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LGBT+ rights and issues in the Middle East

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Summary

The Middle East—encompassing countries from Jordan and Turkey to Iran—has some of the world’s most restrictive legislation for LGBT+ people.

This briefing describes the legal situation for LGBT+ people in 13 countries, including Saudi Arabia, Turkey, Iran, and Iraq. It should be read as correct at the time of publication (February 2022).

According to the [International Lesbian Gay, Bisexual, Trans and Intersex Association](#) (ILGA) in 2020:

- Of the 11 UN-member states that proscribed the death penalty for consensual same-sex relations, five were in the Middle East (Iran, Saudi Arabia, Yemen, Qatar, and the United Arab Emirates)
- Five places in the region do not criminalise same-sex relations: Bahrain, Israel, Jordan, the West Bank and Turkey.
- Same-sex marriage is not recognised in the region. Israel allows civil partnerships.
- Except for Israel, there are no constitutional, employment, or other protections for LGBT+ people.

Terminology

We use the acronym LGBT+ in this briefing (except when quoting someone else’s words). This refers to lesbian, gay, bisexual and transgender people. The ‘+’ symbol is used to include people who do not identify with typical binary notions of male and female, or who decide to identify themselves using other categories to describe their gender identity or sexuality, such as non-binary or queer. In the countries we focus on, the legislation is largely around same sex sexual activity rather than gender identity.

Legal discrimination

Many states inherited laws criminalising homosexuality [from their colonial past](#), when Britain and France controlled territories in the region. State-sanctioned interpretations of sharia law also inform legal frameworks that criminalise same-sex relations, as in the [case in Saudi Arabia](#), for example.

Globally, [Kuwait](#) (under 1960 legislation), the [United Arab Emirates](#) (under 1987 legislation) and Oman ([in 2018](#)) are some of the few countries which specifically criminalise gender non-conformity.

Two states, Jordan and Bahrain, have [repealed colonial-era laws](#) criminalising homosexuality since gaining their independence, in 1951 and 1976, respectively.

In addition to legal discrimination, [social discrimination continues](#) against LGBT+ people. Wider laws, including the crimes of offending “morality” and “indecent”, can also be used to [harass and detain LGBT+ people](#) in the region.

Activism and NGOs

Restrictions on freedom of association [limit LGBT+ activism](#) in many parts of the region. In Kuwait, for example, there are [no registered LGBT+ organisations](#), and those that have attempted to register have found their [requests rejected](#). Activists instead [focus on staying safe](#) such as through legal and digital training to reduce risk of prosecution.

Turkish LGBT+ activists have also been subject to restrictions, despite same-sex relationships not being criminalised. While Pride marches were [held regularly in Istanbul](#) (PDF) from 2003 to 2014, they have [been cancelled in subsequent years](#). However, opposition run-municipalities have [marked Pride days](#) and there have been public protests in [favour of LGBT+ rights](#) (PDF).

The UK Government and global LGBT+ rights

The Foreign, Commonwealth and Development Office has identified 31 priority countries for UK efforts to [“advance human rights” globally](#). These include Bahrain, Iran, Iraq, Israel and the Occupied Palestinian Territories, Saudi Arabia, and Yemen.

Its annual reports on [human rights in these countries](#) highlight continuing restrictions on the civic freedoms of groups such as LGBT+ people. The Department says its diplomatic network continues to raise the issue of LGBT+ rights. In 2020, for example, it funded a meeting of multi-faith religious and belief leaders to discuss global discrimination against LGBT+ people.

The UK Government had planned to host the international conference, Safe to Be Me, in June 2022 to bring together countries, businesses and international civil society organisations [to address global LGBT+ inclusion](#).

However, following the Government’s decision to [introduce a ban on conversion therapy for gay or bisexual people](#) but not for transgender people in the 2022 Queen’s Speech, many UK charities withdrew from attending. The Government subsequently announced it would [cancel the June 2022 conference](#).

Further reading

- International Lesbian, Gay, Bisexual, Trans and Intersex Association, [State sponsored homophobia: Global update](#), 2020
- Human Rights Watch, [LGBT activism in the Middle East and North Africa](#), 2018

1

Bahrain

1.1 Legislative position

Bahrain's Penal Code decriminalised consensual same-sex activity between adults who are at least 21 years of age in 1976.¹

There are no laws that prohibit discrimination on the grounds of gender identity or sexual orientation. In 2018, an amendment was made to the Labour Law which banned discrimination based on sex, origin, language or creed, and sexual harassment in the workplace. The law was not extended to cover sexual orientation or gender identity.²

1.2 Enforcement

In 2022, the UN Human Rights Office Committee on Economic, Social and Cultural Rights was told by Bahraini representatives there had not been any trials of consensual homosexual relationships. However, some trials have taken place where practices “occurred publicly or where the relationships were not consensual.”³

Human Rights Watch, however, reports authorities have used “vague” penal code provisions against “indecent” and “immorality” to target sexual and gender minorities.⁴ In 2011, for example, authorities arrested up to 200 people, mostly gay men, at an alleged same-sex wedding “due to immoral activities.”⁵

Organisations working on sexual and gender diversity issues have also encountered challenges in registering.⁶

The International Gay, Lesbian, Bisexual, Trans and Intersex Association (ILGA) notes Law 21 stipulates that an organisation would be considered illegal if its establishment contradicts public order or morals. Additionally,

¹ International Gay, Lesbian, Bisexual, Trans and Intersex Association (ILGA), [State Sponsored Homophobia Report 2020](#) (PDF), December 2020, p101. Information on Bahrain was added to this paper in July 2022.

² US Department of State, [2021 country reports on human rights: Bahrain](#) (PDF) April 2022

³ United Nations, [Committee on Economic, Social and Cultural Rights](#), February 2022

⁴ Human Rights Watch, [World Report 2021: Bahrain](#), January 2021

⁵ Reuters, [Bahrain arrests 200 men at gay party](#), February 2011

⁶ Human Rights Watch, [Interfere, Restrict, Control: Restraints on Freedom of Association in Bahrain](#), June 2013

Article 27 of the Constitution (2002) states that the freedom to form associations is guaranteed “as long as the fundamentals of the religion and public order are not infringed.”⁷

1.3 Societal attitudes

The US State Department’s 2021 annual human rights report states that the press and publications law bans anti-Islamic content in the media. The law states, “any publication that prejudices the ruling system of the country and its official religion may be banned from publication by a ministerial order.”⁸

Some films with references to LGBTQ+ characters have been prevented from being screened.

In July 2022, the Ministry of Information halted screening of a film which portrayed gay characters. The Ministry stated this was for the “sake of preserving and safeguarding society’s moral values.”⁹ Similarly, in June 2022, alongside 14 countries and territories in the Middle East and Asia, it was reported Bahrain did not grant a film to be released in the cinemas because it included scenes of a same-sex relationship.¹⁰

1.4 UK Government statements

Bahrain is a human rights priority country for the Foreign, Commonwealth and Development Office (FCDO).¹¹

In February 2022, the human rights situation in Bahrain was raised in Parliament with the Minister for Asia and the Middle East, Amanda Milling. In response, the Minister stated that the Department [regularly raises human rights issues](#) and individual cases with the Government of Bahrain and its national human rights oversight bodies.¹²

In 2014, Bahrain established a National Institute for Human Rights to promote and protect human rights. The UK Government has said there is “increasingly transparent” reporting by such bodies but has urged the country to conduct investigations that meet international standards.¹³

⁷ ILGA, [State Sponsored Homophobia Report 2020](#) (PDF), December 2020, p177

⁸ US Department of State, [2021 country reports on human rights: Bahrain](#), April 2022

⁹ Al-Monitor, [Bahrain latest to ban block-buster Thor](#), 29 June 2022

¹⁰ France 24, [‘Lightyear’ banned in 14 markets after same-sex kiss controversy](#), 15 June 2022

¹¹ FCDO, [Human Rights and Democracy report 2020 report](#), July 2021

¹² PQ 125212 [[on Bahrain: Human rights](#)], 24 February 2022

¹³ FCDO, [Human Rights and Democracy report 2020 report](#), July 2021

2

Iran

2.1 Legal position

Iran is an authoritarian theocracy with a Shia Islamic political system. The constitution stipulates Shia Islam to be the official religion and Shi'ite Islamic Sharia law is the basis of Iran's legal system.

