

LAW AND ORDER:

**LEGAL GENDER
RECOGNITION**

**AND ITS
DISCONTENTS**

2025

PREAMBLE

Lebanese laws determine personal liberties, rights and duties based on a person's "biological sex", making no mention of gender (Makhlof & Dghaidi 2021, 25). The relationship between gender and sex – or the degree to which the biological and the social are understood as interrelated or distinct – remains a point of debate. Science is often given the authority to determine "sexual truth" (Mikdashi 2022, 10) because of its dominant framing as an objective, neutral field that is unaffected by socio-political constructions. In our papers, we refer to "gender" and "gender markers" where the Lebanese state would refer to "sex" and "sex markers". We make this choice in order to think and speak from a position that does not privilege science over lived social experience, but rather challenges the sex-gender duality by collapsing it and affirming that even scientific fields are socially and politically situated.

In Lebanon, there is no standard pathway for a person to correct their gender marker on identification documents. Yet, in practice, legal gender recognition remains largely based on assessments of the person's body and medical history. Under such conditions, every person's experience in attempting legal recognition is different, and the impact of class, race, citizenship, geography, and respectability on their experience is all the more heightened. The individuation of the experience of medico-legal recognition highlights the relevance of adopting a research-based approach and speaking to community members about their personal trajectories, in order to better understand how the medico-legal complex functions and how it is navigated by those whose difference it seeks to manage or erase.

This legal research component is
part of the research project

"Between the Clinic and the Courthouse: Trans experiences with bodily autonomy in Lebanon"

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INTRODUCTION

Under Lebanese law, the legal pathway for correcting one's gender marker on legal identification documents (ID) is not explicitly defined. No guidelines or preconditions for legal recognition are specified by legal texts, and relevant documented legal cases rarely circulate publicly. In this context, access to reliable information is difficult for trans people as well as for lawyers handling legal recognition cases. Yet, in practice, legal recognition is highly conditioned on bio-medical criteria. This places bodily agency under a great amount of scrutiny and regulation because bodily interventions can constitute the basis for legal recognition and, under a gendered legal system, subsequently alter one's rights and duties, relationships to others, to the state. Thus, together, medical and legal institutions define, regulate, and control bodies, identities, and behaviors in what is often referred to as "the medico-legal complex" (Davy 2011, Monro 2018, Friberg 2023)¹. This highlights the importance of speaking to individuals and professionals who have attempted legal gender recognition processes, and to hear directly from trans people about what legal recognition means to them, and what motivates them to pursue or forgo it.

This paper is based on research conducted under the leadership of Qorras between January and November 2024.² Through interviews with community members and legal professionals, the research aimed to bring clarity to three main areas of questioning: trans individuals' lived experiences in accessing legal recognition; the legal institutions, actors, and regulations that they encounter; and the conditions (medical and otherwise) that are imposed by the law on trans people seeking to change the gender marker on their ID. In this paper, we discuss the most significant findings around the institutional frameworks for legal recognition and how trans people navigate them, the implications of legal ambiguity on bodily autonomy, and the relationship between legal recognition and public life.

¹ See *The Trade-Off: Reading Bodily Autonomy, Civic Rights And The Medical System Through Trans Experiences* (Qorras, 2025) – [Available on Tajassod's Database](#)

² Details about the research and its methodology can be found in *Behind The Scenes: Research Methodology and Reflections* (Qorras, 2025) – [Available on Tajassod's Database](#)

