



ALONG THE WAY

MANUAL FOR LGBT+ REFUGEES
IN EGYPT, LEBANON AND TUNISIA



SAFETY
FIRST
السلامة أولاً

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ACKNOWLEDGEMENT

The aim of this packet is to highlight the important information, for LGBTQI refugees, necessary to minimize the risks affecting their security, and better understand their rights as LGBTQI refugees. It will also provide readers with a general overview of the LGBTQI refugees situation in Egypt, Lebanon and Tunisia, along with recommendations on how LGBTQI refugees can improve their safety and security, and better-address their immediate needs.

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ABOUT THE ARAB FOUNDATION FOR FREEDOM AND EQUALITY

The Arab Foundation for Freedom and Equality (AFE) is an organization that supports grassroots activist groups and organizations that work on a wide range of initiatives including human rights, gender and sexual health.



It is important for you to know **YOUR RIGHTS**, understand how to be safe and what to expect when you are a refugee in Egypt, Lebanon and Tunisia.



This packet attempts to answer many questions that you, as an LGBTQI refugee, may have. However, it is also important to contact other services providers working on these issues in your host country for more specific information on each case.

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INTRODUCTION

Refugees in the Middle East and North Africa continue to face enormous challenges escaping their countries, in the search for safety and security. LGBTQI refugees face a higher level of risk. Every year, the attention given towards LGBTQI communities in Egypt, Lebanon and Tunisia has increased, and this is due to many violations against LGBTQI individuals living in these countries.

Egypt:

The Egyptian law forbids same sex relations, and authorities continue to arrest and prosecute LGBTQI individuals. Since 2013, according to HRW's report¹, Egyptian authorities have waged a campaign of arrests and prosecution against hundreds of people for their perceived or actual sexual orientation and gender identity. In its 2019 report, the Alliance of Queer Egyptian Organizations (AQEO), comprised of three Egypt-based LGBTQI rights organizations, noted the government crackdown on LGBTQI people, which includes violent assaults, torture (including forced anal exams), arbitrary detention, a denial of the rights to assembly and expression, and discrimination in accessing healthcare, education, employment, and housing.

¹ <https://www.hrw.org/news/2020/03/20/egypts-denial-sexual-orientation-and-gender-identity>

Lebanon:

Act.534 in the Lebanese law criminalizes sexual acts "against the order of nature", which is punishable up to one year in prison. Several LGBTQI people have reported imprisonment, torture, rape and humiliation despite the fact that act.534 had been reinterpreted judicially to uphold values of sexual freedom.

Tunisia:

LGBTQI people in Tunisia face legal challenges not experienced by non-LGBTQI residents. Both male and female same-sex sexual activities are illegal. According to the human rights watch in Tunisia, "authorities occasionally use [the anti-sodomy law] to detain and question persons about their sexual activities and orientation, reportedly at times based on appearances alone. HRW's report² on the 6th of July-2020 denoted that the Tunisian police detained two men on suspicion of same-sex conduct on the 3rd of June-2020. Those two men were charged with sodomy under article 230 of the Tunisian penal code, which punishes consensual same-sex conduct up to three years in prison.

² <https://www.hrw.org/news/2020/07/06/tunisia-two-year-sentence-homosexuality>



KNOW YOUR RIGHTS

Basic human rights lists from the declaration of human rights passed on the 10th of Dec-1948:

- All humans are born free and equal in dignity and rights.
- Everyone has the right to life, liberty and security of person.
- No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.
- All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.
- No one shall be subjected to arbitrary arrest, detention or exile.
- Every person has the right to seek and enjoy asylum in other countries, in fear of persecution.



Gender identity is one's innermost concept of self as man, woman, a blend of both or neither. It is how individuals perceive themselves and what they call themselves.

One's gender identity can be the same or different from their assigned gender based on their biological sex at birth.