Iran is one of only a handful of countries in the world where the death penalty is the legally prescribed punishment for consensual same-sex sexual acts, as set down in Articles 233, 234, 235 and 239 of the 2013 Iranian Penal Code. The law applies to both men and women.¹⁴

Under Article 237 of the Penal Code "homosexual acts of a male person", which includes "kissing or touching as a result of lust" are also criminalised, punishable by up to 74 lashes.¹⁵

Iran also has strict laws preventing freedom of expression and the government uses them widely to shut down media outlets, websites and organisations with content related to sexual orientation. There are also no protections, constitutional or otherwise, against discrimination and same-sex marriage or civil unions are not recognised.

Death penalty

The imposition of the death penalty is subject to certain conditions including the nature of the act, the role of an individual in that act, and the number of previous offences.

In its [State Sponsored Homophobia Report 2020 \(PDF\)](#), the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) provides a detailed examination of the conditions surrounding the imposition of the death penalty on pages 46-48.¹⁶

Where conditions for the death penalty are not met, the punishment is 100 lashes.¹⁷

In most years, human rights organisations [report instances](#) where executions by hanging have been carried out for offences related to same-sex sexual relations. Although there are no precise numbers, Amnesty International has

¹⁴ Human Dignity Trust, [Iran](#), accessed 1 February 2022

¹⁵ Human Dignity Trust, [Iran](#), accessed 1 February 2022

¹⁶ ILGA, [State-sponsored homophobia](#) (PDF), December 2020, pp46-8

¹⁷ Human Dignity Trust, [Iran](#), accessed 1 February 2022

in the past suggested that more than 5,000 people have been executed for being gay since the 1979 Iranian revolution.¹⁸

Statements by Iranian officials

In 2013 the Head of Iran’s High Council for Human Rights reportedly stated:

In our country, homosexuality is a form of sickness. It is illegal to promote homosexuality, and we have strict laws in this regard [...] we are also against this notion in the West that homosexuality is a normal behaviour which they insist we have to accept.¹⁹

When asked in 2019 about the death penalty for consensual same-sex sexual acts, Iran’s Foreign Minister said:

Our society has moral principles. And we live according to these principles. These are moral principles concerning the behaviour of people in general. And that means that the law is respected and the law is obeyed.²⁰

2.2 Attitudes within society

Iranian security forces frequently harass, arrest, and detain individuals they suspect of being LGBT+. House raids and surveillance on individuals and internet sites are common in efforts to identify LGBT individuals. Those that are arrested are commonly subjected to torture and ill treatment in order to extract confessions and are denied the right to a fair trial.

There are reports that LGBT+ individuals are also increasingly being pressured by the authorities to undergo gender reassignment surgery (transgender people are accepted in society so long as they have had surgery) or “corrective treatment”.

In its 2020 annual report on human rights, the [US State Department highlighted](#):

NGOs reported authorities pressured LGBTI persons to undergo gender reassignment surgery. According to a July report by 6Rang, the number of private and semigovernmental psychological and psychiatric clinics allegedly engaging in “corrective treatment” or reparative therapies of LGBTI persons continued to grow. The NGO 6Rang reported the increased use at such clinics of electric shock therapy to the hands and genitals of LGBTI persons, prescription of psychoactive medication, hypnosis, and

¹⁸ As reported in [“Where are the most difficult places in the world to be gay or transgender?”](#), The Guardian, 1 March 2017

¹⁹ [UN to Iran: protect LGBT people](#), Huffington Post, 1 June 2013

²⁰ US State Department, [2020 Country Reports on Human Rights Practices: Islamic Republic of Iran](#), 30 March 2021

coercive masturbation to pictures of the opposite sex. According to 6Rang, one such institution is called The Anonymous Sex Addicts Association of Iran, with branches in 18 provinces.²¹

Social acceptance of homosexuality is generally low and the attitude towards LGBT+ individuals is one of “don’t ask, don’t tell”. It frequently results in domestic abuse, families shunning those suspected of being LGBT+, or forcing them into arranged marriages or gender reassignment surgery. Discrimination and bullying within education and in the workplace is widespread and blackmail is common. “Honour” killings by family members are still reported.²²

These acts are, however, considered to be massively underreported for fear of persecution by the authorities.

2.3 Report of the UN Special Rapporteur on human rights in Iran

In January 2021 the latest [Report of the UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran](#), was published.

In that report the Rapporteur expressed “regret [...] that individuals who identify as lesbian, gay, bisexual and transgender experience human rights violations and widespread discrimination”. He went on to state that “The criminalization of same-sex consensual acts legitimizes violence by State actors and private individuals, including the use of torture, beatings and rape by law enforcement and vigilantes”.²³

He also expressed particular concern over reports that LGBT+ children were being “subjected to electric shocks and the administration of hormones and strong psychoactive medications”, reiterating that “these practices amount to torture and cruel, inhuman and degrading treatment, and violate the State’s obligations under the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child”.²⁴

²¹ US State Department, [2020 Country Reports on Human Rights Practices: Islamic Republic of Iran](#), 30 March 2021

²² [Horrible killing of young gay man puts plight of Iran’s LGBT community in spotlight](#). Radio Free Europe, 11 May 2021

²³ UN Special Rapporteur on the situation of human rights in Iran, [Situation of human rights in the Islamic Republic of Iran](#), January 2021, paras 27-28

²⁴ UN Special Rapporteur on the situation of human rights in Iran, [Situation of human rights in the Islamic Republic of Iran](#), January 2021, para 29

2.4 UN periodic review of human rights

In 2019 the UN human rights council undertook its [third periodic review of human rights in Iran](#). Iran received [10 recommendations](#) relating to the LGBT community. The majority related to the death penalty for same-sex sexual relations and reflected calls to repeal the penal code. Several countries urged Iran to decriminalise consensual same-sex activities and introduce anti-discrimination legislation.²⁵

Iran [rejected](#) the majority of those recommendations, with the exception of those relating to anti-discrimination laws which it “partially supported”. In its supporting statement Iran noted:

Although this specific right is not stipulated in the international human rights instruments, which Iran has accepted, it should be noted that under Iran`s laws, all individuals are equal before the law and are entitled to equal rights. Regarding the transgender people, a special support-oriented approach has been adopted by the government which tries to offer counseling, financial and insurance services to them through relevant laws, competent authorities and social institutes. According to the law, transgender people can apply for gender identity redetermination surgery through competent courts.²⁶

Iran’s next periodic review will be in 2023, although the UN Special Rapporteur for Human Rights in Iran reports every year.

2.5 UK Parliamentary material

LGBT rights in Iran have been specifically raised in Parliament on the following occasions.

- Homosexuality and gay rights were raised several times during a December 2020 [Westminster Hall debate on Government Policy on Iran](#).
- On 19 June 2019 the Foreign, Commonwealth and Development Office was asked about [protection of the LGBT+ community and religious minorities in Iran](#).
- With reference to an [urgent question on Iran](#) on 16 October 2017.
- LGBT issues were raised several times during a [Westminster Hall debate on human rights in Iran](#) on 11 October 2017.

²⁵ UN Human Rights Council, [Universal periodic review—Iran \(Islamic Republic of\)](#)

²⁶ UN Human Rights Council, [Report of the Working Group on the Universal Periodic Review: Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review](#), A/HRC/43/12/Add.1, 20 February 2020

- LGBT issues were raised during debates in the House of Lords on human rights in Iran on [23 January 2017](#) and [8 December 2016](#).