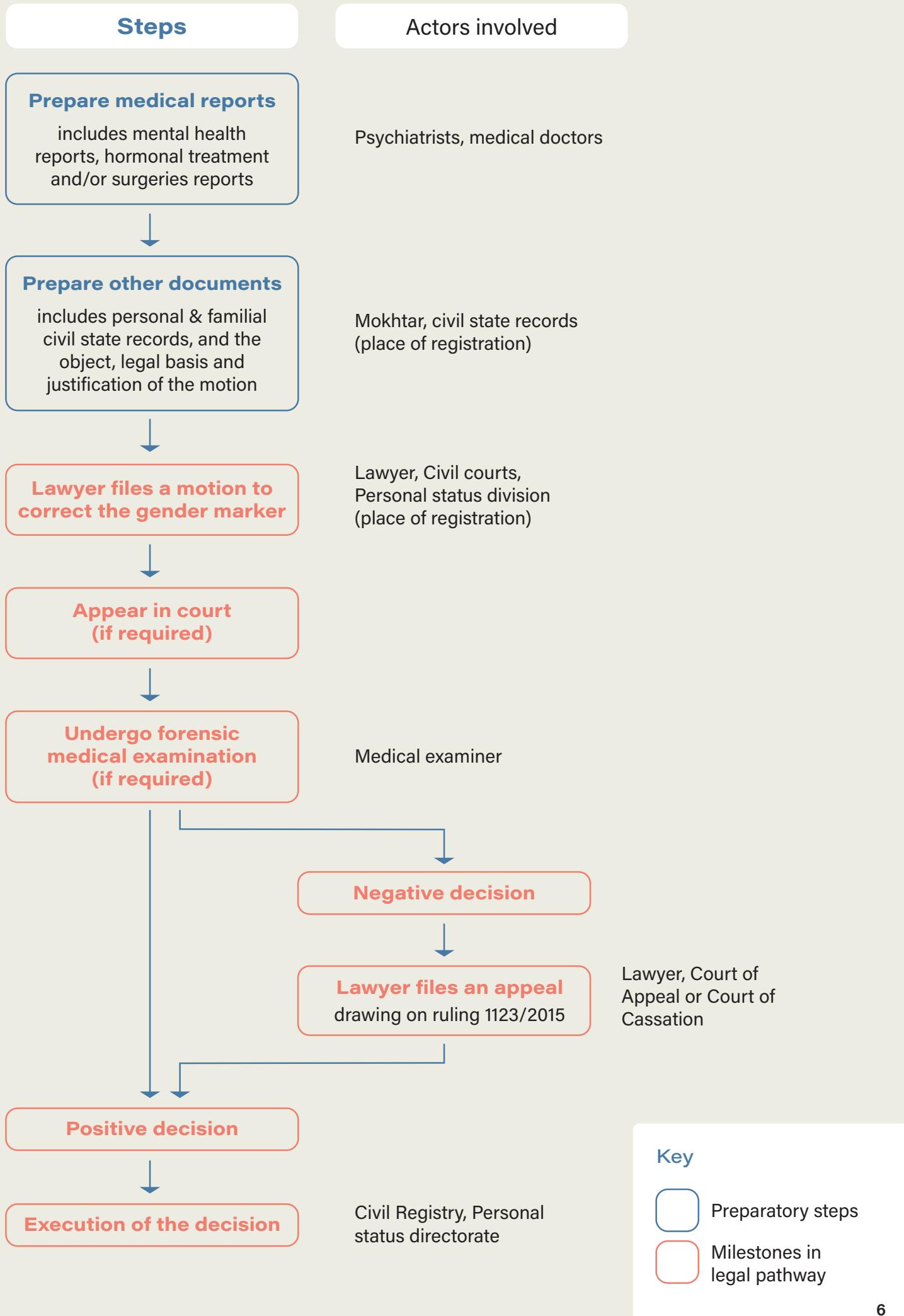
* 1. Navigating Institutional frameworks for legal gender recognition

It is generally challenging to navigate state institutions and the law in Lebanon without legal representation. The legal system is complex, with multiple court systems including ordinary, administrative, political, and religious courts. Similarly, bureaucracy and the jargon of legal texts also pose challenges for ordinary people to manoeuvre. However, legal representation requires financial means that those in most need of assistance do not have. It is in this difficult institutional context that trans people must operate when seeking to correct their gender marker on IDs and achieve legal recognition.

Institutions and pathway

Legal texts in Lebanon do not mention explicit guidelines or requirements concerning the preconditions (medical, bodily, or otherwise) that must be met in order for one's gender marker to be corrected on ID. In fact, the notion of gender itself is absent from Lebanese law, which refers instead to biological sex as a means to regulate the relations of individuals among each other and their relationship with the state (Makhlof & Dghaidi 2021, 25). The state expects – and requires – to identify a person's sex due to its legal repercussions on personal liberties, as well as on the rights and duties imposed by the law (Makhlof & Dghaidy 2021, 25). This reveals the fundamentally gendered nature of the Lebanese legal system, and explains its unease when faced with requests that challenge its fixed categorizations of gender as binary biological sex. In this context, a great deal of power is concentrated in the figure of the judge: requests for legal gender recognition are decided upon based on legal precedents and judges' individual assessments of the person's case file and their gender presentation. This expectedly leads to inconsistent legal outcomes.

In practice, the process of changing the gender marker on ID involves various governmental institutions. These typically include "makhateer" or custodians of civil state records, who provide the personal and familial civil records necessary to carry out administrative procedures, as well as civil servants such as civil registry offices. They also include civil courts, particularly the personal status division. Although it is not an ipso facto requirement, judges may require investigations to be carried out by the Directorate of General Security and medical examinations to be carried out by forensic medical examiners. Judges may also decide to notify the State of the request to obtain the State's observations. Some cases may also require a criminal record which is issued by the General Directorate of Internal Security Forces (ISF) under the Ministry of Interior. The below diagram illustrates the typical pathway and institutions involved:



“ While I do not remember details, I do remember that [the forensic medical examination] was an uncomfortable experience. Additionally, while I went to get all my other medical procedures done on my own, for this specific element I had gone with my father who is a lawyer to ensure that no legal muddle-ups happen, just in case. The doctor found it fit to discuss details with my father without asking for my consent.