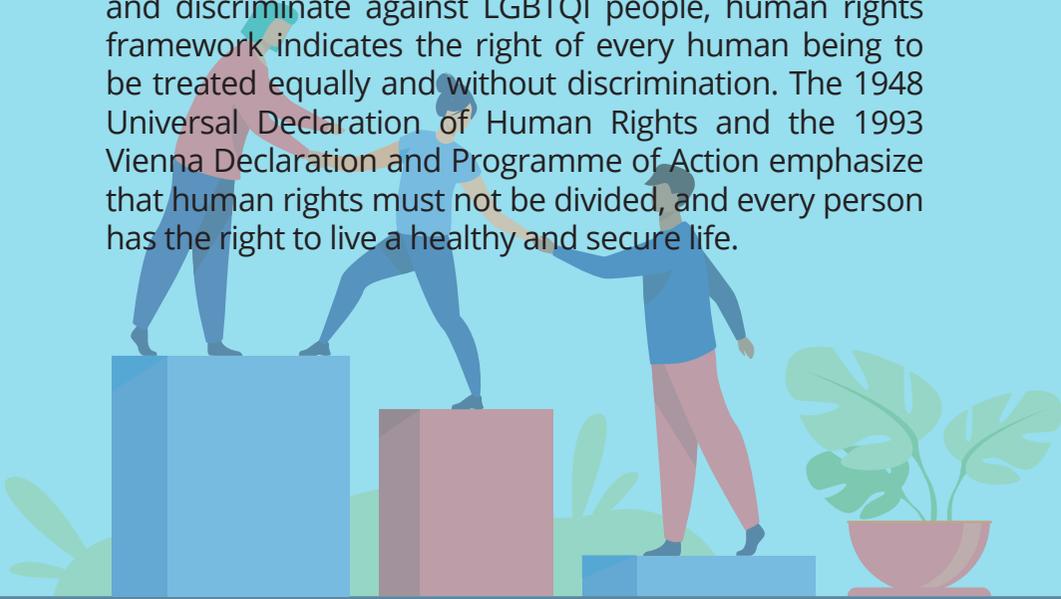
Sexual orientation is the romantic and sexual attraction to people from the same, both or opposite sex or gender.

BACKGROUND

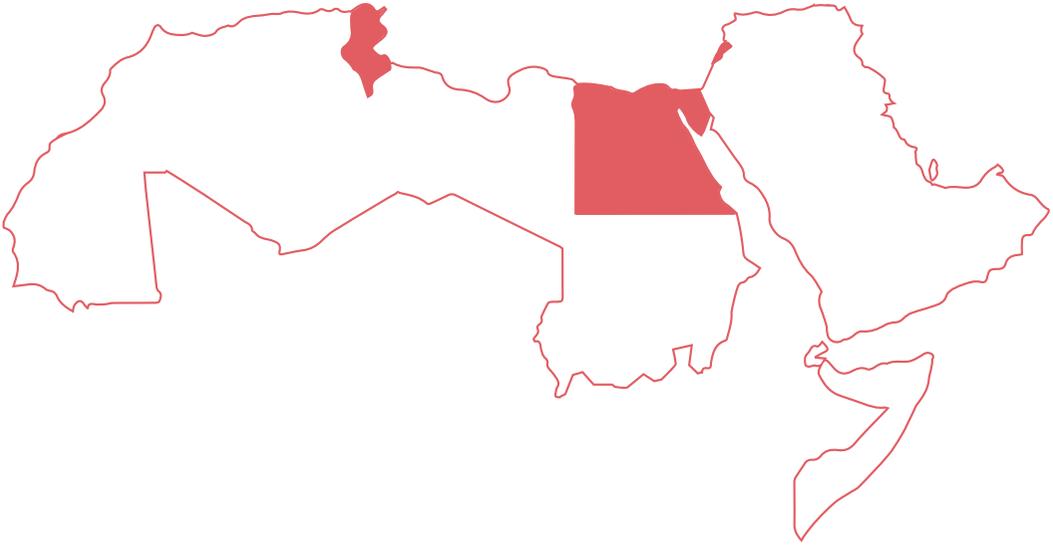
While all refugees encounter several challenges addressing their safety and basic needs, LGBTQI refugees need a more specific approach to service provision. Such vulnerable populations are stigmatized and discriminated against not only for having a refugee status in their country of asylum, but also for their sexual orientation and gender identities.

Responsibility falls on all service providers to make sure LGBTQI refugees are provided with these services effectively and exclusively, in order to avoid additional stress on one hand, and provide their basic and specific needs on the other. The specific needs vary and can come in the form of security planning, safe housing, intensive psycho-social support for experienced violence and internalized trauma from discrimination, advocacy for their urgent claims in resettlement, and finding ways to connect them to local communities of support so that they do not feel alone.

While the social and cultural norms often stigmatize and discriminate against LGBTQI people, human rights framework indicates the right of every human being to be treated equally and without discrimination. The 1948 Universal Declaration of Human Rights and the 1993 Vienna Declaration and Programme of Action emphasize that human rights must not be divided, and every person has the right to live a healthy and secure life.