2.6 Further reading

- Home Office, [Country Policy and Information Note, Iran: sexual orientation and gender identity or expression](#), June 2019
- [Iranian Lesbian and Transgender Network \(6Rang\)](#)

3

Iraq

3.1 Legal position

Iraq does not specifically criminalise consensual same-sex sexual relations among adults. However, the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) considers that Iraq has “de facto criminalisation, relying largely on other legal mechanisms to target our communities”.²⁷

Specifically, Article 401 of Iraq’s Penal Code criminalises “immodest acts”, which is punishable by a period of detention of up to six months and/or a fine. This legal provision, along with provisions relating to prostitution, are reported to be commonly used to punish LGBT+ individuals.²⁸

Enforcement

Under Sharia law homosexuality is also considered a sin and the punishment can be severe. In its 2020 report the ILGA notes that, while there have been no recorded prosecutions by the state in the last few years:

There have been reports of extrajudicial executions ordered by non-legal Sharia judges, and of both police and militias frequently kidnapping, threatening and killing LGBT people.²⁹

Limits on NGOs

Under Iraqi law, NGOs are prohibited from conducting activities, or pursuing objectives, that “violate the constitution or other Iraqi laws”.³⁰

On this basis organisations advocating for LGBT+ rights have largely been denied permission to operate. [IraQueer](#), which was established in 2015, promotes itself as Iraq’s first LGBT+ organisation.³¹

²⁷ ILGA, [State Sponsored Homophobia Report 2020](#) (PDF), December 2020, p11

²⁸ ILGA, [State Sponsored Homophobia Report 2020](#) (PDF), December 2020, p131

²⁹ ILGA, [State Sponsored Homophobia Report 2020](#) (PDF), December 2020, p131

³⁰ ILGA, [State Sponsored Homophobia Report 2020](#) (PDF), December 2020, p174

³¹ IraQueer, [Leading Iraq’s first LGBT+ movement](#), accessed 1 February 2022

Wider protections

There are also no legal protections, constitutional or otherwise, protecting the LGBT+ community from discrimination and same-sex marriage and civil partnerships are not recognised.

3.2 Attitudes within society

The LGBT+ community in Iraq has historically been the target of persecution whether by the State authorities; violent extremists and local militia groups, some with affiliation to Iran; or by society in general, including from an individual's own family. LGBT+ issues are considered taboo and are not discussed openly, resulting in many individuals hiding their sexuality or gender identity.

In the past the Kurdistan region was considered to be more tolerant of the LGBT community than the rest of Iraq, although that is thought to be changing, with most abuse going unreported.

The LGBT+ community is frequently targeted by law enforcement officers and subject to discrimination, harassment and violence. Officers act with impunity, encouraged by what is perceived as the "state-sanctioned culture of anti-LGBT discrimination".³²

Protest against raising the rainbow flag

In May 2020 the Iraqi Ministry of Foreign Affairs condemned a number of foreign embassies for offending what it called the country's norms and values when the EU mission raised a rainbow flag on the International Day against Homophobia, Transphobia, and Biphobia.

Several Iraqi leaders also condemned the incident, with some calling for the EU mission to be closed.³³

Attacks by extremist groups

Violent extremist groups, which have been prevalent in Iraq since the fall of Saddam Hussein in 2003, also frequently target gay men and transgender women in particular.

In 2009 fighters suspected of affiliation with Muqtada al-Sadr's Mahdi army, launched a brutal [crackdown](#), in which hundreds of gay men, and those

³² OutRight Action International, [Violence and discrimination based on sexual orientation and gender identity in Iraq](#), September 2019, accessed 1 February 2022

³³ Al-Monitor, [Rainbow flags over Baghdad fan debate, spur fear](#), 27 May 2020, accessed 1 February 2022

perceived to be gay, were kidnapped, tortured and murdered in a matter of months, the majority of them in Baghdad.³⁴

The Islamic State group, which took control of large areas of Iraq for a short period of time in 2014, executed LGBT+ people.³⁵

At the same time, the group Asa'ib Ahl al-Haq waged a campaign of hatred against gay men, or those perceived to be gay, by putting up “wanted posters” for specific individuals and encouraging vigilante beatings and killings.³⁶

In July 2017 a famous Iraqi actor was tortured and murdered for his perceived sexual orientation.³⁷

LGBT+ individuals also frequently suffer abuse at the hands of friends and family. It is widely reported that violence against LGBT+ individuals is either not reported for fear of further abuse or not investigated by law enforcement officials.

In its [World Report 2021](#), Human Rights Watch noted:

Over the years authorities have not held accountable [perpetrators](#), including [security forces](#), of [kidnappings, torture, and killings](#) of people [perceived](#) as gay and transgender. A 2012 government committee established to address abuses against LGBT people took [few tangible steps](#) to protect them before disbanding.³⁸

3.3 UK and US statements

Iraq is a human rights priority country for the Foreign, Commonwealth and Development Office (FCDO). The FCDO has noted that “Honour killings against women, girls, and LGBT people continued, often unreported”.³⁹

In its [2020 annual report on human rights](#), the US State Department made the following observations with respect to Iraq:

Despite repeated threats and violence targeting lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals, specifically gay men, the

³⁴ Human Rights Watch, [Murder, torture, sexual orientation and gender in Iraq](#), 17 August 2009, accessed 1 February 2022

³⁵ OutRight Action International, [When coming out is a death sentence: Persecution of LGBT Iraqis](#) (PDF), 2014, pp4-5

³⁶ The Guardian, [Iraqi government “likely complicit” in persecution of LGBT community](#), 19 November 2014, accessed 1 February 2022

³⁷ Pink News, [Iraqi actor kidnapped, tortured and killed “for looking gay.”](#) 4 July 2017, accessed 1 February 2022

³⁸ Human Rights Watch, [Iraq: Events of 2020](#), 2021

³⁹ FCDO, [Human rights and democracy report 2019](#), July 2020

government failed to identify, arrest, or prosecute attackers or to protect targeted individuals [...]

LGBTI individuals also faced intimidation, threats, violence, and discrimination in the IKR [Iraqi Kurdistan region]. LGBTI individuals reported they could not live openly in the IKR without fear of violence at the hands of family members, acquaintances, or strangers. Rasan Organization for gender-based violence and LGBT awareness posted a video documentary in September 2019 about the impact of COVID-19 on LGBT individuals in the IKR. LGBTI individuals struggled to be accepted by their family members and the IKR community and disguised their identity from their families due to fear of violence, verbal abuse, and killing.

According to NGOs, Iraqis who experienced severe discrimination, torture, physical injury, and the threat of death on the basis of real or perceived sexual orientation, gender identity and expression, and sex characteristics had no recourse to challenge those actions via courts or government institutions.⁴⁰

3.4 UN periodic review of human rights

In 2019 the UN Human Rights Council undertook a [periodic review of human rights in Iraq](#).

[Twelve of its recommendations](#) related to LGBT+ rights. Specifically, they called for the introduction of legislation protecting against discrimination and gender-based violence. A number of recommendations also called for an investigation and end to violence against, and killings of, LGBT individuals. Nearly all of those recommendations were either supported, or partially supported, by the Iraqi government.⁴¹

3.5 Further reading

- [“LGBTQ members face threats in Iraqi Kurdistan”](#), Voice of America, 9 April 2021
- [“Queer in Kurdistan: LGBT+ community weighed down by societal pressure”](#), Rudaw, 3 May 2021
- [Iraq: Sexual orientation and gender identity and expression](#), Home Office, October 2018
- [Dying to be Free: LGBT human rights violations in Iraq](#), UN International Covenant on Civil and Political Rights, 2015

⁴⁰ US Department of State, [2020 country reports on human rights practices: Iraq](#), March 2021

⁴¹ UN Human Rights Council, [Universal periodic review-Iraq](#)

4

Jordan

4.1 Legal situation

Jordan is one of the few Middle Eastern countries where consensual same-sex sexual acts are not criminalised. The Criminal Code Bill (1936), established by the British Mandate of Palestine and Transjordan, penalised “sodomy”. With the approval of the independent country’s Penal Code (1951) this legislation was repealed.⁴²

However, while same-sex consensual activity is not a criminal offence, there is no freedom of expression in relation to LGBT+ issues or protection against discrimination.

