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CRIMINALIZATION AS AN ENABLER OF PERSECUTION:

*Legal and Institutional Drivers of
LGBTIQ+ Vulnerability in Lebanon*

Research Paper

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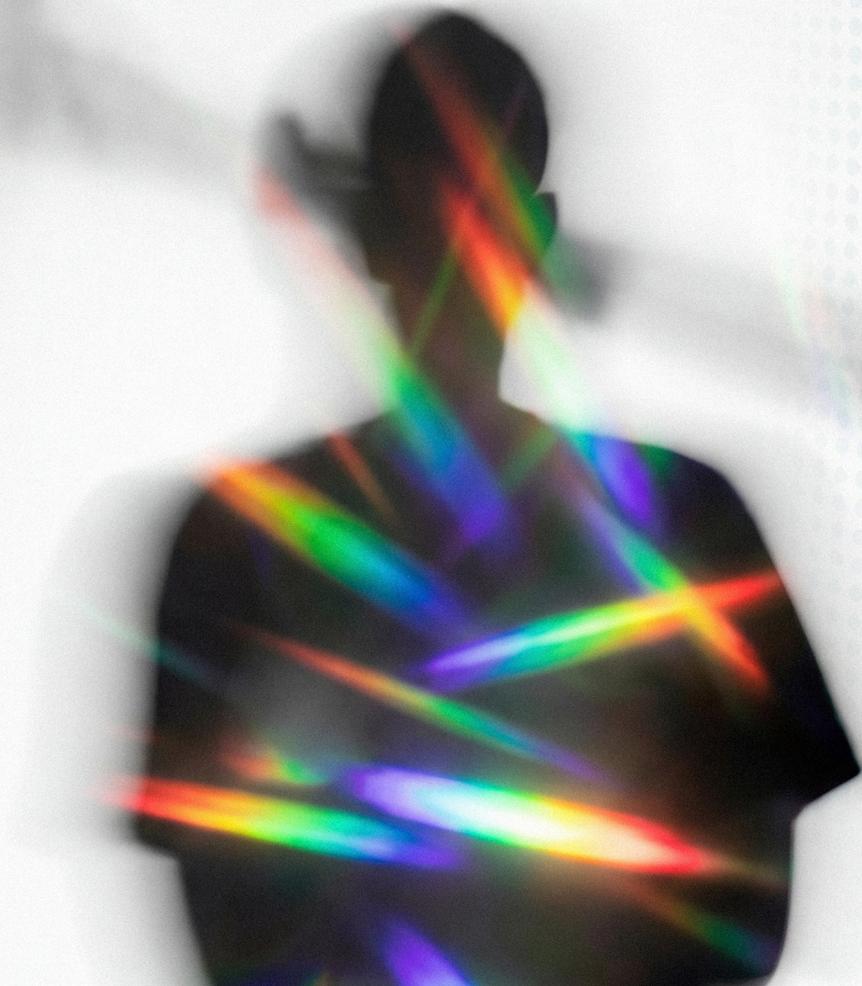


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Introduction:

In Lebanon, LGBTIQ+ individuals face a hostile legal, institutional, and social environments that systematically undermine their enjoyment of fundamental rights.

The Lebanese Constitution guarantees the principle of equality before the law and prohibits discrimination among citizens. Lebanon is also bound by international human rights treaties that guarantee equal protection, dignity, and freedom from discrimination.

The preamble of the Lebanese Constitution explicitly incorporates the Universal Declaration of Human Rights, thereby granting it constitutional value and binding force within the Lebanese legal system. As such, the principles of equality in rights, non-discrimination, human dignity, and individual freedoms enshrined in the Declaration form part of the constitutional order and must be directly applied and respected by public authorities. Nevertheless, for LGBTIQ+ individuals in Lebanon, these constitutional and international commitments remain largely unmet. Vulnerability is a defining condition of the lived experiences of LGBTIQ+ individuals in Lebanon shaped by intersecting legal, social, and institutional factors.

Rather than ensuring protection, the current legal framework frequently exposes them to heightened risks of blackmail, threats, extortion, harassment, and abuse without adequate punishment and persecution of the perpetrators, creating an environment of impunity.

This vulnerability is mainly caused by the ambiguity in the Lebanese legal framework, the discriminatory enforcement practices and the absence of effective safeguards.

At the core of this vulnerability lies the legal precarity. Provisions of the Lebanese Penal Code continue to serve as tools for persecution. Most notably, provisions used to criminalize same-sex relations considered as “unnatural” and other provisions protecting public morals are used as a justification for persecution.

The presence of such provisions serving as a basis of criminalization of LGBTIQ+ individuals legitimizes social stigma and enable abuse from both private and public actors.

While Lebanese law criminalizes blackmail, extortion, threats and sexual harassments, in practice, LGBTIQ+ individuals are often unable to enjoy these protections, where LGBTIQ+ victims refrain from reporting such crimes due to fear of arrest, prosecution, or exposure based on their sexual orientation, gender identity or gender expression. As a result, perpetrators benefit from impunity, while victims are trapped in vulnerability.

Furthermore, several cases have shown that security forces occasionally use digital surveillance to trap LGBTIQ+ individuals. Hence, LGBTIQ+ individuals not only lack access to safe reporting against blackmail but are also subjected to these practices by public authorities¹.

¹ <https://www.hrw.org/report/2023/02/21/all-terror-because-photo/digital-targeting-and-its-offline-consequences-lgbt>

Additionally, Lebanon has enacted legislation aimed at protecting personal data and ensuring secrecy of correspondences under Law no.81/2018. In practice, however, these protection measures are unevenly applied and often weakly enforced. As a result, some groups, particularly vulnerable populations such as the LGBTIQ+ community, may not fully benefit from the safeguards provided by the law. While a legal framework exists, gaps in applicability and implementation mean that comprehensive protection against cybercrime and misuse of personal data is not always guaranteed. Furthermore, Lebanon lacks an explicit anti-discrimination legislation aiming to eliminate and prohibit discrimination based on sexual orientation, gender identity, or expression. These challenges are compounded by limited enforcement of protective jurisprudence, regulatory loopholes within medical and investigative practices. Consequently, the marginalization that LGBTIQ+ individuals experience “offline” is amplifying their vulnerability online, particularly through blackmail.

Beyond the legal sphere, structural stigma and discrimination are sustained through social norms, religious discourse, media, and healthcare practices. This social environment creates misconceptions and incites hostile narratives against LGBTIQ+ in which abuses against LGBTIQ+ individuals are increased with limited accountability and access to justice.