- Ghassan

A typical pathway evolves as follows:

Motions filed at the civil court must include personal and familial civil state records from the place of registration, which are to be accompanied by the object, legal basis and justification of the motion. Motions also tend to include medical reports detailing the person's gender-affirming surgeries, medical interventions, and mental health reports, despite the absence of any legal provision or court decision that expressly states that surgeries are a condition. Although not formally stated, the legal bases imply some medical interventions without defining them. Therefore, statistically, cases containing medical reports of gender-affirming surgeries tend to be more successful. While the law does not mention any specific medical conditions, courts commonly expect the individual and the documents to demonstrate the absence of "any possibility that the petitioner would revert to his previous gender"³ While a psychiatrist's report is not expressly stated as a necessary document either, accepted cases tend to include it. The report is meant to certify that the person suffers from gender dysphoria and is capable of making decisions. In addition to facilitating access to gender-affirming medical care, this document is recommended to be included in the person's file.

After this file is presented, the court may order additional documents such as the person's criminal record – however does not usually occur in practice. In some cases, this may be followed by investigations carried out by the General Directorate of General Security, which may involve inspections of the person's place of residence or work, and appraisals of the person's gender identity through conversations with neighbors, family, friends or coworkers.

At the discretion of the magistrate, the individual may have to undergo further medical examinations by an official medical examiner who typically assesses physical appearance, emotional responses, behavior, and tone of voice of the individual, in order to determine whether physical appearance aligns with the corrected gender marker.

After conducting the necessary investigations – which include consultations with the civil status registrar⁴ ("ma'mour el noufous") – the judge takes the decision in his chambers, without the concerned party being present.⁵ In principle, the individual does not have to appear in court. However, the judge may require presence one or more times.

Should the first decision be negative, an appeal may be filed before the Court of Appeal and different arguments may be used to support the appeal, as demonstrated by previous successful appeals. If the court's decision is positive, it is executed via the Personal Status Directorate. Positive decisions may be objected to by the State and/or the Public Prosecution though in

³ This condition was specified by the Court of Appeal ruling of 2015 (1123/2015)

⁴ This is a requirement in any procedure relevant to gender correction

⁵ Lebanese Code of Civil Procedure, articles 594 to 603

practice, to the best of our knowledge, there hasn't been any objection yet. An appeal before the court of cassation is always possible.

Courts in Lebanon follow geographic administrative divisions: Each governorate has a capital city that often serves as a hub for judicial services. Within each governorate, districts (cazas) are further subdivided, each with its own administrative center where courts are typically established. Despite the socio-political differences of each local context, positive decisions have been given in all districts.

A prohibitive but not impossible process

“ It depends if you have support from family and friends, if you go to General Security with your dad it's completely different than when isolated, they would use a different approach. [...] But someone else is deciding for me, and that makes me feel infantilized.

- *Sami*

The lengthy and demanding process of legal gender recognition acts as a significant deterrent for many trans people. Additionally, administrative and legal fees tend to add up despite lawyers sometimes waiving their fees. This is all paid by the trans person out of pocket and in some cases, through familial support. Although not technically required for personal status lawsuits, legal representation can act as a guardrail against mistreatment and as a source of procedural, substantive or strategic legal knowledge. It is thus strongly recommended, but its accessibility remains conditioned on class, and often on citizenship status.⁶ For example, trans people with limited financial means find their access to legal representation limited by affordability. Similarly, local trans people may receive assistance from supportive family members who act as advocates and witnesses of mistreatment, and who can leverage their expertise in navigating administrative requirements and institutions. However, this kind of support remains restricted to those who have good relationships with their families, and does not extend to non-Lebanese trans individuals nor to those who do not benefit from the support of their family. Trans people also report having to rely on friends' recommendations or referrals among lawyers themselves in order to find competent representation. Negative experiences with lawyers lacking expertise or competence in trans cases result in growing mistrust from the community.