Censorship and the press

Article 28 of the Press and Publication Law (1998) allows editors to refuse to publish content that is “contrary to public morals”.⁴³

In July 2017, the Jordanian Audio-visual Commission blocked access to an LGBT+-inclusive online magazine because it did not have a licence. In 2016 and 2017, the Jordanian Government prevented a Lebanese rock band whose frontman is openly gay from performing in Jordan, as the band’s output was “against the religion and norms of the country”.⁴⁴

NGOs

Article 3 of the Law of Societies (2008) also prohibits the registration of any society which has illegal purposes. It also requires non-Jordanian sources of funding be not contrary to public order or morals. There have been several instances where officials have stated no authorisation would be given to LGBT+ groups to legally operate.⁴⁵

⁴² ILGA, [State Sponsored Homophobia Report 2020](#) (PDF), December 2020, p102

⁴³ ILGA, [State Sponsored Homophobia Report 2020](#) (PDF), December 2020, p155

⁴⁴ ILGA, [State Sponsored Homophobia Report 2020](#) (PDF), December 2020, p155

⁴⁵ ILGA, [State Sponsored Homophobia Report 2020](#) (PDF), December 2020, p175

4.2 Social attitudes

Events were held in Jordan to coincide with the international day against homophobia, transphobia and Biphobia in 2015, when the US Ambassador addressed the meeting.⁴⁶

On several occasions, officials have publicly stated that LGBT groups would not be authorised, sparking “outrage” in Jordan. In 2017 the Minister of Interior made a statement to the effect that Jordan “would never endorse any charter or protocol acknowledging homosexuals” or would grant them any rights “as it is considered a deviation from Islamic law and Jordanian Constitution”, and that “any initiatives by those who have sexual deviancy are violating the provisions of Islamic religion and the general system”. The comments brought a wave of negative attention to LGBT+ people and [censure from human rights organisations](#).⁴⁷

The US State Department did note in its [2020 annual human rights report](#) that “violence against lesbian, gay, bisexual, transgender, and intersex persons” was a concern. It went on to state:

Authorities can arrest LGBTI individuals for violating public order or public decency ordinances. While consensual same-sex sexual conduct among adults is not illegal, societal discrimination against LGBTI persons was prevalent, and LGBTI persons were targets of violence and abuse, including rape, with little legal recourse against perpetrators. Transgender individuals were especially vulnerable to acts of violence and sexual assault. LGBTI persons reported discrimination in housing, employment, education, and access to public services. The law does not prohibit discrimination against LGBTI individuals. LGBTI individuals reported the authorities responded appropriately to reports of crime in some cases. Other LGBTI individuals reported their reluctance to engage the legal system due to fear their sexual orientation or gender identity would either provoke hostile reactions from police, disadvantage them in court, or be used to shame them or their families publicly. LGBTI community leaders reported that most LGBTI individuals were not openly gay and feared disclosure of their sexual orientation or gender identity. The Media Commission banned books containing LGBTI content.

There were reports of individuals who left the country due to fear that their families would kill them because of their gender identity.⁴⁸

⁴⁶ Al-Monitor, [US ambassador’s visit to LGBT event sparks outrage in Jordan](#), 16 June 2015, accessed 1 February 2022

⁴⁷ Human Rights Watch, [Gay-bashing in Jordan—by the Government](#), 30 August 2017, accessed 1 February 2022

⁴⁸ US Department of State, [2020 country reports on human rights practices: Jordan](#), 30 March 2021, accessed 1 February 2022

Although in strictly legal terms the position of LGBT+ individuals in Jordan is relatively good compared with their neighbours in the region, public opinion remains hostile to sexual minorities.

In a broad [survey of Arab public opinion](#) conducted in 2019, only 7% of Jordanians considered homosexuality acceptable (compared with 21% who accepted “honour” killings). Acceptance for homosexuality in Jordan was far lower than in Algeria and Morocco, for example. ⁴⁹

⁴⁹ BBC News, [The Arab world in seven charts: Are Arabs turning their backs on religion?](#), 24 June 2019, accessed 1 February 2022

5

Kuwait

5.1 Legislation

Kuwait criminalises sex between men and the gender identity/expression of trans people.

[Article 193 of the Penal Code 1960](#) states that consensual sex between men aged over 21 is punishable by a term of imprisonment of up to seven years.⁵⁰

[Article 198 of the same Penal Code](#) states that anyone who makes a “lewd signal or act in a public place [...] or appears like the opposite sex in any way” may be liable for a prison term of one year and/or a fine not exceeding 1,000 Dinar (around £2,400).⁵¹

Article 198 was amended in 2007 by the National Assembly, [replacing a more generic public decency law](#).⁵² Human Rights Watch say the law [has been applied in an arbitrary fashion](#), and the change has been taken advantage of by police to harass, assault and arrest transgender people.⁵³

Other laws also curtail media freedom and freedom of expression. [Article 21 of the Press and Publication Law 2006](#) (PDF) prohibits the publication of any material that would insult “public morals” or potentially instigate others to violate “public order,” even if no crime occurred as a result.⁵⁴ In 2016, this was [extended to include online publications](#) (PDF).⁵⁵

Proposed introduction of tests for migrants

Kuwait is a member of the Gulf Cooperation Council, which includes other states such as Qatar, Saudi Arabia and the United Arab Emirates.

⁵⁰ Human Dignity Trust, [Kuwait](#), accessed 28 January 2022

⁵¹ Human Dignity Trust, [Kuwait](#), accessed 28 January 2022

⁵² Human Rights Watch, [Discrimination and police violence against Transgender women in Kuwait](#), January 2012, accessed 28 January 2022

⁵³ Human Rights Watch, [Discrimination and police violence against Transgender women in Kuwait](#), January 2012, accessed 28 January 2022

⁵⁴ Doha Centre for Media Freedom, [Law Number \(3\) for the year 2006 on press and publications: Kuwait, unofficial translation](#) (PDF), accessed 28 January 2022

⁵⁵ ILGA, [State-sponsored homophobia: Global legislation overview update](#), 2020 (PDF), p155

In 2013, an official at the Kuwaiti Health Ministry [proposed the introduction of compulsory medical tests](#) to bar migrant workers deemed homosexual or transgender from entering Gulf countries.⁵⁶

Commentors have suggested the proposal did not proceed further, as it would [create controversy over Qatar's hosting of the 2022 World Cup](#).⁵⁷

5.2 Law enforcement

There have been many instances of the Penal Code being enforced. The below is a non-exhaustive list.

Arrests

In 2018, two homosexual men, from Georgia and France, were [reportedly arrested](#).⁵⁸

In 2017, around [76 men were deported](#) during a “moral” crackdown on homosexuality. During the deportations, 22 massage parlours were also shut for being suspected of harbouring homosexual activity.⁵⁹

In the same year, a Polish Instagram celebrity said he was [arrested in the country](#) for being “too feminine.” The celebrity was beaten by police, held for two weeks, and is now banned from returning to the country.⁶⁰

In 2016, 41 men were arrested for [engaging in homosexual prostitution services](#) at massage parlours in Kuwait City.⁶¹

In 2014, 32 people were arrested for [attending an alleged “gay party.”](#)⁶²

In 2013, 215 [people were arrested](#) at cafes and other places.⁶³ However, the total includes those [arrested and charged for a number of offences](#), not only those relating to LGBT+ rights.⁶⁴

⁵⁶ Amnesty International, [Kuwait: Outrage at homophobic “medical tests” for migrant workers](#), 11 October 2013, accessed 28 January 2022

⁵⁷ [Kuwaiti authorities arrest 23 “cross-dressers and homosexuals.”](#) Middle East Eye, 13 February 2015, accessed 28 January 2022

⁵⁸ [CID personnel arrest Georgian and a French homosexuals](#), Arab Times, 24 April 2018, accessed 28 January 2022

⁵⁹ [Kuwait deports dozens of homosexuals in ‘morality’ crackdown](#), Albawaba, 11 August 2017, accessed 28 January 2022

⁶⁰ [This controversial Instagram star was arrested and abused for being ‘too feminine’ in Kuwait](#), The New Arab, 15 September 2017, accessed 28 January 2022

⁶¹ [41 arrested in raid on homosexual massage parlour in Kuwait](#), Gulf News, 17 April 2016, accessed 28 January 2022

⁶² [Kuwait police raid ‘gay’ party, arrest 32](#), 76 Crimes, May 2014, accessed 28 January 2022

⁶³ [Kuwaiti police sweep cafes, arrest 215 people for being gay](#), The Atlantic, 14 May 2013, accessed 28 January 2022

⁶⁴ [Kuwait: 215 arrested ‘for being gay?’ Not quite](#), 76 Crimes, 15 May 2013, accessed 28 January 2022

A 2012 report by Human Rights Watch cited one Kuwaiti lawyer who said that arrested transgender women are not prosecuted but are [rather detained and released with a warning](#). His clients could be kept in jail for a few hours, to over a week. The NGO said of the 40 transgender women it interviewed, 39 said they had been arrested, some multiple times. Of the 62 arrests, 54 cases had ended in acquittal or failure to reach a verdict.⁶⁵

Press, Culture and Media

The Government filters the internet [to block LGBT+ material](#), including health, advocacy and legal information. Several films and concerts have also been banned or halted.