This research seeks to contribute to a better understanding of the intersection between law, digital vulnerability, and identity-based discrimination and how it shapes the vulnerability of LGBTIQ+ individuals particularly in relation to exposure to blackmail, extortion, threats and harassment.

It seeks to identify and analyze the legal loopholes, social dynamics, and structural factors that contribute to LGBTIQ+ individuals’ vulnerability. By identifying these challenges, the research aims to frame recommendations that can be put into advocacy tactics to enhance legal protection for LGBTIQ+ individuals and their access to justice. This aligns with CLDH’s objective to promote equality, strengthen protection mechanisms, inclusion, and safeguard human rights.

Methodology:

This paper adopts a qualitative research design, where multiple data collection tools were applied to examine systematic challenges and threats faced by LGBTIQ+ individuals in Lebanon, particularly in relation to blackmail, online extortion, and other forms of abuse that exacerbate their vulnerability.

The research relies on a desk review, focus group discussions (FGD's), key informant interviews (KII's) adopting a purposive sampling method, and finally Case File Review using random sampling method.

Triangulation was applied across all three tools to ensure data accuracy and validation and to capture both experiential and structural dimensions of the issue.

The data collection process integrates an overview of the relevant legal framework, and the perspectives from LGBTIQ+ individuals, activists and frontliners, and input from legal practitioners in the field.

Desk Review

An in-depth desk review was conducted to identify the relevant legal and institutional framework related to blackmail, extortion, and protection mechanisms in Lebanon.

The desk review mapped the national legal framework governing the criminalization of homosexuality and the criminalization of blackmail as a mechanism of protection and accountability against blackmail, threats, and harassment. It also examined Lebanon's commitment, obligations, and procedural provisions under relevant international framework. The paper identifies implementation gaps, barriers limiting access to justice, and challenges under institutional frameworks and practices.

The desk review explored research papers, published reports, media investigations, and legal documents with a particular focus on legal provisions targeting LGBTIQ+ individuals and legislation governing blackmail, harassment, and threats.

The examined national legal documents include:

- *The Lebanese Constitution*
- *The Lebanese Penal Code*
- *Law No. 205/2020*
- *Law No.81/2018*
- *Law No. 140/1999*

The examined international legal instruments include:

- *Resolutions of the Human Rights Council (HRC).*
- *The Universal Declaration of Human Rights (UDHR).*
- *International Covenant on Civil and Political Rights (ICCPR).*
- *The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).*
- *Convention against torture and other cruel inhuman or degrading treatment or punishment (CAT).*
- *Universal Periodic Reports (UPR) with a focus on “Recommendations”.*

Focus Group Discussions

Two qualitative focus group discussions were conducted with LGBTIQ+ key actors, frontliners, and survivors of abuse.

The purpose of the FGDs was to collect first-hand and second-hand experiences and insights that contribute to assessing the experienced realities of LGBTIQ+ individuals in Lebanon, identifying the legal loopholes and the disparity within the legal and institutional framework, with a focus on blackmail, online extortion and related risks.

The FGDs explored participants’ perceptions of vulnerability, the different modalities and patterns of blackmail, threats and impact on victims and the community, and resolutions and coping mechanisms that victims resort to. Participants also discussed the common understanding and awareness of available reporting pathways and protection mechanisms, as well as their perceptions of the role of legal institutions and security actors in response to these types of threats.

The session was facilitated by a team of social workers, center coordinator, and one researcher. It followed a structured format, including an introduction, confidentiality and consent induction, an overview of the topic, and guided discussion questions ensuring a safe space for everyone.

Key Informant Interviews

Two key informant interviews (KII’s) were conducted with CLDH’s lawyers who hold a track record of direct experiences dealing with cases of blackmail, extortion, and related violations targeting LGBTIQ+ individuals.

The KIIs aimed to establish an in-depth understanding of the application of legal frameworks, legal practices, procedural barriers, and the impact of the existing legal loophole on impunity and access to justice.

The interviews were instrumental in identifying legal gaps, inconsistencies in judicial and administrative procedures, and barriers survivors encounter when seeking protection and justice.

Additionally, both the FGD’s the KII’s were essential to identify impactful recommendations.

Case File Review

Case file review was employed as a data collection tool for this paper where a total of 20 casefiles were selected by adopting a random sampling method. Each casefile was reviewed and assessed for key data extraction. Extracted data was used to further understand patterns and legal intervention tactics and their impact.

This tool was crucial to identify additional forms and patterns of violence and abuse, as well as a new vulnerable target group affected by blackmail. Moreover, firsthand experiences under legal services were essential to identify the impact of legal intervention, legal pathways, and systematic legal gaps.

The case file review was conducted in accordance with ethical considerations, ensuring confidentiality and the anonymity of individuals documented in the files.

Desk Review:

The legal and social environment in Lebanon continues to expose LGBTIQ+ individuals to significant risks and threats. Consequently, these individuals are subject to violence, exclusion, discrimination, and stigma, hindering them from enjoying their fundamental rights.

This desk review will first examine the legal environment affecting LGBTIQ+ individuals. Additionally, it will examine the concrete application of the legal framework with a focus on “blackmail”. Finally, it will assess the institutional and social context under which hostile discourse is produced and sustained.

Legal framework

National Legal Instruments impacting LGBTIQ+ individuals

In Lebanon, several national laws target LGBTIQ+ individuals, most notably through their interpretation and application effectively leading to the criminalization of same-sex relationship and non-normative gender identities.

The Lebanese Constitution, presenting the highest authority law in Lebanon, affirms in its preamble equal rights and duties among all citizens without discrimination. Furthermore, under article 7 it guarantees equal enjoyment of civil and political rights, and under article 13 ensures the protection of freedom of expression, assembly, and association. Despite this, Lebanon’s judicial system resorts to a number of laws to criminalizes individuals based on their sexual orientation, gender identity or gender expression.

Within the Lebanese Penal Code, several articles are frequently used as a legal basis for the criminalization of LGBTIQ+ individuals in Lebanon, with the predominant Article 534 stating “sexual intercourse contrary to the order of nature”, despite legal arguments and jurisprudence highlighting the ambiguity and misuse of Article 534.

Throughout the years, several groundbreaking judicial rulings presented jurisprudence advancing one's right to self-expression and presented a new interpretation of Article 534 of the Penal Code. A "right to life with dignity" approach was adopted to define what was meant with the expression of "sexual intercourse contrary to the order of nature", enabling a judicial breakthrough.