Legal representatives and family members tend to command the respect of public servants and often contribute to ensuring that trans individuals are treated fairly. While it may seem like a positive thing, this highlights how trans people are perceived and treated in legal and administrative spheres, and how their agency is not legitimized without the presence of a legal or parental authority. Those from higher socio-economic classes are generally more welcome and receive better treatment, highlighting the intersectional nature of discrimination where class, gender identity, presentation, sect and citizenship status co-constitute one's experience with state institutions, public servants and security forces, thereby shaping their access to legal recognition. While some trans people report having had very few issues with public servants, others' experiences reveal the inconsistency of treatment where factors like geographic location and individual bias can also play a significant role. Community members highlight the importance of establishing personal long-term relationships with public servants where

⁶ If the request doesn't concern Lebanese civil status papers, it falls outside the jurisdiction of Lebanese Courts. This impacts people who are undocumented and those with a refugee status.

possible, as a way to facilitate access to institutions and services. Many also mention how personal involvement, insistence and determination can bear results.

“ I am afraid that when I will file a lawsuit, people in my village will talk, and that will affect my parents in a way or another.

- *Fadi*

Some documents, such as personal and familial civil state records, must be requested from the civil state records division located in the region where the individual is registered – which is often different from the place of residence. While they are usually considered easy to obtain, acquiring these documents can be more difficult in the case of trans people, especially those registered in tight-knit rural settings where social stigma is rife. Thus, trans people often worry about how going to their place of registration to request documents might impact family members who reside there. Trans people who are estranged from their families tend to avoid visiting their place of registration altogether. There are some ways to circumvent this requirement, typically through makhateer who are from the place of registration but whose place of residence is closer to the plaintiff's, and who can bridge between local and central administrations.⁷

How information circulates

The absence of clear state-provided information pushes trans people to resort to alternative sources, which vary in reliability and accessibility. These sources include legal professionals, non-governmental organizations (NGOs), and community peers. Among transwomen for instance, there is little accessible legal information about rights and risks, and plenty of evidence of unjust detention and imprisonment. This leads to worry and fear, especially among those who are involved in escorting.⁸ Many don't know what precautions they can take, or what exactly can get them into trouble: is it their looks? Their gender? Their presence in a particular street? Being caught in action? Their experiences show the grave consequences of not having access to a clear or common reference for legal information and how that can exacerbate precarity.

Legal Professionals

Most legal professionals in Lebanon lack specific training or substantial knowledge about the laws that impact trans individuals. The topic is rarely covered in formal legal education or professional development, leading to a general lack of expertise in this area among legal practitioners. According to a legal professional who studied in Lebanon, "Even in universities, there are barely any programs for general human rights law in Lebanon, let alone for trans individuals."

⁷ The state is also rolling out an online system for requesting these documents from the place of residence, but one must have first ordered it once at their place of registration.

⁸ "Escorting" is the term used by transwomen who are involved in different forms of online and offline transactional relationships that involve an emotional or sexual dimension. Instead of using the generic term "sex work", we take cue from these women who describe their activity as "escorting". The term "escorting" de-emphasizes sex as the only service being exchanged, as well as the categorization of this activity as "work", leaving room for different kinds of setups and relationships. Where we use the term "sex work", we are referring to how these practices are seen by those external to them, and to the prejudices and assumptions that accompany the term.

The absence of clear legal provisions or established precedents further limits lawyers' ability to assist effectively. When legal professionals attempt to look into the current state of the law on the topic, they find that the law does not tackle the situation explicitly. The few precedents that do exist give too few indicators and guidelines on the procedure. In some cases, lawyers express having to look for precedents and use legal arguments from other regions. Information about trans cases in Lebanon "is not available everywhere, not even in universities or at the judge institutes" says one interviewed lawyer. Although some judges express willingness to discuss the legal processes involved in changing gender markers, they tend to withdraw due to the cumbersome requirement of obtaining permission from higher authorities. This prohibitive condition prevents key actors from obtaining direct insights from decision-makers. The scarcity of published resources may also be related to the climate of fear and self-censorship, motivated by a desire to preserve the trans community from further scrutiny or interference from the state or other actors for whom bodies are a site of control and power.

The few legal professionals who are informed about trans-related legal issues have acquired this knowledge through self-directed research, participation in specialized trainings provided by NGOs or international NGOs (iNGOs), and studying international law and case-law, usually abroad. These lawyers are often the ones recommended within the trans community by word of mouth, but accessibility remains contingent on their availability as well as the plaintiff's financial means.

NGOs and iNGOs

NGOs and iNGOs are reported by community members as another primary source of information about legal processes for gender recognition. However, the workshops and trainings that they organize are not always tailored to trans people's needs and tend to remain general. By their own admission, the professionals conducting the trainings are sometimes not trained themselves. Moreover, it is usually community members who are already within an NGO's network of stakeholders who are notified about such activities, which significantly restricts their reach.

