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SEXUALITY, DEVELOPMENT AND NON-CONFORMING DESIRE IN THE ARAB WORLD: THE CASE OF LEBANON AND EGYPT

Sexuality, Poverty and Law

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Executive summary

[W]e have a lot of problems here – torture, violations against street children, we are full of problems... To come in and talk about gays and lesbians, it is nice, but it's not the major issue. It's like I'm starving and you ask me what kind of cola I want. Well, I want to eat first. Then we can talk about cola! It's a luxury to talk about gay rights in Egypt.

(Negad El Borai, in an interview with Azimi 2006)

In many developing countries, sexual rights are commonly depicted as trivial concerns pertaining to wealthy citizens of a 'developed' Western world. The 'developing' world is often thought to have more pressing problems to deal with, such as poverty, violence and corruption. As the prominent Egyptian attorney and human rights activist, Negad El Borai, pointed out in the preceding statement, it is 'nice' to talk about gay and lesbian rights in Egypt, but the matter is ranked low in a hierarchy of critical human rights issues. Indeed, it is sometimes not considered to be a human rights issue at all.

While it is important, when analysing Borai's statement, to consider his precarious position as a human rights activist in what was, at the time, a long-standing dictatorship,¹ such skeletal/unfamiliar representations of sexual rights risk obscuring the gradually emerging links between sexual rights and other aspects of human development. In his statement, Borai does not reject the pertinence or question the efficacy of a 'globalized narrative on sexual identity' in Egypt (Cornwall 2014: 427) – something we will discuss later. Rather, he attempts to play down the gravity of the Egyptian state's acts against 'sexual perversion' by dissociating it from other 'major issues' in the country.

Providing an alternative perspective on the matter, Armas (2007) elaborates on the links between sexual rights and development by examining the relationships between sexual rights and the right to health (mental and physical), education, political participation, work, and migration. He argues that their interdependence is testament to their indivisibility as basic human rights.

Subscribing to the latter perspective, this report focuses on the rights of sexual and gender nonconformists (SGNs) in Egypt and Lebanon. It explores the somewhat similar social attitudes towards sexual and gender nonconformity and follows the divergent trajectories of both countries with regards to sexual rights activism. The report attributes this divergence to differences in socio-political conditions in each country that have allowed for the development of a somewhat organised, selectively functional sexual rights movement in one context, while encouraging the open oppression of almost all forms of sexual dissent in another.

As well as contributing to the existing literature on sexual rights in Egypt and Lebanon and informing future sexual rights activism in both countries, this report refutes the argument that supports a hierarchy of values in international development by demonstrating the indivisibility of sexual freedoms from other, more popular, development issues.

Egypt and Lebanon's work with the Joint United Nations Programme on HIV/AIDS (UNAIDS) illustrates this point quite well, with respect to health as a development concern. Having identified men who have sex with men (MSM) as one of several groups that are 'most at risk' of acquiring and transmitting HIV (UNAIDS 2008), one of the main challenges facing

¹ By 2006, when Borai's aforementioned statement was published, Mohamed Hosni Mubarak had been president of Egypt for approximately 25 years. Mubarak's reign ended a few years later, following the Egyptian uprising in 2011.

countries where same-sex sexual practices are prohibited/frowned on is reaching out to MSM. Even where HIV/AIDS prevention and care services are made available to MSM (e.g. distribution of condoms/lubricants or provision of counselling and testing services), stigma, violence, discrimination, or fear thereof prohibit many people from accessing them (Egyptian Initiative for Personal Rights (EIPR) n.d.). The 2012 UNAIDS report states that 'less than 5% of MSM globally have access to HIV prevention, treatment, and care services' (UNAIDS 2012a: 10).

With respect to Lebanon, the report cites Article 534 of the Penal Code, which prohibits sexual intercourse that is 'contrary to nature' (Abbani n.d.), as an obstacle to the country's ability to reach out to MSM. The risk of being persecuted or stigmatised discourages MSM from seeking help, affecting Lebanon's ability to provide care services and raise awareness of prevention practices to a vulnerable group with a high risk of contracting HIV.

Egypt's UNAIDS reports in 2012 and 2014 mention similar challenges. But they attribute discrimination/stigma more to cultural and social barriers and Egyptian society's 'inherently' negative attitudes towards at-risk populations – rather than assigning the responsibility to any specific law. In fact, the 2012 report explicitly states that 'homosexuality is not prohibited but is socially and culturally rejected' (UNAIDS 2012b: 19).

The 2014 report acknowledges the low utilisation of medical and legal services offered to MSM in Egypt, but traces this back to a 'fear of stigmatization or discrimination related to their sexual identity', without explicitly mentioning the source of discrimination (UNAIDS 2014b: 33). The same report mentions unidentified 'legal barriers' that are said to obstruct efforts by non-governmental organisations (NGOs) and civil society organisations (CSOs) 'to distribute prevention tools such as condoms and clean needles, which could be wrongfully used as evidence of illegal behavior' (UNAIDS 2014b: 29). These cases challenge Borai's aforementioned statement by demonstrating the critical relationship between sexual rights and development. Furthermore, both Lebanon and Egypt illustrate how legal or social exclusion on the basis of sexual activity connects to the more highly valued right to health, affecting not only those who are being excluded, but society at large.

Data linking sexual rights to HIV/AIDS in Egypt and Lebanon are relatively easily accessible even though both are still considered to be low prevalence countries. Country-wide interest in HIV/AIDS is not necessarily due to a genuine concern for the wellbeing of people who are HIV-positive, or even the most at-risk groups; rather, it is more likely due to fear over the safety of the 'general population' and an interest in eliminating what is potentially a national threat. On the other hand, data linking sexual rights in either country to education, work, political participation or the economy as a whole are almost impossible to come by.