According to this jurisprudence, the "unnatural intercourse" doesn't apply to same sex relationships presenting a legal interpretation where homosexuality cannot be considered "unlawful"², as scientifically it is not "unnatural", and historically it has always been part of the human nature throughout evolution. The misuse of article 534 is argued to present a discriminatory interference in one's private and intimate personal life.

Despite the moral authority of jurisprudences, homosexuality is still criminalized under article 534 of the penal code.

In addition, article 521, criminalizes gender expression by making it an offence for a man to "disguise himself as a woman".

Moreover, LGBTIQ+ individuals are targeted under the pretext of protecting public morals, notably according to article 531 and 532 of the Penal Code. Public morals, being a vague and broad concept, are being used as a tool to criminalize LGBTIQ+ individuals.

Moreover, public authorities resorted to different tactics to restrict LGBTIQ+ freedom of expression. These acts were condemned by judicial decisions. For instance, in 2018, there was an attempt to stop a conference on LGBTIQ+ rights, that included a decision issued by the director of the General Security banning some foreign participants from attending the conference. This decision was challenged before the State council that considered organizing a conference on LGBTI rights is guaranteed by the right to freedom of expression and that the use of arguments such as social and family security, state security cannot serve as a legal basis to restrict such events or prevent individuals from attending it³.

Additionally, in 2022 the Ministry of Interior issued a directive banning all pro-LGBT events. However, the State Council considered that this directive is unlawful and suspended it arguing that it has no legal basis⁴.

Rectal examination, while not sanctioned as a legal tool, is frequently employed in investigations to present evidence that may be used to prosecute detainees under the aforementioned articles. For legal justification, General attorneys ordering or approving the application of these examinations often base their decision on article 34 of the Criminal Procedure Code. The rectal examination is a procedure conducted by a medical doctor where a tool is inserted in the rectum to assess the history of anal penetration. Apart from the fact that it does not amount to scientific or medical evidence, this procedure is severely unethical, degrading, and constitutes an act of violence. As a result of sustained advocacy and lobbying by human rights organizations and key actors, the Lebanese Order of Physicians issued a circular in 2012 prohibiting medical doctors from conducting such examinations.

² <https://www.humandignitytrust.org/country-profile/lebanon/> ; <https://www.hrw.org/news/2018/07/19/lebanon-same-sex-relations-not-illegal>

³ <https://www.hrw.org/news/2022/07/04/lebanon-unlawful-crackdown-lgbti-gatherings-in-2018> ; <https://legal-agenda.com/-/شورى-الدولة-يُبطّل-قرار-منع-باحثين-من-دخ>

⁴ <https://www.humandignitytrust.org/country-profile/lebanon/> ; <https://legal-agenda.com/-/قرار-الداخلية-بترهيب-المثلية-لم-يعدّ-ن>

In addition, the Minister of Justice called for the cessation of rectal examinations for men accused of homosexual conduct⁵. Nevertheless, in practice, these examinations were still occasionally applied presenting ongoing violations. Moreover, the Medical Association in Tripoli Lebanon- that constitutes as an independent association, didn't issue or abide with the directive issued by the Lebanese Order of Physicians banning rectal examinations⁶. This situation creates a regulatory loophole that may enable and legalize rectal examinations in some regions in Lebanon.

For instance, although the Lebanese Order of Physicians has prohibited rectal examinations and such practices are contrary to Lebanon obligations under the Convention against torture, it has been reported that they continue to occasionally be carried out in practice as much as being used as evidence against victims⁷. In 2012, the attorney general at the Court of Cassation demanded security forces to cease non-consensual rectal examination but in parallel to inform the individual that their refusal constitutes proof of homosexuality⁸.

Moving from provisions targeting sexual conduct to those addressing extortion and threats, the Lebanese law criminalizes blackmail, extortion and threats under article 650 of the Penal Code "whoever threatens a person with exposing a matter, disclosing it, or reporting it, where such exposure would harm that person's standing or honor, or the standing or honor of one of their relatives, in order to compel them to obtain an unlawful benefit for the perpetrator or for another person". In addition to articles 573 to 578 of the Penal Code that provide protection against threats, particularly those causing mental or physical harm. Furthermore, Law No. 205/2020 criminalizing sexual harassment and rehabilitating its victims further provides protections against violations of privacy and feelings, and against any act that aims to obtain a benefit of sexual nature and any other discriminatory act that has the same objective⁹. Moreover, Lebanon has adopted two main legislative texts relevant to the protection of personal data; Law No. 81/2018 (Electronic Transactions and Personal Data Law) constitutes Lebanon's primary legal framework for data privacy and cyber activities and is, in principle, applicable to digital processing, including social media platforms. It recognizes individual rights to access, rectify, erase, and object to the processing of personal data, and imposes obligations on data controllers to ensure data security and confidentiality. However, in practice, the effectiveness of these protections remains limited due to the cross-border nature of digital platforms, weak regulatory oversight, and the absence of effective enforcement mechanisms at national level.

Additionally, Law No. 140/1999 enshrines the principles of confidentiality of communications and prohibits interception or surveillance except under strictly defined legal conditions. Nevertheless, it does not constitute a comprehensive legal framework for the protection of personal data or digital privacy. Its scope is confined to safeguard the secrecy of communications and does not regulate the collection, processing, storage, sharing, or exploitation of personal data by digital platforms or public and private actors.

As a result, in the absence of an effective and safeguarding mechanism, the protection of individuals' personal data remains partial, fragmented, and insufficient.

⁵ Lebanon: Stop 'Tests of Shame', Human Rights Watch, August 2012, <https://www.hrw.org/news/2012/08/10/lebanon-stop-tests-shame>

⁶ Audacity In Adversity: LGBT Activism in the Middle East and North Africa, Human Rights Watch, April 2018, <https://www.hrw.org/report/2018/04/16/audacity-in-adversity/lgbt-activism-in-the-middle-east-and-north-africa>

⁷ Dignity Debased Forced Anal Examinations in Homosexuality Prosecutions, Human Rights Watch, July 2016, https://www.hrw.org/sites/default/files/report_pdf/globalgbtanalexams0716web.pdf

⁸ LGBT issues and the media in Lebanon, an analytical study, Maharat Foundation, 2014, <https://maharatfoundation.org/media/1644/study-lgbt-english.pdf>

⁹ Specifically, articles 1, 2 and 3 of Law No. 205/2020.

LGBTIQ+ Protection: International Framework and Lebanon's Commitments

The Human Rights Council has adopted several resolutions condemning acts of violence and discrimination based on sexual orientation and gender identity, recognizing such acts as violations of international human rights law. Through these resolutions, the Council designated an Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity. The expert's mandate is to address violations by engaging in dialogue with States, identifying their root causes, and supporting national efforts through technical assistance and cooperation¹⁰.