Peer-to-peer exchanges

Given the limited relevance and accessibility of the sources described above, trans individuals in Lebanon primarily access information about their rights and the legal process for changing gender markers through networks of community peers who share their lived experiences with each other. Individual research is often constrained by the limited quantity of context-specific published information and the complexity of legal language. While community peers play a crucial role in filling knowledge gaps, they also run the risk of perpetuating misconceptions. For example, many community members are persuaded that the law explicitly requires gender-affirming surgeries before the correction of the gender marker can take place, which is not strictly the case. This in turn has led to the circulation of a myth, according to which one can "simply" migrate to a country that does not require gender-affirming surgeries, obtain legal recognition there, and return to Lebanon with a foreign passport bearing the corrected marker. This scenario is of course idealized, and disregards the multiple barriers to migration and to the obtention of a foreign passport.

* 2. The impacts of unclear legal requirements

The absence of explicit legal or medical criteria for correcting one's gender marker on ID leaves individuals at the mercy of subjective judicial interpretations. Judges often assess physical appearance and social conformity to stereotypical gender norms, with rulings reflecting concerns over societal values and perceived harm to plaintiffs. This ambiguity not only prolongs legal proceedings but also increases emotional and financial burdens, forcing some to pursue invasive medical interventions without guaranteed legal outcomes. Socioeconomic disparities amplify these challenges.

A simultaneously permissive and prohibitive context

One repercussion of legal ambiguity in cases of gender marker correction is the concentration of power with the judge overseeing the case. This creates an arbitrary landscape that is highly contingent on the individual judge's interpretations and values. Often, judges have expectations when it comes to physical appearance and social attitude, and these must be met in order for them to approve the case. This means that the more stereotypical the person's presentation, the higher the chances of approval, revealing the pervasiveness of the gender binary as a benchmark for civic rights.

Judges have both rejected and accepted requests on the bases of "preventing any damage to the plaintiff" and "preserving societal fabric". This signals an arbitrary application and interpretation of legal arguments. For example, in 1987, a trans woman petitioned for legal gender recognition after undergoing some gender-affirming surgeries. Beirut courts granted gender recognition, concluding that "the plaintiff's physical appearance is now of a woman and the change in their papers is considered a necessity to prevent any damage to the plaintiff or the social fabric of their community."⁹ In another case dating from 1992, the notion of social fabric preservation was used once again by Lebanese courts, in ruling 61/1992, when legal gender recognition was denied to a transwoman despite her undergoing gender-affirming surgeries. The Court justified its denial of the request primarily by claiming that an individual may not change their civil records based on voluntary medical decisions that do not result in the definitive alteration of their chromosomal make-up and do not grant them the reproductive system of the corrected gender. The court concluded: "For the greater good of the society, we cannot allow sex change for a psychiatric reason, as we do not consider it as a necessity."¹⁰

Legal ambiguity also leaves room for informal reliance on external authorities, which can be a double-edged sword. Occasionally, religious institutions outside Lebanon indirectly influence decisions regarding trans people. For instance, the decision allowing gender-affirming surgeries in a Catholic hospital in Lebanon was influenced by a publication by the Vatican. Binding international agreements represent another form of external authority, but contrary to the previous example, they provide bases for arguing in favor of legal gender recognition under headlines of fundamental human rights such as the right to medical treatment, to personal privacy, individual freedom and the protection of private life.¹¹

⁹ Confused Judiciary & Transgender Rights: Inside the MENA Region's Case Law on Legal Gender Recognition, Manara Magazine, <https://manaramagazine.org/2022/03/confused-judiciary-transgender-rights-inside-the-mena-regions-case-law-on-legal-gender-recognition/>

¹⁰ Tahrir institute for Middle East policy <https://timep.org/2022/04/07/tough-territory-for-transgender-people-in-the-middle-east-and-north-africa/>

¹¹ Article 17 of the International Covenant on Civil and Political Rights

Legal ambiguity thus has both permissive and prohibitive qualities, allowing freedom in some areas while preventing it in others. There is much to learn here from how judges' rulings have been increasingly favorable to the queer community in cases where plaintiffs were charged with "relationships against nature" under Article 534; and much to learn from recent attempts to reform this law which in turn triggered rival attempts to resolve the ambiguity in ways that explicitly criminalize homosexuality. This demonstrates how judges are a potentially suitable entry-point for advocating for trans rights, which may be more effective than attempting to reform laws. Those pushing for legal reforms often think in terms of criminalizing mistreatment or discrimination, which always brings with it the burden of proof. However, the needed reforms are an opportunity for benefiting and providing comprehensive rights to individuals regardless of their gender experience. In other words, everyone should have access to adequate healthcare, and civic rights must not be conditioned on castration or contingent on any other bodily attribute. This reinforces the need to resist eugenicist logics that tie social and legal recognition to normative ideals of physical ability.