For example, in 2020, Pixar's Onward was [banned in Kuwait](#) due to it including an openly gay character.⁶⁶

5.3 NGOs and civil society

Law Number 24 of 1964 states societies and clubs [are not allowed to seek to achieve](#) "any purpose that is illegal or defies ethics." It also states that NGO registration is mandatory.⁶⁷

In 2020, the US State Department said there were [no registered LGBT+ NGOs](#), though unregistered ones do exist. Due to repression and social stigma, no organisations operate openly.⁶⁸

In 2019, the group al-Hurriya said it [intended to apply for a permit to become an official association](#).⁶⁹ Its previous request in 2007 was rejected. It reportedly had [30 founding members](#).⁷⁰ The 2019 decision followed reports that the Ministry of Commerce was removing rainbow flags and slogans from several commercial buildings.

Kuwaiti organisations have [emphasised that they are focused on keeping safe](#), including online.⁷¹

⁶⁵ Human Rights Watch, [Discrimination and police violence against transgender women in Kuwait](#), January 2012, accessed 28 January 2022

⁶⁶ [Pixar's Onward "banned by four Middle East countries" over gay reference](#), BBC News, 9 March 2020, accessed 28 January 2022

⁶⁷ International Center for Not-for-profit Law, [Law No.24 of the Year 1962](#) (PDF), p3

⁶⁸ US Department of State, [2020 country reports on human rights: Kuwait](#), March 2021, accessed 28 January 2022

⁶⁹ [Kuwait's gay community wants official recognition for LGBT rights](#), The New Arab, August 2019, accessed 28 January 2022

⁷⁰ [Many Kuwaitis plan to apply for 'gay' rights](#), Arab Times, 8 July 2019, accessed 28 January 2022

⁷¹ Human Rights Watch, [LGBT activism in the Middle East and North Africa](#), updated 30 August 2021, accessed 28 January 2022

Some LGBT+ persons have been arrested for speaking about their experiences.

In 2020, a [transgender woman was imprisoned](#) after she spoke of the alleged abuse she received by police officers when being held in a men's prison.⁷²

5.4 UK Government and Parliament statements

There have been few references to LGBT+ rights in Kuwait in the UK Parliament.

In 2018, LGBT+ rights were raised in the [context of the UK's Extradition Treaty](#) with the state. Lord Collins, speaking for the Labour Party, cited provisions in the treaty on which extradition could be refused. These included if:

The request for extradition has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, sex or [other] status, or political opinions, or that that person's position may be prejudiced or his or her liberty restricted for any of those reasons.⁷³

The peer sought confirmation that this would include protections on the grounds of a person's sexual orientation. The answering Minister, Baroness Goldie, [said it would](#):

My understanding is that the specific reference to sex, or indeed to status, is intended to ensure that persons are not wrongly persecuted for their sexual orientation and that extradition under this treaty shall be refused in any such cases.⁷⁴

The UK Government has also said it has talked "openly and honestly" [about human rights issues](#) with the Kuwaiti Government.⁷⁵

5.5 Further reading

- International Lesbian, Gay, Bisexual, Trans and Intersex Association, [State sponsored homophobia: Global update](#), 2020, pp133, 155, 177
- Human Rights Watch, [Discrimination and police violence against transgender women in Kuwait](#), 2012

⁷² [Kuwait transgender woman imprisoned after speaking out on abuse by authorities](#), The New Arab, 6 June 2020, accessed 28 January 2022

⁷³ HL Deb, [30 October 2018](#), c1280

⁷⁴ HL Deb, [30 October 2018](#), c1286

⁷⁵ PQ 242671 [[Kuwait: Human rights](#)], 16 April 2019

6

Lebanon

6.1 Laws and enforcement

Compared to the other countries in the Middle East-North Africa (MENA) region, Lebanon is generally considered one of the safest and, in relative terms, tolerant countries in the region (excluding Israel).

The legal status of homosexuality is somewhat ambiguous. Article 534 of Lebanon's penal code prohibits "sexual intercourse against nature" with a penalty of up to one-year imprisonment.⁷⁶

There have been cases where it has been used against LGBT+ people.

The State Department's [2019 human rights report on Lebanon](#) stated that in April 2019, "a civilian court in Saida ruled on a 2017 case, convicting two men accused of homosexual activity under Article 534. The initial sentence of jail time was replaced with a fine of LBP 500,000 (\$333)".⁷⁷

However, the report stated in that same year a military prosecutor in Beirut acquitted four military personnel accused of "sodomy":

The judge cleared the group of charges of committing sexual acts "contrary to nature" and declined to issue warrants for their arrest, commenting that the penal code does not specify what kind of relationship can be considered "contrary to nature." The ruling was the first of its kind by a military prosecutor.⁷⁸

A 2018 ruling by an appeals court that consensual sex between people of the same sex is not unlawful was widely reported, and described by Human Rights Watch as "ground-breaking". It also built upon several earlier rulings from Lebanese courts according to the NGO:

The ruling follows similar judgments from lower courts that have declined to convict gay and transgender people of "sexual intercourse contrary to nature" in four separate rulings between 2007 and 2017. It is the first such ruling from an appeals court and moves Lebanon further toward decriminalizing homosexual conduct.

⁷⁶ ILGA, [State Sponsored Homophobia Report 2020](#) (PDF), December 2020, p133

⁷⁷ US State Department, [2019 Country Reports on Human Rights Practices: Lebanon](#), 2020

⁷⁸ US State Department, [2019 Country Reports on Human Rights Practices: Lebanon](#), 2020

“This ruling signals a new horizon for lesbian, gay, bisexual, and transgender people in Lebanon, who have long been persecuted under discriminatory laws,” said Neela Ghoshal, senior researcher on lesbian, gay, bisexual, and transgender (LGBT) rights at Human Rights Watch. “The court has effectively ordered the state to get out of people’s bedrooms.”

That notwithstanding, according to the Human Dignity Trust Lebanon has a civil law system “without a strict system of precedent”. Therefore, it is possible that other future judgments might take a different view of the legislation.⁷⁹

6.2 Trans rights

A September 2019 report by Human Rights Watch, looked at the treatment of trans women in Lebanon. The report found systemic discrimination in the provision of services, greater risk of arbitrary arrest and violence:

Transgender women—people designated male at birth but who identify and may present themselves as women—face systemic discrimination in education, employment, housing, and the provision of health care in Lebanon. They are also at greater risk of arbitrary arrest. Arrests and questioning at checkpoints are often accompanied by physical violence by law enforcement officials. Trans women also face routine violence and the threat of violence by members of the public and are denied police protection, compromising their ability to live in safety and positioning them in a perpetual state of precarity. This discrimination, which emanates from severe social stigma and isolation, is exacerbated by a lack of resources tailored for trans people’s needs and by their difficulty in obtaining identification documents that reflect their gender identity and expression.

While discrimination impacts virtually all trans women in Lebanon, it is often intensified in the case of trans refugees, who are marginalized on the grounds of both refugee status and gender identity.⁸⁰

According to the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), it is possible to legally change your gender in Lebanon, however, each case is “decided individually by the presiding magistrate, with unclear requirements”.

Courts require proof of a “physical, social and psychological nature” and “proof of the irrevocability of the sex/gender conversion and of psychological and social necessities justifying the need of legal recognition”. This normally

⁷⁹ Human Dignity Trust, [Country Profile: Lebanon](#), accessed 27 May 2021.