Lebanon is also bound by multiple international human rights instruments that prohibit discrimination and protect dignity, privacy and protection from torture or any other form of ill-treatment.

Having ratified the Universal Declaration of Human Rights, Lebanon is bound to uphold its provisions. Article 1 of the Declaration states that "All human beings are born free and equal in dignity and rights". Additionally, article 2 of the Declaration states that "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status", and article 7 states "Discrimination in all its forms is prohibited; all persons must equally enjoy their rights and must be protected from any incitement to discrimination". Lebanon is also party to the International Covenant on Civil and Political Rights (ICCPR) that obliges States to ensure that rights guaranteed in the Covenant are enjoyed equally with no form of discrimination, as stipulated in articles 2 and 26. According to the Human Rights Committee, this also includes discrimination based on sexual orientation¹¹. Additionally, the covenant prohibits any arbitrary and unlawful interference with one privacy, family, home or correspondence, nor unlawful attacks on his honor and reputation, as stated in article 17. In addition, it protects freedom of expression and assembly under articles 19 and 21. These rights are considered to constitute the core of human dignity.

Lebanon has also ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). In its preamble, the Convention affirms the principle of the inadmissibility of discrimination and that all human beings are born equal "without distinction of any kind, including distinction based on sex."

Furthermore, article 5(a) and article 10(c) of the Convention impose an obligation on State parties to take active measures to modify social and cultural patterns of conduct in order to eliminate practices and frameworks based on stereotyped roles for men and women.

In 2022, the CEDAW Committee issued a landmark decision clarifying that the Convention also applies to LGBTIQ+ individuals; "the rights enshrined in the Convention belong to all women, including lesbian, bisexual, transgender and intersex women, and that article 16 of the Convention applies also to non-heterosexual relations"¹². Consequently, the Committee found that the criminalization of same-sex sexual conduct violates rights protected under article 16, including those related to marriage, family relations, autonomy and choice constituting a discriminatory practice¹³.

¹⁰ Human Rights Council, Resolution No. A/HRC/RES/27/32, 2 October 2014; Human Rights Council, Resolution No. A/HRC/RES/32/2, 30 June 2016.

¹¹ X v. Columbia, Communication No. 1361/2005, U.N. Doc. CCPR/C/89/D/1361/2005, Human Rights Committee, May 14, 2007, para. 7.2.

¹² Committee on the Elimination of Discrimination against Women, Views adopted by the Committee under article 7 (3) of the Optional Protocol, concerning communication No. 134/2018, para. 9.2 and 9.7, 21 February 2022.

¹³ CEDAW's Landmark Decision on the Criminalisation of Same Sex Conduct Between Women, Blog of the European Journal of International Law, April 2022, <https://www.ejiltalk.org/cedaws-landmark-decision-on-the-criminalisation-of-same-sex-conduct-between-women/>

The committee's position serves as an essential interpretative tool that States parties should integrate into their application and interpretation of the Convention. Failure to adhere to these recommendations constitutes a breach to their obligations under CEDAW.

This situation particularly resonates with the lived realities of LGBTIQ+ individuals in Lebanon, as no effective steps are taken to dismantle gender stereotypes in parallel to penalizing same-sex relations.

Additionally, Lebanon is bound by the Convention against torture and other cruel inhuman or degrading treatment or punishment. According to the Convention, torture may be physical or mental intentionally inflicted on a person to punish the individual of an act committed or suspected to be committed, intimidating or coercing an individual or "for any reason based on discrimination of any kind." Accordingly, the presence of discriminatory mental or physical violence or abuse constitutes a key element in assessing whether an act amounts to torture. In its comment on article 2 of the Convention, the committee against torture¹⁴ precises that particular attention should be given to protect vulnerable individuals from torture or ill-treatment. The Committee puts an obligation on State parties to ensure that their laws are applied to all persons without discrimination regardless of gender, sexual orientation, transgender identity and regardless of the reason for which the person is detained. Accordingly, states must restrain discriminatory practices, adopt all necessary measures to ensure protection for these individuals, and ensure that individuals who commit these acts are held accountable.

According to international human rights standards, all rights mentioned must be guaranteed online and offline, underscoring State obligations to address cyber cases of blackmail and harassment¹⁵.

Persistent Gaps between Legal Commitments and Lived Realities

While analyzing Lebanon's legal framework and its international commitments, a clear gap emerges between theory and reality as experienced by LGBTIQ+ individuals where they often encounter barriers accessing justice against blackmail and other forms of abuse.

Discriminatory Law Enforcement: A Barrier to Reporting Blackmail

According to the United Nations country team¹⁶, there is inconsistency and contradiction between Lebanon's support of recommendations and the practice, particularly concerning combating harassment and intimidation against Lesbian, gay, bisexual, transgender and intersex persons. In practice, gender-based violence and hostile speeches have increased¹⁷. National law continues to penalize same sex relationships. Moreover, LGBTIQ+ individuals face heightened discrimination in enjoying freedom of expression and freedom of assembly.

Moreover, in 2021 Lebanon has accepted in the Universal Periodic Review recommendations aimed at ensuring the enjoyment of freedom of expression and assembly for LGBTIQ+ individuals and their rights to health care¹⁸.

¹⁴ UN Committee Against Torture (CAT), General Comment No. 2: Implementation of Article 2 by States Parties, CAT/C/GC/2, 24 January 2008, para. 20 and 21.

¹⁵ Human Rights Council, The Promotion and the Enjoyment of Human Rights on the Internet, U.N Doc.A/HRC/RES/20/8 (July 16, 2012).

¹⁶ Human Rights Council, Working Group on the Universal Periodic Review, fifty-first session, A/HRC/WG.6/51/LBN/2, 14 November 2025.

¹⁷ Lebanon: Attack on Freedoms Targets LGBTIQ+ People Repressive Legislation; Unlawful Crackdown, Amnesty International, September 2023, <https://www.amnesty.org/en/latest/news/2023/09/lebanon-attack-on-freedoms-targets-lgbtq+-people-repressive-legislation-unlawful-crackdown/>

¹⁸ <https://www.ohchr.org/en/hr-bodies/upr/lb-index> ; Lebanon: Unlawful Crackdown on LGBTIQ+ Gatherings, Human Rights Watch, July 2022, <https://www.hrw.org/news/2022/07/04/lebanon-unlawful-crackdown-lgbtq-gatherings>.