GENERAL OVERVIEW OF THE LGBTQI EGYPTIAN, LEBANESE AND TUNISIAN CONTEXT



Egypt:

LGBTQI refugees living in Egypt are at a higher risk regarding their safety and protection as there is no clear structure on reporting abuse and protection cases. Some refugees have reported that there have been some arrests linked to LGBTQI individuals based on their appearance and gender identity. There are only few and restricted medical and legal services provided to those refugees with limited access to such services and important information.

Lebanon:

LGBTQI individuals, especially those that are refugees, face many challenges, such as legal, financial, health, security and protection difficulties. For instance, act.534 in the Lebanese law criminalizes sexual acts against the order of nature, which is punishable up to one year in prison. Even though there is a slight improvement in the Lebanese laws forbidding freedom in sexual orientation and gender identity, LGBTQI people still face many risks and challenges in their daily life due to discrimination and prosecution.

Even though a considerable number of LGBTQI refugees know about Act.534 in the Lebanese penal code, most of them are unaware of any laws related to protecting or prosecuting LGBTQI individuals. Some refugees also reported that municipalities tend to act against LGBTQI individuals living within their jurisdiction. Transgender individuals are also persecuted for accusations other than their gender identity, such as sex work, drug use, impersonation or other.

Tunisia:

Several refugees reported that they do not have any access to any legal or protection matters. As discrimination against LGBTQI individuals in Tunisia still occurs, there is no support for victims of violence and discrimination based on racism and xenophobia. There is only limited access to information in Tunisian administration services and to procedures concerning asylum matters.



LEGAL CONTEXT FOR LGBTQI INDIVIDUALS IN THE MIDDLE EAST AND NORTH AFRICA

There are different legislations and different practices in place relative relating to the topic of homosexuality in the MENA region. However, all countries criminalize homosexual sexual intercourse through direct legislation and/or through other laws, including open-ended morality laws that can be used to criminalize gender non-conforming behavior. It is important to note that the term “homosexual” is not always specifically identified, thus allowing legislators to broadly apply these laws.



NECESSARY STAGES TO BE RECOGNIZED AS A REFUGEE AND PURSUE RESETTLEMENT THROUGH THE UNHCR

“The process starts by determining whether an individual applying for resettlement can legally be considered a refugee. According to the 1951 Convention Relating to the Status of Refugees, which all host countries adhere to, a person is considered a refugee when he/she is:

- outside his or her country of nationality or habitual residence.
- Has a well-founded fear of being persecuted because of his or her race, religion, nationality, membership of a particular social group or political opinion.
- He or She is unable or unwilling to avail him— or herself of the protection of that country, or to return there, for fear of persecution.”



The UNHCR is the only entity responsible for determining the legal status of an individual as a refugee, through the Refugee Status Determination (RSD) interview.



REFUGEE STATUS DETERMINATION INTERVIEW RSD

In this interview, you will be talking about your life challenges privately. You may be asked how you fled your country and what the risks and dangers affecting your life as an LGBTQI individual are in the country of origin and country of residence.

you can request an appeal interview within 30 days of the RSD outcome. Not everyone is eligible for an appeal interview. The appeal request needs to meet certain requirements (e.g. you must lodge the appeal request on time, provide new elements and new evidence, and clarify major credibility concerns that led to your rejection).

If you do not meet the criteria to be recognized as a refugee based on the 1951 Refugee Convention:



you will be granted a refugee certificate followed by an appointment for a resettlement interview. It is very important to know that resettlement is not a right even if a refugee certificate is granted. Resettlement is one of three durable solutions as set by the UNHCR 1951 Refugee Convention.

If you meet the criteria to be recognized as a refugee based on the 1951 Refugee Convention:



IMPORTANT TIPS

- Make sure to call or visit the UNHCR main offices in Egypt, Tunisia and Lebanon, to request an RSD interview.
- UNHCR will provide you with an appointment slip for your RSD interview. Make sure you show up on time and bring all necessary documents with you (Identification Card, Passport, Certificates...).



The Lebanese authorities suspended all refugee's certificates granting since May-2015. Thus, all refugees are only handed out appointment slips for the purpose of updating their status with the UNHCR.

Upon the determination of the individual's status as a refugee, the UNHCR will assess the refugee's resettlement eligibility through a resettlement interview (RST).

RESETTLEMENT INTERVIEW RST

Individuals eligible for resettlement are among the most vulnerable refugees. They are entitled to resettlement based on the degree of their need for protection from persecution and harm, which the UNHCR outlines as being a “well-founded fear” mainly on the basis of belonging to a certain race or ethnic group, religion, nationality, or specific social group.

