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**REPORT TO THE UNITED NATIONS HUMAN RIGHTS COUNCIL**  
**FOR THE UNIVERSAL PERIODIC REVIEW**  
**OF THE REPUBLIC OF LEBANON**

On Article 534 of the Lebanese Penal Code Correlated to Discrimination and Access to  
Comprehensive Sexual and Reproductive Health Services

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**I. Introduction**

1. The report describes the current situation of penal codes from the French colonial era that are still being enforced on specific populations; forming obstacles to practice their sexual and reproductive health and rights freely; specifically the provision and access to comprehensive sexual and reproductive health care and services Major human rights are being violated by the presence of article 534 from the Lebanese Penal Codes.

## II. Background on Article 534 of the Lebanese Penal Codes

“All sexual intercourses contradicting to nature are punished from 3 months up to 1 year, additionally to a penalty between 200 and 1,000,000 Lebanese Liras.”

2. Lebanon, based on its colonial tradition has inherited and retained French Colonial law which criminalizes homosexuality. These laws are used to reinforce socio-cultural morals and ethics of the colonists; they are used further to protect the ‘shape of the core entity of society’ which is the nuclear family, diminishing all the other forms of family. The effects of these laws has led to the persecution of hundreds of people accused with homosexuality, facing death, banishment, prison, torture and; castration. Moreover, Lebanese laws based on public morality-are applied oppressively only to non-heterosexual persons and actions; using terms of sexuality like “homosexual” gives a scientific nature to the ‘accusation’ and decreases its ethical and moral credibility to the public.
3. In some cases, article 534 expands to wider ranges of human rights abuses such as the threat to one’s privacy and personal freedoms. There is also the application of this law by agents acting on behalf of the state, where homosexual are subjected to arbitrary anal examination, harassment and public humiliation. This practice is has been justified by the Ministries of Interior and Justice as necessary for security reasons.
4. The consequences of article 534 proceed to other levels violating economic and social rights, affecting marriage and custody of children, loss of employment with no ability to seek redress. These acts has had negative psychological effects causing damage and its social consequences of stigma and marginalization, even in prison, with life-time effects destroying one’s social and economical life and valuable contribution to society’s development as an accepted tolerated person.
5. This all goes back to the major reasons why this article exists. Laws are not formed to monitor and punish people on their personal lives and what they do with their bodies, whether they did it or have the intentions to do it. The point of having laws is not to have a punishment, yet to have protection. The intervention of the government and police force in a person’s private life and liberties does not put society as a whole, nor individually, on a better level of protection, yet they violate the rights of each person abide by this constitution – even if the matter is not linked to homosexuality.

This article has a historical background in targeting directly public liberties and private ones – putting a person with massive consequences after doing his/her sentence in prison.

**III. Article 534 and Access to Sexual and Reproductive Health Services and Rights**

6. Article 534 with the stigma and institutionalized homophobia and xenophobia that it creates on small communities, plays a negative role in why people, heterosexuals and non-heterosexuals, do not have easy access to clinical services. In some medical cases one has to disclose their sexual practices (STIs for example); yet these populations rather not do so to avoid stigma and prejudice, keeping in mind that they cannot seek legal protection and justice due to Article 534. The presence of this article enforces this subliminal ban on certain populations to access free and comprehensive sexual and reproductive health services.
7. Hypothetical researches state that lesbians are at higher risk for breast cancer than are heterosexual women due to higher rates of risk factors like alcohol and substance abuse, obesity, and nulliparity. Among gay men, high rates of Kaposi's Sarcoma (KS) were some of the first illustrated indicators of AIDS. Adolescents and young people are the single most likely group to contract and STI. Other studies show that adolescent MSMs show noticeably higher rates of unprotected receptive anal sex with highly associated exposure to HIV; due to the fear or stigma on accessing condoms (and other contraceptives and risk-reduction methods) for safe sexual intercourse, especially with someone with from the same sex. (Dean. L. et al, 2000)
8. A range of mental health issues trouble people with a non-confirmed sexual orientations, caused by oppression from society and legal restraints. Problems leading to suicidal ideations, eating disorders, alcohol and substance abuse, stress. Meyer (2003) describes that people with non-heterosexual identities and marginalized populations face a unique kind of stress; mainly chronic and social based (stemming from social processes, institutions, criminalization...)
9. The presence of article 534 plays a vital role in putting the MARPs (Most At Risk Populations) in an even higher risk. On the constitutional level, the above mentioned populations, specifically MSMs, tend to oppress their need of access to comprehensive and non-judgmental sexual and reproductive health services and clinical care, as a mean not to be stigmatized or reported to authorities, or become well known via word of mouth; leading to further consequences like persecution, marginalization, and violations of their social and economical rights supported by the absence of legal protection.

#### **IV. Human Rights Declarations in Contradiction with Article 534**

##### **10. The International Convention on Civil and Political Rights**

The Republic of Lebanon has signed and approved the International Convention on Civil and Political Rights-

Article 534 falls in contrast with the International Convention on Civil and Political Rights, which protects the right of safe life from discrimination (articles 2 and 26), freedom of expression (article 19) and bans the interventions in an individuals' private life and their right of existence and thoughts (article 18).

Articles 2, 17, 18, 19 and 26 are violated; in terms of non-discrimination policies on gender, class, ethnicity, language, social status, and religion and/or political ideology.

##### **11. The Universal Declaration of Human Rights**

Article 534 can be discussed, violating articles 1, 2, 18 and 19 of the Universal Declaration of Human Rights, in terms of dignity, freedom, choice, education and expression.

##### **12. The International Convention on Economical, Social and Cultural Rights**

The Republic of Lebanon has signed the International Convention on Economical, Social and Cultural Rights Article 534 of the Lebanese Penal Code stands in opposition to articles 2, 5, 10 and 12 of this convention in terms of non-discrimination, non-restriction of rights, marriage and founding a family, and attaining the highest standard of mental and physical health.

##### **13. The International Conference on Human Rights**

Article 534 contradicts with articles 1, 2, 3, 4, 6, 7 of the conference' agreement in terms of private liberties and personal freedoms...

**V. Conclusion**

14. Therefore relying on the above, the Republic of Lebanon is obliged to the annulment of Article 534 of the Lebanese Penal Codes and enforces all anti-discrimination policies signed correlated to human rights. Arguments on morals and ethics are invalid of this context due to the facts that scientific evidences and the progressing of societies shows that laws that exist for punishment only, relying on outdated cultural believes, shall be altered to protect and fulfill the needs of individuals equally.

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