As presented in the previous section, it is argued that a significant gap exists between the legal framework and its application. While the law offers legal protection against blackmail, threats and sexual harassment, it simultaneously criminalizes LGBTIQ+ individuals, thereby creating a legal dilemma for those seeking legal protection. Moreover, judicial precedents refraining from applying the relevant legal provisions to criminalize LGBTIQ+ individuals remain scarce.

In practice, LGBTIQ+ victims of blackmail refrain from seeking protection from public authorities, due to the fear of being prosecuted based on their sexual orientation, gender identity, and expression. Reports show that when reporting cases of blackmail seeking protection, authorities will target their sexual orientation dragging them into an investigation that might later lead to criminalization.

Given the lack of an effective implementation of Law No 140/1999 regarding secrecy of correspondences, security personnel at police stations or checkpoints are often accessing one's digital services- specifically the phone without a court order¹⁹. Such searches are used to collect digital data as evidence, which public prosecutors may use to initiate criminal investigations in court. However, these practices violate Law No. 140/1999, which permit breaching the secrecy of correspondences only when there is a written justified decision issued by the investigating judge, if deemed necessary, and only for crimes punishable by at least one year of imprisonment. Despite this legal framework, courts occasionally issue decisions relying on evidence obtained by violating the secrecy of correspondences without a valid court order. Furthermore, the Constitutional Council in its decision No. 99/2 issued in 1999 concerning the review of Law No. 140/1999²⁰, affirmed that access to private correspondence constitutes an infringement of individual liberty and an interference with private life protected by the Constitution. This creates an ecosystem where one seeking justice is at risk of criminal liability, while perpetrators of blackmail and other crimes escape accountability, thereby engineering impunity of perpetrators.

Institutional Complicity Deterring LGBTIQ+ Individuals from Accessing Justice

Multiple reports indicate that LGBTIQ+ individuals refrained from reporting incidents of blackmail where law enforcement authorities have been complicit in practices of intimidation or blackmail against them.

It has been reported that in some cases authorities target LGBTIQ+ individuals through digital platforms ultimately taking part in cyber-harassment, extortion, often extending to coercion to disclose personal information²¹. The information gathered is later used to criminalize LGBTIQ+ individuals.

Through these practices, Lebanon is falling short of its obligations regarding the UDHR, the ICCPR and other international conventions to which it is bound. Notably, the right to privacy and non-discrimination are being violated with impunity. So LGBTIQ+ individuals are arrested based on information obtained through an arbitrary intrusion into their private life and through blackmail, both tools being unlawful.

¹⁹ مخالفة للقاضي ربيع معلوف: تفتيش الهواتف يتطلب إذنًا من قاضي التحقيق، المفكرة القانونية، أيار ٢٠١٩. <https://legal-agenda.com/%D9%85%D8%AE%D8%A7%D9%84%D9%81%D8%A9-%D9%84%D9%82%D8%A7%D8%B6%D9%8A-%D8%B1%D8%A8%D9%8A%D8%B9-%D9%85%D8%B9%D9%84%D9%88%D9%81-%D8%AA%D9%81%D8%AA%D9%8A%D8%B4-%D8%A7%D9%84%D9%87%D9%88%D8%A7%D8%AA/>

²⁰ https://constitutionnet.org/sites/default/files/decisions_of_lebanese_constitutional_council-vol1.pdf

²¹ Ibid.

Social and Institutional Stigma: Drivers of Discrimination and Vulnerability

LGBTIQ+ individuals face widespread discrimination and stigma from both society and institutions. This situation is largely due to the ambiguity of the legal framework and the impunity of the perpetrators of such acts. Hence, their vulnerability is heightened, making it harder for them to access services such as healthcare, education, jobs, participating in political life, and others.

Discriminatory Institutional Practices and Systematic Vulnerability

The Lebanese culture in its majority conceives non normative sexual orientation, gender identity and expressions as a taboo and in some cases abnormal. This is a result of the legal, medical, and media ecosystem that helps in co-producing society's knowledge and values. Moreover, non-normative sexual orientation, gender identity, and expression are often considered a threat to religious and moral norms. According to religious authorities, LGBTIQ+ individuals are a threat to social cohesion and family unit²². Religious authorities play a significant role in building public opinion, hence contributing to discrimination and hate speech against LGBTIQ+ individuals, as well as to influencing public actors and public policies²³. The dissemination of false information, lack of access to evidence-based knowledge, and misconceptions have largely contributed to widespread misconceptions linking homosexuality to HIV, pedophilia, and mental illness.

Homosexuality continues to be perceived by some segments of society as a mental psychological disorder that requires intervention. This persists as a result of a long track record, by local and international platforms, where homosexuality was officially and collectively addressed and stated as a mental disorder. These statements and classifications -as many others were shaped by social, cultural, and religious drives. Similar to homosexuality, women and communities from certain racial backgrounds were subjected to demeaning portrayals highlighting rooted cultural discrimination. However, narratives on homosexuality were challenged and rejected, leading to significant shifts in institutional frameworks. In 1990, the WHO removed homosexuality from its classification of diseases. In 2022, the Lebanese Psychiatric society and the Lebanese order of psychologists affirmed in a public statement that homosexuality is not a disorder or a disease²⁴.

Beyond legal and institutional frameworks, discriminatory practices by medical personnel prevent LGBTIQ+ individuals from fully benefiting from healthcare services. Stigma and discrimination by fostering mistreatment and rejection discourage individuals from disclosing significant medical information and ultimately refraining from seeking necessary medical and healthcare services²⁵.

²² Heteronationalism, Religion, and Family Values: a critical discourse analysis of Lebanese politicians' statements following attempts to abolish article 534. Arab Reform Initiative, April 2025, <https://www.arab-reform.net/publication/heteronationalism-religion-and-family-values-a-critical-discourse-analysis-of-lebanese-politicians-statements-following-attempts-to-abolish-article-534/>

²³ La proposition de loi pour abroger l'article 534 suscite plus de critiques conservatrices, OLJ, 13 August 2023, <https://www.lorientlejour.com/article/1346219/la-proposition-de-loi-pour-abroger-l'article-534-suscite-plus-de-critiques-conservatrices.html>

²⁴ <https://x.com/lebpsychiatry/status/1542074948822466560>

²⁵ 2020 country reports on human rights practices: Lebanon, <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/lebanon/>

In 2023, key human rights actors and lawmakers proposed a draft law to repeal article 534 of the Penal Code based on which LGBTIQ+ individuals are criminalized. However, it backfired on parliamentary level, as well as stirred up social and media outrage leading to physical attacks on LGBTIQ+ individuals and activists. This generated political pressure that led one of the lawmakers to withdraw their support for the proposed law²⁶.

