part of the government, society, or civil society, is cause for concern. Where lesbianism is actually acknowledged, it is seen as sick or perverted, and doubly so because the very idea of lesbianism implies female sexual agency in a society where this agency is seen as unacceptable. It is crucial to recognize the more subtle (but no less insidious) forms of violence experienced by lesbians because of these factors: feelings of shame, isolation, low self-esteem, an increase in the consumption of drugs and alcohol, and a loss of family support networks.

In addressing the different forms of violence that women face as a result of their sexual orientation and expression, the CEDAW General Recommendation Number 19 is useful. It includes within “gender-based violence” all “acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty.” This definition of violence provides the scope to include the full range of violations faced by lesbian and bisexual women, from the ‘everyday’ intangible forms to the more overt.

The Private Realm

As General Recommendation 19, number 23 notes, “family violence is one of the most insidious forms of violence against women.” The vast majority of the more overt manifestations of violence against lesbian and bisexual women occur within the home and include verbal and physical abuse, in-house imprisonment and coercion, forced marriage, and the possibility of honor crimes. Reporting of crimes of family violence by lesbian and bisexual women is virtually non-existent, partly due to the complete social ostracism these women may face,

partly to the criminalization of their sexuality by the state and the resulting illegitimacy of their complaint, and a firmly held belief in the sanctity of the family and its male head, marking the private realm and all the violations which happen within off-limits to the state.

According to the CEDAW convention, the state has the responsibility to “prevent violations of rights or to investigate and punish acts of violence” perpetuated by private, non-state actors, and this undoubtedly includes the violations suffered by lesbian women.

The Public Realm

The private realm of the home is where most of the violations against lesbian and bisexual women are prominent, due in large part to the social invisibility of non-conforming female sexualities. However, public institutions also reproduce and perpetuate these violations, whether through the health care system, the educational system, or law enforcement. Of note here is the increasing numbers of lesbian and bisexual women who are sent to mental health professionals to cure them of their homosexuality, where they are often subject to outdated, discredited, and often dangerous therapeutic methods that could lead to lasting damage.

While Article 534 which criminalizes homosexual sex is rarely used in court against women, the very presence of such a law is enough to justify the ongoing violence and discrimination against lesbian and bisexual women. More often, the law is used as leverage by the police and by civilians for harassment, intimidation, and blackmail against lesbians and women perceived to be transgressing societal prescriptions on matters of sexuality. The soliciting of sexual favors through the use of blackmail and threats to ‘out’ the women or tell their families is also common. In these cases, police abuse is rampant and the women involved have no recourse to any law that might protect them. The very existence of such a law violates an assumption of equality and highlights the State’s failure to respect, protect and fulfill human rights. The right to human dignity, freedom of association, assembly and movement, privacy, non-discrimination, equality and the prohibition against torture are all essential and indispensable rights that should be applied to all citizens regardless of sexual orientation.

Recommendations

- Repeal of article 534 of the Lebanese Penal Code.
- Introduction of objective, fact-based and non-biased sexuality education in schools