Trans people experience a great deal of injustice and express frustration toward this system that, in practice, ends up requiring trans people to alter their bodies in sometimes irreversible ways before they can be recognized as legitimate subjects. In other words, when it comes to trans individuals, the medico-legal complex in Lebanon, as it currently stands, conditions civic rights on the loss of bodily agency.

Legal arguments as narrative battles

In the absence of regulatory frameworks or established precedents, legal ambiguity also means that legal arguments become the site of narrative battles: justifications must be constructed to convince judges and prosecutors because no ready-made laws or arguments exist. When they lead to successful outcomes, arguments tell us about which framings of gender difference are morally and cognitively palatable and acceptable to the local socio-legal order. Many of these framings are disconnected from the ways gender is lived and experienced or how identity is formed and evolves, but they are often the key to successful outcomes. Some arguments even constitute outright denials of bodily agency. In the slow but steady struggle for emancipation and bodily autonomy outside the frameworks of identity politics, there are valuable lessons to be learned from some of these circumventions.

Argument 1: Discrepancy Between Social Fact and Gender Identity is a Correctable Error

This argument aligns with the progressive view that transness is not about changing one's gender but rather externally embodying and reflecting the gender that best corresponds to their sense of self. In this way, this argument approaches gender identity as something that can shift, without determining the directionality of the shift or its outcomes as something fixed and immutable. In other words, it locates the "problem" in the discrepancy between records and lived reality, not in changing personal characteristics like (gender) identity.

Argument 2: Fundamental human rights

This argument draws on binding international agreements such as the International Covenant on Civil and Political Rights. It leverages the rights that they are meant to guarantee regardless of (gender) identity. The universal quality of such treaties and their wordings constitute a valuable resource for framing gender recognition as a matter of accessing medical treatment, protecting personal privacy and ensuring individual freedom.

Argument 3 (version a): Gender embodiment is not self-inflicted or voluntary in any way

Argument 3 (version b): Born with a chronic psychological condition requiring interventions to remedy

This argument has been used in successful cases. However, its language and underlying logic is problematic because it locates transness outside of the person's will and reason, and by extension strips them of their right and faculty to make decisions about their bodies. In these framings, transness is either a "chronic condition" that one is "born with" and which must be "remedied" through gender-affirmation; or it is a mystical force moving trans people to undergo bodily modifications, outside of their will.

Argument 4: Medical irreversibility

This argument serves to reassure that whatever legal process is taking place will not be subject to reversal, because the person's body has gone through "irreversible" modifications. In other words, it implies that "gender transition is a one-way street", and contributes to the stigma around "de-transitioning". This argument presents a flawed understanding of gender embodiment as a linear process that can be "reversed", or as a process that can be "completed", when in fact treatments like HRT or laser hair removal usually accompany the person throughout their lifetime. The focus on "irreversibility" also reveals anxieties related to the gendered legal system that prevents, for instance, women from passing on nationality.

These arguments and the discourses and values embedded therein are best exemplified in the following case in its discussion:

In 2015, the Beirut civil Court of Appeal issued ruling 1123/2015 on legal gender marker change, "the first time an appeals court has issued a decision on this particular matter." It overturned a Beirut magistrate's decision, made on December 12, 2014, which had rejected a petitioner's request to change their legal gender marker from female to male. The magistrate's response was that it was not possible to comply with the change request because of the discrepancy that had arisen between personal status records and the reality of the individual's status; this was the result [according to the magistrate] of the individual's personal decision. The magistrate held that "hormonal, psychological, and surgical treatments, such as the surgical operation the petitioner had undergone after seeking it out and pursuing it, was not, on a fundamental level, intended to correct a natural defect, or a case of ambiguity, or intersex status that the petitioner had been suffering from. Rather, all of these treatments and surgical operations were the cause of the new [gender] status." (Makhlof 2016) [underlined by the author]

In its ruling on the subject, however, the Court of Appeal took the opposite stance: a stance adopted by the majority of magistrates who oversee personal status cases in their rulings on this particular matter. The basis of this position is, firstly, the view that a discrepancy between a reality arising from medical necessity and personal status records can be considered a correctable error,¹² and secondly, an individual's right to respect for their private life.¹³ (Makhlof 2016) [underlined by the author]

¹² "According to Article 21 of Ordinance 8837 of 1932, correcting errors in the population registry is not restricted to a material misstatement of fact, but includes [situations of] altered circumstances." [underlined by the author] The phrase included in the ruling was: an "amendment to the registry in order to bring it into conformity with reality"

¹³ Article 17 of the International Covenant on Civil and Political Rights

Paradoxically, the argument most often used to allow the legal recognition of the trans person's gender places the trans person's bodily agency outside of their will and desire: they did not choose or bring these interventions upon themselves, but rather they are collateral consequences of "the natural outcome of the exercise of a natural right –the right to treatment of a psychological illness" (Makhlouf 2016). It is in fact the 2014 magistrate's decision that (rightfully) recognizes the trans person's agency over their body. But the magistrate chooses to punish what they consider to be a subversive application of that agency – an application that erodes the categories necessary for the rule of law and the preservation of social order. Here, the argument of medical "irreversibility" acts as a guardrail for shifts between these categories, saving the legal system the hassle of having to figure out how to apply gendered laws to people for whom gender is not a fixed characteristic.