Conversely, two public officials have proposed a draft law explicitly criminalizing homosexuality and the promotion of homosexuality prescribing penalties of 3 to 5 years imprisonment²⁷. Notably, this draft law did not provoke the same reactions and outrage²⁸.

While there are several media outlets that contribute to spreading false information and ignite widespread outrage, there are few media platforms that align with human rights standards through countering false knowledge and misconceptions. However, these attempts and agendas are often limited as the right to freedom of expression is violated based on article 531 and 532 of the Penal Code for “violating public morals”. Moreover, journalists tackling LGBTIQ+ issues are frequently subjected to cyberattacks and threats²⁹.

LGBTIQ+ Individuals in the Workplace: Discrimination amid Legal Gaps

In Lebanon, workplaces represent a particularly challenging environment for LGBTIQ+ individuals, where discrimination, harassment, and bullying are frequently reported and remain largely unaddressed. The absence of explicit legal protections against discrimination based on sexual orientation or gender identity within Lebanese labor law leaves LGBTIQ+ employees especially vulnerable to abuse in professional settings. Many face structural obstacles towards career advancement, including reduced opportunities for promotion and exclusion from leadership roles, often driven by stigma and prejudice rather than merit. Moreover, the constant risk of involuntary disclosure of one’s sexual orientation or gender identity creates an atmosphere of insecurity, as employees may be subjected to dismissal, demotion, or other retaliatory measures without effective legal recourse. Consequently, LGBTIQ+ individuals are often compelled to conceal their identities in order to retain employment, undermining their dignity, mental well-being, and right to equal and safe working conditions.

²⁶ <https://www.al-monitor.com/originals/2023/09/lebanon-backlash-mps-introduce-bill-decriminalize-lgbtq-relationships>

²⁷ <https://www.humandignitytrust.org/country-profile/lebanon/>

²⁸ Lebanon: attack on freedoms targets LGBTI people repressive legislation; unlawful crackdown, Amnesty International, September 2023, <https://www.amnesty.org/en/latest/news/2023/09/lebanon-attack-on-freedoms-targets-lgbti-people-repressive-legislation-unlawful-crackdown/>

²⁹ Lebanon: anti-LGBT bills threaten press freedom, <https://rsf.org/en/lebanon-anti-lgbt-bills-threaten-press-freedom>

Data Findings and Analysis:

Criminalization of Homosexuality: Application of Article 534 and Structural Legal Loopholes

Despite Article 534 of the Lebanese Penal Code, the data extracted from both the KII's and the FDG's show that the criminalization of LGBTIQ+ individuals has taken a different direction in the past few years where it often occurs through resorting to alternative articles that might present a legal basis. It has been recognized that the authorities often rely on charges related to sex work, drug use, and public decency. This practice was framed as a common operational approach, particularly when one's sexual orientation or gender identity is either declared or exposed during formal and non-formal encounters with law enforcement or judicial authorities. Findings suggest that authorities occasionally refrain from invoking article 534, and instead they build legal cases on other penal code provisions-often linked to sex work, drug use, and public decency. On statistics level, this practice demonstrates responsiveness to advocacy efforts led by civil society organizations and alignment with international commitments including international frameworks and Universal Periodic Report (UPR). As this would directly affect annual records and statistics, indication of a reduction in prosecutions on the basis of sexual orientation and gender identity create the perception of legal progress.

In parallel, data extracted from KII's and FGD's showed that these practices are normalized as they are enforced by social stigma and misconceptions linking homosexuality and non-normative gender identity to drug use, sex work, and social morals. This is evident in reports showing that LGBTIQ+ individuals are subjected to drug testing, questioning and investigations premised on alleged association to sex work, and pornography preferences. Whereas, on the contrary, cases that are not linked to LGBTIQ+ issues are rarely subjected to these tests and questionings.

Blackmail Impunity: Legal paradox of Criminalization of Homosexuality as an Enabler of Blackmail

Discussions held with legal practitioners taking part in the KII's confirm that the laws and policies, in general terms, criminalize blackmail and all forms of threats, however the existence and application of articles that criminalize homosexuality has created a legal loophole whereby LGBTIQ+ victims who attempt to report such incidents seeking legal protection often encounter legal exposure themselves. While sexual orientation and gender identity are personal private matters that still fall within criminalization, blackmail is a public threat that is often enforced under these conditions.

Participants in FGD's framed this legal loophole as a layered threat as observed throughout their field work and experiences. When victims are refrained from seeking protection and justice, they resort to high-risk resolutions that often include complying with the predator's commands varying from financial requests to sexual services. This has helped in co-producing an environment where blackmail as a crime is thriving, with predators feeling minimal to zero threats of accountability. Besides, blackmail inflicts significant harm on victim's mental health, social life, and general wellbeing.

The ultimate protective function of the law is undermined through shifting deterrence and accountability from perpetrators towards victims of blackmail and extortion. This has shifted the act of blackmail from a prosecutable offense into a tool of control and power.

The misleading association between homosexuality and drug use and sex work within official discourses and practice contribute to reinforcing misconceptions and discrimination, thus amplifying the vulnerability against LGBTIQ+ individuals. These practices and narratives not only co-produce discriminatory environments but also engineer conditions enabling perpetrators to target these individuals with greater impunity.

While this is perceived as a legal paradox presenting two alleged offenses under national laws and policies, an ecosystem of impunity is being enjoyed by gangs and networks of blackmail.

Rising of Blackmail Phenomena and the Emergence of New Tactics

Consequently, blackmail and extortion have been increasing in recent years and becoming more organized and systematic.

Findings from FGD's suggest that the increase in cases of blackmail is closely linked to the widespread use of social media and other digital communication platforms as it presents one of very few social interaction platforms. Given this, Perpetrators often resort to these channels to exploit information, pictures, and other sensitive material that they can later use against their victims.

Another finding indicates that there is a rising phenomenon where perpetrators often impersonate official authorities claiming to represent security personnel to later request either money or sexual services.

FGDs suggest that in some cases, blackmail incidents occur in a more sensitive context where perpetrators identify as LGBTIQ+ individuals underscoring how structural vulnerability enables threats even within closed communities. This intensifies the embedded risks within close group and intimate personal relationships, providing predator's better access to sensitive data, and consequently fosters distrust between LGBTIQ+ individuals leading to social isolation and a diminished sense of belonging.