One possible reason for this is that the potential effects of ignoring those links are indeterminable and relatively uncertain, even unrelatable to wider society. Having little knowledge of the actual size of the stigmatised population in either country obscures our awareness of the hazards of ignoring those links. Moreover, social stigma and discrimination – whether culturally or legally motivated – make it almost impossible to determine the size of those populations in either country, adding to the sense that it is a 'trivial' and 'foreign' problem. Attempting to credibly convey the economic costs of discriminating against people on the basis of sexual/gender nonconformity,² for example, would require knowledge of the size of the persecuted population to be able to produce verified statistical information. The precarious position of SGNs in the Arab world complicates efforts to do so.

² Just to highlight the economic components of homophobia rather than suggesting that homophobia is primarily an economic problem.

From the outset, it is important to clarify that this report is mainly concerned with an already existing act of discrimination, its victims, and its consequences. To avoid misrepresenting the report's main subjects through imposing foreign identities or any type of unwelcome descriptive categories on them, I have opted to rule out terms such as 'lesbian, gay, bisexual, transgender, queer' (LGBTQ) and 'homosexual' and their Arabic translations. This is not to suggest that these terms are unheard of or unused in the Arab world; it is rather an attempt to avoid the fallacy of introducing Western conceptions of sexuality in a context where they do not necessarily belong. Furthermore, the use of sexual identities would be exclusive of sexual/gender nonconformists in Egypt and Lebanon who might not fit under these identities.

Given the controversies surrounding these labels,³ I have opted to use the more tedious designation 'sexual and gender nonconformists' (SGNs) to refer to the main subjects of this report, and 'sexual and gender nonconforming behaviour' (SGN behaviour) to refer to the socially and/or legally prohibited actions of this group of people. The terms 'LGBTQ' and 'homosexuality' (in all their variations) will occasionally be used to refer only to the people and organisations that openly identify themselves by these terms.

The broader aim of this report is to contribute to the slowly expanding study of the ever-changing attitudes towards sexuality and, more specifically, 'queer desire' in the Arab world. The choice of Egypt and Lebanon owes to the ongoing contrasting changes in attitudes towards gender and sexual nonconformity in both countries. As Lebanon witnesses what is being hailed as a 'landmark ruling' with regards to its law on 'unnatural' sexual relations (Dera 2014; Rainey 2014), Egypt has – exaggeratedly – been referred to as '[possibly] the worst place in the world to be gay right now' (Michaelson 2014).

While both countries share vaguely worded laws regulating sexuality that date back to the colonial era, and both are reported to be largely homophobic societies, Egypt and Lebanon's trajectories on gender and sexual nonconformity are steadily diverging. By examining certain social, political and legal developments in Egypt (past and present) in juxtaposition to Lebanon, this report aims to identify a set of factors that have contributed to this divergence, informing future efforts to advocate for sexual rights in either country.

The report argues that neither Egypt nor Lebanon can be said to offer social or legal environments that are supportive of SGNs – at least not at the present time. With the exception of restricted local efforts, there are no signs of an imminent change to the social or legal standing of this population group in Egypt. In Lebanon, the emergence of pro-lesbian, gay, bisexual and transgender (LGBT) organisations has been a crucial step in their fight for social and legal rights, and it can be said to have led to a shift in social and legal attitudes towards some SGNs. These shifts are interpreted as products of socio-political factors that have favoured the introduction and emergence of new subjectivities in Lebanon.

While LGBT activism in Lebanon allows organisations such as HELEM to provide legal and health services for SGNs, these services have arguably only succeeded in protecting a limited number of individuals, who tend to be from more affluent sections of society, while ignoring – and, in some cases, even harming – people from marginalised and economically disadvantaged groups. The latter are often unable to identify with the ideas promoted by LGBT organisations (Makarem 2011; Benoist 2014). Scholars such as Massad argue that it is foreign and foreign-funded organisations (such as the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) and HELEM respectively) that help create gay communities in Lebanon by promoting Western sexual epistemologies and Western identity categories. This, according to the author, problematises SGN behaviour and subsequently elicits further intervention to support those communities (Massad 2007, 2015).

³ For more information, see Massad (2007); El-Rouayheb (2005); Mourad (2013); and IDS (2015b).

The discrimination experienced by SGNs in both countries has proven detrimental to the wellbeing of the individuals concerned and the societies in which they live. But promoting safety and freedom for SGNs that relies on their conflation with SGNs in the West – or representing SGN behaviour as antithetical to long-established cultural and religious values – is likely to give an inaccurate representation of SGNs in the region and their struggles (see Borai's aforementioned statement). This, in turn, overshadows the harms caused by discriminating against SGNs and further alienates them from society. This is not meant to discourage local and international efforts to support and protect SGNs or to hold local and international activists fully responsible for the current conditions; rather, it suggests the need to encourage them to adapt to the non-Western environments in which they operate.

Furthermore, it is important to invalidate the hierarchical view of development, which obscures the close links between sexuality and other, more popular issues. Doing so will not necessarily spur on CSOs to adopt the issue of sexual rights – largely due to the predominance of unfavourable state and societal attitudes towards SGN behaviour. But it will, at the very least, refute opinions suggesting an irrationality and impracticality in working simultaneously on various pressing development issues, and highlight the need to start a serious national discourse to address the issue.