* 3. Relation to public life

There are three broad and intersecting spheres of concern that contribute to shaping trans people's relation to public life: identification documents, gender passing, and visibility. While there are some commonalities between the experiences of transmen and transwomen, there are also gendered legal differences that are worth noting.

Identification documents and accessibility

“ **To renew my passport, I had to go to General Security a few times. I made sure not to have nail polish or earrings on - my presentation was unflattering, very basic stuff so I don't attract people's attention, like “this person looks weird.” I hid my hair because I have long hair, so I tried to pass as male as possible.**

- *Rana*

Legal gender recognition, in the form of IDs that match one's presentation, has direct implications on one's relation to public life. Generally speaking, IDs facilitate access to public services, and in some cases, to private ones. It may also be requested in interactions with public and private security forces. However, being asked to present IDs is also highly contingent on how one is perceived by those requesting to verify them. Here, the notion of “passing” is important: passing refers to how a person's appearance translates into others' perceptions of the person's gender. In other words, when one does not look stereotypically male or female, their passing may be uncertain or ambiguous, leading to scrutiny or challenges in social and institutional recognition of their gender identity. Experiences differ from one area to the other, and class plays a big role in shaping access to interventions or measures that help with gender passing. While this could happen to anyone whose gender presentation falls outside of social norms, it is frequently experienced by trans people whose passing is not stereotypically binary, and who as a consequence of others' confusion or suspicion, tend to be asked for IDs where most cis people would not be. Being in possession of an ID is thus a form of privilege, and so is gender passing.

However, having an ID is not sufficient in itself, since discrepancies between the information stated on the document and the presentation of the trans person can also be a cause for discrimination. Two things seem to play a role that is equally if not more important than that of the gender marker: the name on the ID to a great degree, and the photo to a lesser one. For example, transwomen who use an ID or passport with an older photo can sometimes run into annoyances at checkpoints – from causing whispering among curious soldiers, to getting flirted with and asked for their number. As a consequence they can be outed to people who are with them in the car. Many are confident that they are doing nothing wrong and do not perceive these moments as any kind of tangible risk to their safety, but they worry about what to expect before they can be let through. They explain how at checkpoints, voice, age and presentation can avoid you getting IDed altogether.

The ideal scenario would be to exclude the gender marker from ID just as was previously done with the sect marker in Lebanon and with the race marker in Argentina.¹⁴ However, until the

¹⁴ Another scenario could be to reach a social consensus whereby discrepancies between presentation and gender marker have no implications whatsoever – yet this would still expose a trans person's gender identity.

conditions for this to happen are brought about, the discrepancy between IDs and gender presentation must be addressed by correcting at least one of three elements on IDs – name, sex, and personal photograph – if not all three. There are two prevailing attitudes within the trans community: one considers that a corrected ID can help access more rights such as international mobility, adoption and marriage; whereas the other considers that a changed gender marker on the ID would not change their life but might make some things a bit easier. The common conception is that name change, like gender marker correction, requires gender-affirming surgeries, but that it is possible to change the photograph. However, more research is needed to ascertain these claims. While some trans people accept the conditionality of undergoing gender-affirming surgeries as a pathway to correcting the gender marker, others believe it should be possible to change your ID based on a psychiatric and medical assessment that looks at how you live your daily life, regardless of whether you've had gender-affirming surgeries.

Trans people are also commonly asked for IDs in banks, businesses providing money transfer services, for acquiring a phone line, and sometimes at checkpoints. If unable to provide it, they can be denied service. Many navigate the question of ID and passing by establishing a long-term relationship with certain businesses and building trust. Those who can afford it pay extra for someone to go on their behalf to deal with government institutions like the municipality, the department of motor vehicles, and others. Some don't carry a regular ID, either because they lost it and never renewed it, or because they prefer to use a document that shows a more recent photograph, most commonly a personal civil record ("ikhraj keid"), or less commonly, a drivers' license. In the case of Palestinian refugees, they use a different legal document issued by UNRWA, on which it is difficult if not impossible to have a photograph that does not conform to the gender marker.

As a result, there is a general tendency to feel less at risk in spaces that do not require ID.