While advocacy efforts by nongovernmental organizations (NGO's) were praised by participants highlighting the impact of awareness campaigns, most of them reflected the need for further accessible information on means of protection and access to justice. Moreover, the majority agreed on the need for further services that do not require layers of bureaucratic procedures and are delivered equally and transparently.

Building upon the role of NGOs, there was a broad consensus among participants and legal practitioners that took part in the KII's that there are significant improvement among security agencies- specifically Cybercrimes Bureau- where cases were handled in a more professional manner reducing bullying, harassment, and intimidation against LGBTIQ+ individuals.

While awareness is significantly increasing among LGBTIQ+ individuals, thus stemming a sense of protection when using digital platforms and social media, perpetrators are reportedly resorting to other tactics- including deepfakes, creating another challenge among vulnerable communities.

While all individuals with non-normative sexual orientation, gender identity and expression are at risk of blackmail and exploitation, certain niche communities face multi-layer vulnerabilities. Transwomen, sex workers, refugees, and migrant workers experience multiple layers of marginalization shaped by legal status, economic status, and occupation.

Access to Justice in Blackmail Cases: Legal Safeguards and Perceived Risks

Key data extracted show that fear represents the core obstacle preventing LGBTIQ+ victims of blackmail from accessing justice. Data drawn from FGD participants emphasized fear of social public exposure, societal judgment, and legal repercussions as major factors preventing victims from reporting. As priorly discussed, engagement with legal mechanisms was perceived as a “high risk” involving involuntary disclosure of sexual orientation or gender identity.

Participants further identified the criminalization of non-normative sexual orientation and gender identity as a central structural threat. This legal gap was described as a loophole that cannot be navigated on an individualistic level. While legal repercussions presented most tangible risks, the multiplier effects were expressed as most crucial. Fear of exposure to family emerged as particularly acute, noting that this would result in family rupture, loss of housing, violence, or risk of loss of economic dependency. These risks were described as outweighing the potential benefits of legal protection.

FGD Participants expressed distrust in legal procedures on the basis of prior experiences. While risks encountered at governmental institutes posed crucial challenges, bureaucratic barriers across institutions- including civil society organizations- were also framed as major limitations.

Additionally, another restraining factor was the fear of retaliation; in some cases it has been reported that the perpetrators are involved in influential social circles or institutions. Another factor is the lack of knowledge on available accountability mechanisms, specifically among refugees, migrants, and individuals lacking legal documentation.

The findings reveal a structural incoherence where a legal framework against blackmail, harassment, and threats exist while practical accessibility to this framework exposes victims to high risks. The “fear” presented in the data is not limited to personal emotional response, rather a contextual effect rooted to risk assessment within the current legal, institutional, and social ecosystem transforming protective mechanisms into potential sources of exposure and vulnerability. This, on the one hand, co-produces a systematic culture of silence, and on the other hand, a culture of impunity.

Consequently, access to justice rather than being a fundamental right becomes unpredictable influenced by exceptional conditions such as legal representation or strong civil society intervention.

Civil Society Responses to Blackmail: Roles, Capacities, and Limitations

While CSOs presented platforms of safety for LGBTIQ+ individuals, data from FGD's also revealed their limited role when it comes to protection against blackmail. Although a number of organizations are actively present, the outreach mechanisms presenting their services and resources are absent. Besides, the timing of the intervention is crucial; late responses or interventions due to victim's lack of knowledge of these services, bureaucratic procedures, and limited capacities within organizations were crucial in minimizing the risks and threats of abuse. This resulted in many victims becoming reliant on informal or individual coping tactics that often do not provide a solution or full protection against blackmail.

Unequal access to services was also presented as an evident concern within FGD data. While requesting access is somehow available for all, the resources and attention given to cases were selective with minimal to zero information on prioritization criteria. Concerns were raised that decision on case prioritization is in some cases led by public opinion or media attention, or personal relationships. While participants confirmed the impact of visibility on advocacy, this approach was also described as a "risk" to survivor safety and confidentiality, highlighting the need to advance advocacy objectives without compromising protection imperatives. However, some participants expressed that this might be attributed to limited resources, reduced funding, lack of in-depth knowledge and skills, and finally LGBTIQ+ organizations operations- like many other CSOs- presented short-term emergency response as a result to the economic, political, and security crisis hitting the country.

The bureaucratic procedures presented another type of threat, where participants indicated that victims would often have to retell their stories several times, as well as deal with duplicated information. While this might be presented as an unavoidable technical procedure, participants raised concerns of reliving traumas, CSO's presenting sense of unreliability, and frustration as cases are often closed unresolved.

At a broader level, the lack of consolidated data was also identified as a key gap in constraining evidence-based advocacy and limiting the collective impact of civil society's efforts towards systemic change.

Impact on Victims: Between Individualistic Responses and Collective Support

The findings indicate that blackmail victims often experience immediate reactions that they mostly deal with alone. The most commonly reported are anxiety, paranoia, and panic attacks. These are triggered by a sense of immediate high threat and minimal sense of potential safety. Consequently, they resort to social withdrawal and isolation, where most of the FGD participants expressed that cases of blackmail show that victims shockingly lose interest and trust in social connection drastically affecting their mental health and their decision-making skills. In some other cases, shame was also experienced as victims tend to fall into self-blaming and guilt which would also curb their efforts to seek advice and guidance, or even emotional support.

Consequently, it has been reported that many victims comply with perpetrators' demands ranging from paying substantial financial sums to providing other services that can be identified as a high risk. In other certain instances, victims tend to attempt retaliation or revenge compromising personal safety. It was also noted that victims might get involved in substance use as a coping mechanism where it could temporarily lower anxieties and stress; however, participants agree that this has pushed most of the victims into addiction.

Several cases indicated that victims attempt to reach out to trusted friends and acquaintances in their social circles where they mostly receive emotional and psychological support. Whereas reaching out to organizations, if handled successfully, often results in accessing Informal community networks and informal peer-based support groups. These networks and groups play a significant role in building resilience, as they often present a space where information, tactics, and guidance are shared to navigate risks while providing emotional support thus enhancing insights towards better decisions. While these networks operate in an informal setting and fall out of technical frameworks, it is evident to provide solidarity and mutual support among LGBTIQ+ individuals.

While psychological stress is considered normal under incidents of blackmail, structural vulnerabilities and systematic lack of protection play a crucial role in intensifying stress and frustration. On the other hand, retaliation, revenge, and substance use- while less common- are often sought as a means of regaining control. However, it is evident that they can increase vulnerability and prompt new threats.