⁸⁰ Human Rights Watch, ‘[Don’t Punish Me for Who I Am’: Systemic Discrimination Against Transgender Women in Lebanon](#)’, 3 September 2019.

means evidence that the applicant has undergone a gender reassignment surgery and a hormonal treatment and psychiatric reports that the applicant has been diagnosed with a transgender condition. No court decision allowing legal gender recognition has yet been appealed by the public ministry.⁸¹

The ILGA also reports that a law on the statute book, Article 521, criminalises men dressing as women, and is used to discriminate against trans people:

Article 521. Disguising as a woman.

Any man who disguises himself as a woman and enters a place specifically for women only or a place in which anyone aside from women are prohibited from entering may be jailed for no more than 6 months.⁸²

6.3 Social attitudes

In 2017, Beirut held its first gay pride week, despite one of its initial events being cancelled after threats from Islamist groups.⁸³ However, the 2018 festival ended up being cancelled after security forces shut down an initial event and arrested the festival's organiser.⁸⁴

Security forces also tried to shut down a September 2018 conference on LGBT rights in Beirut. The attempted shutdown came in response to a call from the Muslim Scholars Association. They had asked for the organizers' arrests and conference cancellation, citing a legal clause on "incitement to immorality."⁸⁵

According to CNN during the 2018 General Election, "nearly 100 candidates [...] publicly called for the decriminalization of homosexuality".⁸⁶

During the election campaign one of Lebanon's oldest political parties, the Kataeb party, said they would "abrogat[e] all legal provisions that criminalize homosexuality" if it were to lead a Government.⁸⁷ According to CNN the party "mimicked Italy's fascists in its early years in the 1930s", but has since been associated with the country's Christian right wing. It was also one of several militias that participated in Lebanon's civil war, but has in recent years "tried to modernize its image with more inclusive programs".⁸⁸

In February 2019, Human Rights Watch submitted a [complaint](#) to the United Nation's human rights officials saying [Lebanese](#) security forces had repeatedly interfered with human rights events related to gender and

⁸¹ ILGA, '[Trans Legal Mapping Report](#)', 2019, pp 86

⁸² Ibid, pp 85.

⁸³ '[Beirut Pride week goes ahead despite Islamist threats](#)', The Telegraph, 21 May 2017.

⁸⁴ '[Beirut Pride cancelled after organiser detained](#)', BBC News, 16 May 2018.

⁸⁵ '[Lebanon: A Tale of Leaps and Losses for LGBT Rights](#)', Morocco World News, 2 November 2019.

⁸⁶ '[Gay rights come to the fore as Lebanon prepares to vote](#)', CNN, 4 May 2018.

⁸⁷ '[Lebanese political party vows to decriminalize gay sex acts](#)', Metro Weekly, 13 March 2018.

⁸⁸ '[Gay rights come to the fore as Lebanon prepares to vote](#)', CNN, 4 May 2018.

sexuality in violation of international human rights protections. The complaint cited the shutting down of the 2018 pride festival, and the attempted shutdown of the LGBT+ rights conference mentioned above, as well as other examples of interference by security forces.⁸⁹

6.4 Treatment of LGBT+ refugees

According to a report by the NGO International Alert in Lebanon, refugees from Syria have been “harassed, incarcerated, tortured and threatened with deportation by Lebanese police for non-heteronormative appearance or same-sex expressions of affection”.⁹⁰

The same report also detailed the sexual exploitation of trans refugees and LGBT women:

[S]ome of the trans refugees we interviewed had been exploited sexually by their landlords, and many of the lesbian, bisexual and trans women had been sexually harassed or had sexual favours demanded from them in exchange for services.⁹¹

6.5 Surveys of public attitudes

The Pew Research Centre has periodically conducted global surveys on the acceptance of homosexuality. In 2019, 85% of the surveyed population of Lebanon said homosexuality should not be accepted by society.⁹²

A June 2019 study for BBC News Arabic by the Arab Barometer research network, interviewed more than 25,000 people across 10 countries in the region. The survey found even lower levels of tolerance than Pew’s: “in Lebanon, despite having a reputation for being more socially liberal than its neighbours, the figure is 6%”.⁹³

6.6 Further reading

- Human Rights Watch, [‘Don’t Punish Me for Who I Am’: Systemic Discrimination Against Transgender Women in Lebanon](#), 3 September 2019

⁸⁹ Human Rights Watch, [‘Lebanon: No Justification for LGBT Crackdown’](#), 11 February 2019.

⁹⁰ International Alert, [‘When merely existing is a risk: Sexual and gender minorities in conflict, displacement and peacebuilding’](#), February 2017, pp 21

⁹¹ Ibid.

⁹² Pew Research Center, [The Global divide on homosexuality persists \(PDF\)](#), 2020, p7

⁹³ [‘The Arab world in seven charts: Are Arabs turning their backs on religion?’](#), BBC News, 24 June 2019.

- [‘Coming Out in Lebanon’](#), New York Times, 30 December 2017.
- Human Rights Watch, [“If Not Now, When?” Queer and Trans People Reclaim Their Power in Lebanon’s Revolution](#)’, 7 May 2020.

7

Oman

7.1 Legal rights

In line with other Gulf States consensual same-sex sexual relations are illegal in Oman.

In 2018 Oman adopted a new Penal Code which carries a maximum sentence of three years in prison for same-sex sexual intercourse or “lustful acts” between two people of the same sex (Article 261 and 262).⁹⁴

Any sexual relations outside of marriage are also punishable crimes under Article 259 and carry a six month to three-year prison sentence. Oman does not recognise same-sex marriage or civil unions.⁹⁵

For the first time, the new Penal Code also criminalises non-normative gender expression. Article 266 sets down a prison sentence of one month to one year, a fine of 100-300 riyals (US \$260-780), or both, for any man who “appears dressed in women’s clothing”. Oman is now one of only a few countries in the world that criminalises gender expression.⁹⁶

Articles 25 and 28 of the Publications and Publishing Law (1984) also prohibits the publication of anything that “disrupts public order or calls people to embrace or promote anything deemed in contravention of the principles of the Islamic religion”, or that might “prejudice the public code of conduct, moral norms or divine religions”. Under a 2002 Telecommunications Law any services that contain information that is “contrary to the public order or morality” or “infringes religious practice or upsets others” are prohibited.⁹⁷

There are also no protections, constitutional or otherwise, against discrimination for LGBT individuals.⁹⁸

7.2 Attitudes within society

Omani society is perceived as generally more tolerant to the LGBT+ community than some of the other Gulf States and enforcement of the law on

⁹⁴ ILGA, [State Sponsored Homophobia Report 2020](#) (PDF), December 2020, p134

⁹⁵ Human Rights Watch, [Submission to the UN periodic review of Oman](#), 10 July 2020

⁹⁶ Human Rights Watch, [Letter RE: Arrests and convictions under the 2018 penal code](#), 13 July 2020

⁹⁷ ILGA, [State Sponsored Homophobia Report 2020](#) (PDF), December 2020, p156

⁹⁸ ILGA, [State Sponsored Homophobia Report 2020](#) (PDF), December 2020, p328

consensual same-sex relations appears relatively rare. However, the issue is controversial, and any public discussion of homosexuality can prompt a public backlash.

In 2013 an English language newspaper, *The Week*, published an article which discussed Oman's attitudes towards the LGBT community, even though homosexuality is criminalised. The article was denounced across social media in Oman and by the country's journalist's association. In response, the Government suspended publication of the newspaper for a week for breaking the country's press code and forced it to apologise on its front page.⁹⁹

In 2015, the Government also reportedly took legal action against a French radio station based in Oman that hosted a gay Omani activist who discussed the challenges of being gay in the country.¹⁰⁰

[In 2018](#) four men were sentenced to three years in prison and a fine under the new Penal Code, for crossdressing and posting the photos on social media.¹⁰¹

In its [2021 World Report](#), Human Rights Watch suggested that individuals continued to be harassed, in particular through social media platforms, and arrested for their "real or perceived gender identity and sexual orientation".¹⁰²

The LGBT+ community therefore maintains a low profile. Advocacy for LGBT rights in Oman is minimal.

7.3 UN Periodic Review

In early 2021 the UN Human Rights Council undertook its [third periodic review](#) of human rights in Oman. Among the recommendations received were calls for the decriminalisation of same-sex relations and sexual activity and the regulation of gender expression. Specifically:

134.63 Abolish any legislation that criminalizes or limits the exercise of the rights of lesbian, gay, bisexual, transgender and intersex persons, especially their right to gender identity and expression (Chile) [...]