Visibility, respectability, criminalization, and safety

When navigating public life, transwomen often perceive their safety to be linked to respectability, expressed as degrees of visibility and femininity: hyper-feminine esthetics and attitudes are mentioned as a source of risk because they are read (by men) as sexual provocation, whereas discretion or "self-respect" were brought up as mitigation measures against harassment, scrutiny, extortion, and the automatic association of hyper-femininity with sex work¹⁵ which may lead to detention. Detainees are often brought in without being told of the charges or evidence against them, and are often forced to do a urine test. If they are without competent representation, their detention can include relocation to remote detention facilities including solitary confinement and repeated extension of the detention. This is heightened in the case of non-citizens and refugees specifically, who face the added fear of deportation.

Yet the risks faced by transwomen when they do engage in escorting are related less to the state and more to clients. The most common risks are theft, harassment, physical violence, extortion, infection, and harrowingly, murder.¹⁶ These are very difficult to mitigate despite all the precautions a person takes, from screening clients to establishing boundaries, practicing self-defense, or arming oneself with protective equipment. Women who advertise their services on dedicated websites also run the risk of being doxxed by potentially dangerous strangers. There is a fear of going to the authorities in case any of these risks occur. On one hand, there is

¹⁵ See footnote 8.

¹⁶ Perpetrators escape accountability because these incidents tend to be withheld from public scrutiny and/or used to scapegoat politically vulnerable people. They signal the need for investigative journalism to look into the horrifying tales of recurring murder.

general mistrust in our justice system especially when it comes to gay and trans people. On the other hand, there is a belief that any complaint against a client can be turned against the escort by claiming that the client was framed/catfished.

Transmen, on the other hand, report less instances of criminalization. This is partly due to the fact that they are not assumed to be engaging in sex work the way that transwomen are. In some ways, masculinity helps transmen avert the scrutiny of the male gaze. In interactions with public institutions or security forces, they may hear the occasional offhanded comment, but this rarely translates into actions against them. Humor is mentioned as one way to defuse situations where the ID is cause for suspicion or scrutiny. Similarly, blaming discrepancies on administrative mistakes, because highly plausible, has been an effective tactic. Like transwomen, transmen mitigate risks by adopting a generally discreet attitude. They mention avoiding spaces and activities that could heighten their exposure to state security, such as bars, clubs, spaces where recreational substance use may take place, and even road trips that might include army checkpoints.

This passage from an interview conducted with a transman illustrates how passing, class and other circumstantial factors play a role in shaping transmen's experiences at security checkpoints: "Checkpoints can be scary, but I noticed that it depends on the situation. If I'm alone, they are a bit scary. If I'm with a girl, it's less scary because they don't stop us. It also depends on how you present yourself: wearing nice clothes and glasses can get you through because you seem like a proper man and are assumed to be harmless. If I'm wearing torn jeans and I have makeup on my face, I would be a target. If I'm with my brother or another man, there is a high probability of being stopped and interrogated, and this scares me. So I avoid other men in my car at night."

CONCLUSIONS

Legal texts in Lebanon do not mention explicit guidelines or requirements for correcting one's gender marker in legal identification documents. Trans individuals navigate a complex administrative and legal framework which is further complicated when they are unable to afford legal representation. Yet only a few lawyers, often trained through NGOs or internationally, are equipped to assist effectively. Stigma and social pressures also contribute to discouraging more legal professionals from taking on such cases, further limiting access to competent legal representation. Here, community peers play a crucial role in filling knowledge gaps, even though cases vary greatly from one individual to the other due to intersectional factors like socio-economic class and citizenship status.

Trans people face inconsistent legal outcomes which are partly due to the power that individual judges wield in cases of gender recognition: they issue their rulings based on the outcomes of previous cases, on their subjective assessments of the person's case file, and on their interpretations of societal norms in relation to the plaintiff's gender presentation. In some cases, this may lead trans people to undergo invasive, costly, and potentially unsafe medical procedures before they can be granted their full civic rights. Judges thus constitute a potential entry-point for advancing justice for trans people, and may be more effective than attempting legal or systemic reforms.

Legal ambiguity has both permissive and prohibitive qualities, allowing freedom in some areas while preventing it in others. It also means that legal arguments become the site of narrative battles, where the preservation of the social order emerges as a key concern for judges. This raises questions about the role of the law: is it a tool for achieving justice or for preserving the status quo even when that entails oppression and injustice?

While legal gender recognition often refers to the correction of the gender marker on legal identification documents, trans people's experiences demonstrate the importance of other identifiers such as the photograph and name on the ID. Many express that legal recognition is not an end in itself, but rather a means to accessing civic rights and safely navigating public life. If the gender marker were to be removed from IDs, like religious sect was before it, this could contribute to greater social integration and safety for trans people.

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