Insights from Casefiles: CLDH Intervention, Observations, and Perspectives

The Lebanese Center for Human Rights (CLDH) has identified, documented, and handled several cases which yield empirical evidence into how blackmail and other violations of basic rights fall in the aforementioned broader legal and social framework. A sample of 20 casefiles were reviewed and assessed. CLDH's data reveals that exploitation intersects with different topics including employment insecurity, housing precarity, migration status, and gender-based power asymmetries. Those cases exemplify how sexual orientation, gender identity and expression (SOGIE), along with broader moralized behaviors, are leveraged as antagonizing tools where legal ambiguity and stigma persist.

SOGIE Beyond Blackmail: Employment, Violence, and Social Exposure

Vulnerability encompasses discrimination and retaliation post-exposure as per one documented case whereas the individual was arbitrarily dismissed from their workplace upon exposure of their sexual orientation, a breach of Lebanese labor protections. However, legal recourse is a far-fetched course of action due to fear of further exposure, persecution, and stigma. Such cases reveal how employment insecurity is a punishment for sexual orientation and gender identity and contributes to deterrence and self-censorship among members of the LGBTIQ+ community. Similarly, other cases documented associate bullying and/or physical violence with visible SOGIE within the country's climate of impunity.

Individuals were subject to harassment and assaults in public spaces without any immediate interventions from observers, as entrenched stigma hinders communal response. In turn, this lack of social accountability deepens normalization and compounds vulnerability and exposure to risks.

Those patterns highlight how blackmail is based on continuous SOGIE-based discrimination rather than being an isolated criminal act. Exposure in that regard serves as a tool to enforce control over LGBTIQ+ individuals due to the social and legal repercussions associated with their sexual identities.

Evidence of Organized Schemes and Impunity

Blackmail and persecution against LGBTIQ+ individuals was identified to be a coordinated scheme where perpetrators impersonate law enforcement officers, lawyers, or claim affiliation to local police stations. Victims of this scheme are informed that complaints have been filed against them under Article 534 or related provisions and are coerced into paying dubious fees to avoid arrest or prosecution. Based on the testimonies, the existence of an organized network is evident, one that continues to operate by relying on the persistence of laws that criminalize same-sex relations and the belief that authorities may act on such complaints. Consequently, the legal system provides the foundation for such fraudulent schemes to flourish. Nonetheless, accountability, albeit case-specific and reactive, is possible as demonstrated by CLDH's interventions in such cases. Upon providing advice and verifying claims with relevant authorities, perpetrators have been exposed as members of extortion networks.

Blackmail Beyond SOGIE: Gender, Morality, and Control

Blackmail attains individuals regardless of their sexual orientation, notably women targeted by men, including intimate partners. In such cases, blackmail is associated with moralized behaviors including drug experimentation, intimate relationships, or private images. By leveraging threats of reputational harm through exposure or direct police involvement, perpetrators coerce women into paying them, or into submitting to their control. In that regard, blackmail is situated within the broader patriarchal system where women's behavior is under constant scrutiny and is socially policed. Thus, while LGBTIQ+ individuals face specific vulnerabilities linked to criminalization under Article 534, blackmail also exploits other socially stigmatized behaviors and unequal gender power relations. This broader lens underscores that blackmail thrives in environments where personal conduct can be weaponized through either legal sanction or social condemnation.

Intervention Strategies: Impact and Structural Limits

CLDH's case management model revolves around the provision of tailored individual interventions including legal counseling, strategic guidance, digital safety advice, and direct engagement with relevant authorities when required. This approach has proven impactful in documented cases, notably as victims often lack knowledge of their rights, rendering them vulnerable to intimidation. Legal representation has assisted in at least one case involving Article 534 proceedings by helping in the navigation of evidentiary claims and procedural safeguards. It is worthy to note that the intervention of an NGO in such cases aids the victim by balancing power dynamics and increasing the likelihood of procedural fairness and reducing over intimidation by authorities.

However, two challenges persist. First off, legal loopholes are evident when it comes to the prosecution of same-sex relations as Article 534 given the interpretive dimensions attributed, ultimately leading victims of SOGIE-based blackmail to hesitate reporting out of fear of self-incrimination or exposure. Second, power asymmetries between individuals and state institutions remain pronounced. Access to justice remains bound by social capital, documentation status, and the presence of legal advocates which makes legal recourse difficult for vulnerable individuals, especially migrants with irregular residency status who fear detention or deportation.

Beyond Case Management: The Need for Structural Response

Acknowledging the impact of individual interventions on harm reduction, the recurrence of similar patterns calls for broader structural responses. This encompasses advocacy, strategic litigation, and awareness-raising campaigns, all of which are subservient to addressing underlying legal ambiguities and social stigma that facilitate exploitation. Without reform of the legal framework and stronger public messaging that affirms the legitimacy of reporting blackmail regardless of sexual orientation or gender identity, perpetrators will continue to exploit fear.

Recommendations

Judicial and Legal intervention:

- Promote rights-based judicial interpretation of Article 534 that aligns with the legally binding obligations under UDHR and ICCPR: Deliver training and workshops targeting judges and prosecutors on restrictive interpretations of Article 534 that prevent misuse against LGBTIQ+ individuals.
- Develop safe reporting mechanisms: Enhancing confidentiality and accountability against breach through establishing confidential complaint procedures that specifically target leaks of confidential data, with a specific focus on mechanisms for protection of the most vulnerable groups.
- Emphasize the national threat imposed by blackmail: Organize roundtables with prosecutors, and security agency key officers addressing the threats and risks imposed by blackmail at the national level, with a focus on the co-production of impunity culture.

Civil Society Organizations (CSOs) and Initiatives:

- Deliver training for law enforcement on handling LGBTIQ+ cases sensitively, including practical guidance on responding to blackmail complaints.
- Provide targeted services including tailored legal guidance and support, and psychosocial and medical support for blackmail victims.
- Establish clear referral pathways and follow-up mechanisms that are accessible and user friendly.
- Produce informative material on safe use of dating apps and digital/technological spaces, addressing privacy protection, responding to blackmail tactics, and seeking legal and psychological resources safely.
- Establish centralized, anonymized case databases to track violations, identify patterns, and develop a better understanding of the phenomena that can be integrated in advocacy strategies.

Community-Based Support Mechanisms:

- Facilitate peer support circles and community networks promoting protocols on confidentiality, emotional support techniques, and practical guidance for risk reduction.
- Support community-based informal referral pathways through knowledge-share sessions and workshops led by community peers to strengthen trust.
- Deliver training sessions to community members to act as liaisons with CSOs and legal actors, ensuring safe reporting and support with bureaucratic processes.