134.67 Decriminalize homosexuality and guarantee the protection of lesbian, gay, bisexual, transgender and intersex persons from all forms of harassment and from arbitrary detention (France);

134.68 Decriminalize consensual sexual relations between adults of the same sex and expand its anti-discrimination legislation to include

⁹⁹ BBC News, [Omani newspaper apologises for article on homosexuality](#), 2 September 2013

¹⁰⁰ Human Rights Watch, [Audacity in adversity: LGBT activism in the Middle East and North Africa](#), April 2018

¹⁰¹ Human Rights Watch, [Letter Re: Arrests and convictions under Oman's 2018 penal code](#), 13 July 2020

¹⁰² Human Rights Watch, [Oman: Events of 2020](#), 2021

prohibition of discrimination on the basis of sexual orientation and gender identity (Iceland).

The Omani government's response is currently only officially available in Arabic. Basic translation services suggest that the Omani government only "took note" of the above recommendations.¹⁰³

¹⁰³ UN Human Rights Council, [Universal periodic review—Oman](#)

8

Palestine

8.1 Legislation

The civil society organization alQaws for Sexual and Gender Diversity in Palestinian Society reported that [LGBT+ people continued to be denied the freedom to exercise their rights](#), even though consensual same-sex relationships are not criminalised in the West Bank.¹⁰⁴

However, Section 152(2) of the British Mandate Criminal Code Ordinance 1936, which is still in force in Gaza, criminalises carnal knowledge “against the order of nature” with a penalty of up to ten years imprisonment.¹⁰⁵

Within the Palestinian Authority (PA), gay activists and the LGBT+ community at large can be subjected to persecution. According to activists, this persecution comes directly from the PA itself.

In contrast, the OPT’s neighbour, Israel, has more legal protections and societal tolerance of the LGBT+ community. There are gay Palestinians from the PA who have sought refuge in Israel.¹⁰⁶

8.2 Recent events

In August 2019 the Palestinian Authority barred the Al Qaws (Rainbow) organisation, [which combines several LGBT groups](#), from holding an event in the Nablus area. Palestinian policemen forcibly prevented the gathering and issued a warning to members of the gay community. They asked citizens to provide the police with any information they might have about the organisation’s activities, and made the following statement:

The Palestinian police will prevent the holding of the event and notes that it did not know about the similar previous events that were held in Nablus. The event in question is not suitable to the conservative nature of the city and will offend the values of the local population and the city of Nablus...The event, if held, will constitute an affront to the tradition and a

¹⁰⁴ Amnesty International, [Palestine \(State of\) 2020](#), accessed January 2022

¹⁰⁵ Human Dignity Trust, [Palestine](#), accessed January 2022

¹⁰⁶ For example, UN Human Rights Council, [Written statement submitted by UN watch, a NGO organisation in special consultative status](#) (PDF), 3 March 2021, pp3-4

blow to the values that Palestinian society has upheld throughout its history.¹⁰⁷

In responding to the ban, Al Qaws made the following statement on social media:

Al Qaws condemns the use of prosecution, intimidation, and threats of arrest, be it by the police or members of society. We have always been public and accessible about our work, through maintaining an active website, social media presence, and engagement in civil society. However, we have never received threats to this extent before. This backlash paves the way for unethical media practices to thrive by adopting and fuelling violent discourse that is gaining traction and legitimacy in social media. We believe that the police and Palestinian society at large should focus on combatting the occupation and other forms of violence that tear apart the sensitive fabric of our society and values, instead of prosecuting activists who work tirelessly to end all forms of violence.

In 2019, the Government was asked what representations it made to the PA on its decision to prevent Al Qaws meeting. It responded:

The Government shares your [the Members'] concern about the Palestinian Police statement banning LGBT activities, which has now been removed. Officials from our British Consulate-General in Jerusalem raised our concerns with the Palestinian Authorities and directly engaged with Al Qaws and international partners on this matter.¹⁰⁸

8.3 Further reading and press articles

The following is a selection of media articles. Please note the Library is not responsible for either the views or accuracy of external content.

- Dr. Edy Cohen, [The Plight of the LGBT Community in the Palestinian Authority and Muslim Countries](#), Begin-Sadat Center for Strategic Studies, 19 September 2019
- Equaldex – collaborative knowledge base crowdsourcing LGBT (lesbian, gay, bisexual, transgender) rights by country and region, [LGBT Rights in Palestine](#)
- [Aswat Palestinian Gay Women – Global Fund for Women](#)
- [alQaws for Sexual and Gender Diversity in Palestine](#)
- ["LGBTQ rights have become a litmus test in Palestinian society"](#), +972 Magazine [online], 17 March 2021

¹⁰⁷ Al Qaws, [An investigation of the interaction of Palestinian families with their children's sexual and gender experiences](#), 29 March 2021

¹⁰⁸ PQ 2905446 [[West Bank: LGBT people](#)] 2 October 2019

- ["Israel's Prime Minister May Benefit From A Rift Over LGBTQ Rights"](#), NPR transcript and recording, 11 March 2021
- ["Once taboo, LGBTQ rights take center stage in Palestinian society"](#), +972 Magazine [online], 21 August 2020
- [Israeli-Arab society torn over LGBTQ legislation](#), Al-Monitor, 29 July 2020
- ["LGBTQ Palestinians in Israel: Tahini firm stirs up 'pinkwashing' storm over hotline donation"](#), Middle East Eye, 22 July 2020
- ["Wrapping an LGBT Pride flag around Palestine — but with care"](#), Le Zadiq [online], 25 May 2020
- ["LGBT activist not welcome on march for Palestine"](#), The Foxhole [online], 25 May 2020
- ["100 LGBT filmmakers to boycott Tel Aviv festival to support queer Palestinians"](#), Times of Israel [online], 02 March 2020
- ["Diplomat insists Palestine 'honours and respects' LGBT people after group was banned from West Bank"](#), The Jewish Chronicle, 02 September 2019
- [After Palestinian Authority Bans Queer Group, Rep. Ilhan Omar Tweets 'LGBTQ Rights are Human Rights'](#), Newsweek, 20 August 2019
- ["PA police ban Palestinian LGBT group from holding activities in West Bank"](#), Times of Israel [online], 19 August 2019
- ["Palestinian police vow crackdown on LGBTQ events in West Bank"](#), NBC News.com, 19 August 2019
- ["Palestinian LGBT Community Under Attack"](#), The Media Line, 19 August 2019
- ["To liberate Palestine, embrace LGBT Israelis"](#), Los Angeles Blade – Southern California's news source, 13 February 2019

9 Qatar

9.1 Legislative position

In Qatar, the Penal Code mandates courts to apply Sharia law.

As the International Gay, Lesbian, Bisexual, Trans and Intersex Association (ILGA) notes, using this provision, courts could impose the death penalty for consensual same-sex sexual acts, if it is interpreted as a form of zina, which is considered "unlawful sexual intercourse" in Sharia law.¹⁰⁹

Article 285 of the Penal Code states that a man convicted of having sexual relations with a male over the age of 16 is subject to a sentence of up to seven years. The same penalty will also apply "to the male for his consent."¹¹⁰

Article 296 (3) criminalises the leading, instigating, or seducing of a male to commit sodomy and carries a sentence of up to three years.¹¹¹

Article 298 criminalises "sodomy as a profession or for a living" with imprisonment for a term up to ten years.¹¹²

9.2 Enforcement

The ILGA says, as of October 2020, there have been no reported cases of the death penalty being applied for consensual same-sex sexual activity.¹¹³ The US State Department's 2021 annual human rights report also said there were no reports of any executions on these grounds.¹¹⁴

However, the ILGA noted that there are local testimonies which indicates that LGBTQ+ people living in Qatar face an "extremely hostile context".¹¹⁵ In 2021, Human Rights Watch reported on the arrest of a gay man for alleged same-sex conduct in 2014. The man stated he encountered "verbal abuse and sexual harassment by police."¹¹⁶

¹⁰⁹ ILGA, [State Sponsored Homophobia Report 2020](#) (PDF), December 2020, p37-8