You and all other family members mentioned in your file should be present during the RST interview. All documents should be provided at this stage, including accurate information on the addresses of your relatives and their legal status in one of the resettlement countries.

● **If you do not meet the resettlement eligibility criteria:**
You will be informed that you will remain a refugee, but with no resettlement prospect.

● **If you do meet the resettlement eligibility criteria:**
Your file will be submitted to one of the host countries.



The resettlement process is not final until you have been accepted by the appointed host country. Embassies have a discretionary right to accept or to reject your refugee application. It is difficult and rare to appeal their rejection.

The resettlement process may take around one to three years and sometimes more. Resettlement depends on the willingness of the resettlement country to accept a refugee for legal stay in its territory, in accordance with its laws, regulations and quotas. Each resettlement country has its own regulations and procedures in respect to the resettlement and may consider submissions on a dossier basis or conduct individual resettlement interviews.



UNHCR GUIDELINES ON LGBTQI REFUGEES

In recognition of your vulnerable status as self-identified LGBTQI and the possibility of a higher level of risk, UNHCR prioritizes your claim. UNHCR developed guidelines (UNHCR Guidance Note on Refugee Claims Relating to Sexual Orientation and Gender Identity 2008) in order to provide its staff with adequate policies to follow when dealing with these vulnerable cases.

These recommendations include:

- Claims relating to sexual orientation have most often been considered within the “membership of a particular social group” ground. The UNHCR employee should check the credibility of the applicant’s sexual orientation rather than the credibility of having same-sex sexual encounters.
- Self-identification as an LGBTQI individual, should be taken as an indication of your sexual orientation.
- Avoidance of stereotypical images of LGBTQI individuals when assessing an LGBTQI claim. LGBTQI refugee individuals will not be expected to be “flamboyant”, has a feminine demeanor, butch or masculine when identified as an LGBTQI individual.
- It is important that LGBTQI individuals know their rights on requesting an interview by trained officials who are well informed on the specific needs of LGBTQI individuals.

- UNHCR employee does not have the right to question your gender nor sexual identity, even if you have not had any relations in the country of your residence or the country of origin.
- You have the right to request full access to all available services that are provided by the UNHCR, and to do so without the fear of discrimination.
- UNHCR will track claims and information on discrimination and violence against LGBTQIs and their needs.
- Raise awareness on the UNHCR guidelines in Lebanon, Egypt and Tunisia.
- Improve the coordination between the UNHCR and service providers.
- Conduct trainings for UNHCR employees, first responders, service providers, police, judges and policy makers to raise awareness when dealing with LGBTQI refugees.



HOW TO TAKE CARE OF YOURSELF AS AN LGBTQI INDIVIDUAL

Positive coping techniques	
	Channel negative thoughts to positive ones.
	Talk about your problems
	Do not work all the time without having breaks.
	Take the time to think before reacting impulsively.
	Avoid alcohol heavy drinking and drug use.
	Do not sleep all day long.

IMPROVE YOUR SKILLS

- Participate in educational classes and professional trainings offered by the UNHCR.
- Some of the trainings that have been reported to be beneficial for refugees: English classes, computer classes, CV writing, self-marketing and budget management.
- Setting out a plan an LGBTQI individual might need in the country of resettlement.

LGBTQI individuals are more at risk in countries like Egypt, Lebanon and Tunisia. They do not have the protection needed when dealing with police.



IT IS IMPORTANT
TO BE YOURSELF.
BUT ALWAYS KEEP SAFE



To ensure your safety when travelling inside the country:

- Try to stay away from police and law enforcement gatherings.
- Stay away from police checkpoints especially if you are in the car.
- Do not forget that police checkpoints will increase during nighttime.
- Be aware of all factors that might cause an increased presence of police.

To ensure your safety when participating in social activities:

- Decrease the amount of time spent in crowded places.
- Do not participate in protests and demonstrations.
- Do not get involved in fights.
- Be aware of your surroundings.

To ensure your safety in your place of residence:

- Avoid making loud noises and do not invite so many people at once to your place of residence.
- Always keep a warm and professional relationship with your landlord, and try to pay your rent on time.
- Respect your neighbors.

To ensure your safety when meeting people for the first time:

- Do not share private information about yourself, and always protect your privacy.
- Always make sure to meet people in a safe and public space.
- Keep your identity and all your personal information confidential.



COVID-19 & REFUGEES

Since early December-2019, the world has been struck with the COVID-19 pandemic, which brought so many new challenges and obstacles to people around the globe, especially to refugees who have been displaced due to persecution or conflicts. Regarding the services that are available to refugees, most countries have announced extreme measures and closures in areas of interest such as resettlement processes, travel restrictions, and medical amenities. These services have been suspended in many countries, as part of the measures taken to combat the spread of the virus.

Lebanon, Tunisia, and Egypt are no different from the rest of the world. COVID-19 cases have been on the rise since January-2020, and the Lebanese, Tunisian and Egyptian governments have enforced a total lock-down several times, to limit the spread of the virus. On the other hand, the UNHCR has suspended all resettlement processes as countries around the world restricted all travels to essential only.

The COVID-19 pandemic affected so many refugees who have felt the economic pain of the virus. Restaurants, bars, cafes and many other businesses in the hospitality industry went bankrupt, and had to shut down their businesses, resulting in the loss of so many jobs refugees depend on for living.

These reasons have affected countless refugees in several countries around the world, making it hard for them to maintain their mental and physical well-being.

COVID-19 & STRESS

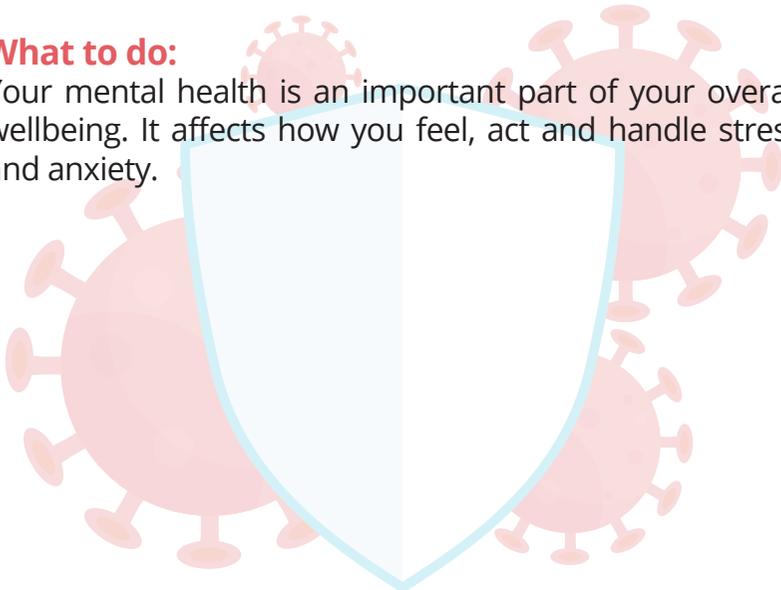
The Covid-19 pandemic has been very stressful for a lot of people around the world. Fear, worry and anxiety about a new disease and what could happen can be overwhelming. Public health actions, such as social distancing, can make people feel lonely and increase the levels of stress and anxiety. Coping with anxiety in a healthy way can protect you and make you stronger.

Stress and anxiety during a pandemic can cause the following:

- Difficulty in concentrating.
- Change in sleep and eating patterns.
- Worsening of chronic health problems.
- Worsening of mental health conditions.
- Increase use of tobacco, alcohol and drugs.

What to do:

Your mental health is an important part of your overall wellbeing. It affects how you feel, act and handle stress and anxiety.



Here are some steps you can do to reduce stress and anxiety:

- It is normal to feel sad, confused and scared during a pandemic. Always try to connect and share your thoughts with people you trust.
- Limit worry and agitation by limiting the amount of time you spend watching or listening to media coverage that you might perceive as upsetting. It is always important to be aware that not everything you hear about the virus is true. Use information from trusted sources like the CDC, WHO and local red cross.
- Try to enjoy and employ the skills you have. This can help reduce anxiety, and help you manage your emotions in times of crises.
- If you must stay at home, maintain a healthy lifestyle including proper diet, sleep and exercise.
- Deal with your emotions in a healthy manner. Do not use drugs and alcohol to deal with your emotions. Try to seek help from local LGBTQI communities and NGO's in your resident country.



CONCLUSION

You might have had several negative experiences, but you have to always keep pursuing a better future and move forward. Always remember that you are in a transitional phase and that you are not alone.

Always remember that it takes time to plan for the future, that is why you need to take the right steps to integrate and adapt to the current country of residence. You should always strive to take care of your physical and mental wellbeing. Make sure you are always safe and do not hesitate to benefit from the services provided for you.

Resettlement is not a right and it is a long and unguaranteed process. Therefore, always be aware of your current situation and wellbeing. Always think of the positive elements in your life and pursue the support you need for yourself and others.

**Always protect
yourself and
know your rights.**

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