¹¹⁰ As above, p135

¹¹¹ As above, p135

¹¹² As above, p135

¹¹³ As above, p68

¹¹⁴ US Department of State, [2021 country reports on human rights: Qatar](#), April 2022

¹¹⁵ ILGA, [State Sponsored Homophobia Report 2020](#) (PDF), December 2020, p68

¹¹⁶ Human Rights Watch, [LGBT Qataris Call Foul Ahead of 2022 World Cup](#), November 2021

9.3 Societal attitudes

In November/December 2022, Qatar will host the FIFA Men's World Cup. Concerns have been raised by an international grouping of 16 organisations focused on LGBTQ+ rights on Qatar's criminalisation of same sex relationships, and the risk to LGBTQ+ attendees at the event.¹¹⁷

In 2019, chief executive of the FIFA World Cup Qatar 2022 Nasser al-Khater stated that transgender and gay fans would be welcomed at the tournament. He stressed that visitors would have to respect Qatari customs, stating that:

Public displays of affection is frowned upon, it's not part of our culture, but that goes across the board to everybody [...] Qatar is a conservative country, a modest country.¹¹⁸

Additionally, in May 2022, the Emir of Qatar, Sheikh Tamim bin Hamad al-Thani, stated Qatar welcomes "everybody, but we also expect and want people to respect our culture."¹¹⁹

9.4 UK Government statements

In January 2022, a debate in the House of Lords [discussed Qatar's delivery of the World Cup](#). For the Government, the Earl of Courtown stated:

We are working with Qatari authorities to support their delivery of a safe and secure tournament. We will continue to engage on the 'everybody is welcome' message so that anyone, of any background, can go and enjoy themselves.¹²⁰

The UK Government has also issued travel advice that says that there will be no restrictions on non-married friends or couples (including LGBT+ people) staying in the same room during the tournament.¹²¹

9.5 Further reading

- Human Dignity Trust, [Qatar](#)
- Amnesty International, [Report 2021/22 \(PDF\)](#), March 2022, pp305-8
- Commons Library, [FIFA men's football world cup Qatar 2022: FAQs](#) section 3

¹¹⁷ The Guardian, [Concerns raised over possible risk for LGBTQ+ people at Qatar World Cup](#), March 2022

¹¹⁸ France 24, [Transgender fans 'welcome' at World Cup, says Qatar](#), September 2019

¹¹⁹ Human Rights Watch, [A World Cup of Shame: FIFA Fails LGBT Rights Test in Qatar](#), July 2022

¹²⁰ HL Deb, [20 January 2022](#), c257GC

¹²¹ GOV.UK, [Foreign travel advice, Qatar world cup 2022](#)

10

Saudi Arabia

10.1 Laws

Saudi Arabia [operates a system of Sharia law](#) where very few codified laws exist. Within this framework, same-sex relationships are prohibited and have been punishable by flogging, imprisonment, and the death penalty.¹²²

Flogging was [abolished in 2020](#).¹²³

Forms of gender expression are also [criminalised](#).¹²⁴

The US State Department notes that because of the uncodified nature of the law, there is room for some judicial discretion.¹²⁵

Human Rights Watch state that judges may use provisions in the country's anti-cybercrime law to criminalise online activity by LGBT+ persons that impinges on "public order, religious values, public morals and privacy."¹²⁶

10.2 Enforcement & Arrests

The International LGBTI Association state that people are [frequently arrested and accused of multiple crimes](#) (PDF). These include cases of "sodomy," "encouraging or promoting homosexuality," "cross-dressing" and "violating public order and morals." However, the number of arrests remain unknown.¹²⁷

A further selection of known arrests is included below.

- In 2012, the Saudi newspaper Okaz reported that [260 people were arrested and punished](#) for homosexuality in that year.¹²⁸

¹²² Human Dignity Trust, [Saudi Arabia](#), accessed 28 January 2022

¹²³ [Saudi Arabia abolished flogging as punishment](#), Al-Jazeera, 25 April 2020, accessed 28 January 2022

¹²⁴ Human Rights Watch, [Saudi Arabia: Investigate transgender woman's death](#), 13 April 2017, accessed 28 January 2022

¹²⁵ US State Department, [2020 country reports on human rights practices: Saudi Arabia](#), 30 March 2021, executive summary, accessed 28 January 2022

¹²⁶ Human Rights Watch, [Saudi Arabia: Country summary](#), January 2018 (PDF), p4

¹²⁷ ILGA, [State-sponsored homophobia](#), 2020 (PDF), p135

¹²⁸ [Saudi Arabia: 260 arrests for homosexuality in 1 year](#), 76 Crimes, 6 June 2012, accessed 28 January 2022

- In 2014, a Saudi Arabian man was [sentenced to three years and 450 lashes](#) for meeting men via twitter.¹²⁹
- In 2015, a blogger was also [sentenced for 10 years and 1,000 lashes](#) for using social media “in order to practice homosexuality.”¹³⁰
- The US State Department cite local media as reporting in 2016 that [sixty cases of LGBTI individuals were processed](#) in the Jeddah Criminal Court.¹³¹
- In 2017, two Pakistani transgender activists were [reportedly tortured to death](#) in police custody. The Saudi Arabian Government acknowledged one had died in police custody but denied they had been tortured.¹³²
- In 2020, a Malaysian trans woman [was arrested in Saudi Arabia](#) for wearing female clothing.¹³³
- In 2020, a Yemeni blogger was [jailed and deported](#) for a social media post supporting equal rights in Saudi Arabia.¹³⁴

10.3 Death Penalty

The International LGBTI Association state that, as of November 2020, Saudi Arabia is [one of six UN member states](#) (PDF) where there is “full legal certainty” that the death penalty is the legally proscribed punishment for consensual same-sex acts.¹³⁵

It is uncertain how many have received the death penalty. In 2010, Amnesty International said Saudi Arabia had [convicted people](#) (PDF) of “homosexuality and ‘sodomy’ to a range of penalties,” including corporal punishment and the death penalty.¹³⁶

In 2019, Amnesty International [recorded 184 executions](#), an increase from 149 in 2018.¹³⁷ The US State Department states in 2020 there were no reports that the Public Prosecutor’s Office sought death sentences in LGBT+ cases.¹³⁸

¹²⁹ [Gay Saudi Arabian man sentenced to three years and 450 lashes for meeting men via twitter](#), The Independent, 25 July 2014, accessed 28 January 2022, Acts of violence, criminalisation...

¹³⁰ Human Rights Watch, [Saudi Arabia: Events of 2015](#), 2016

¹³¹ US State Department, [2016 country reports on human rights practices: Saudi Arabia](#), 2017

¹³² [Saudi Arabia denies Pakistani reports transgender women killed by police](#), Reuters, 6 March 2017, accessed 28 January 2022

¹³³ [Malaysia trans woman arrested in Saudi’s Makkah](#), Middle East Monitor, 5 February 2020, accessed 28 January 2022

¹³⁴ Human Rights Watch, [Saudi Arabia: Yemeni blogger convicted for supporting LGBT rights](#), 27 July 2020, accessed 28 January 2022

¹³⁵ ILGA World, [State-sponsored homophobia](#) (PDF), December 2020, p25

¹³⁶ Amnesty International, [Saudi Arabia: Man sentenced for homosexuality](#) (PDF), 2010, accessed 28 January 2022

¹³⁷ Amnesty International, [Death sentences and executions 2019](#), 2020

¹³⁸ US State Department, [2020 country reports on human rights practices: Saudi Arabia](#), 30 March 2021, accessed 28 January 2022,

10.4 Wider protections from discrimination

The US State Department states in 2020 there were “no government efforts to address discrimination” against LGBT+ persons.¹³⁹

10.5 Reported discrimination

LGBT+ organisations do not operate openly nor have there been any advocacy events. In 2018, Human Rights Watch was [unable to identify activists](#) from Saudi Arabia willing to speak about their work for a report on LGBT+ activism in the Middle East.¹⁴⁰

In 2020, the US State Department said there were multiple instances of discrimination, the reporting of which was limited by social stigma and intimidation:

There were reports of official and societal discrimination, physical violence, and harassment based on sexual orientation or gender identity in employment, housing, access to education, and health care. Stigma or intimidation limited reports of incidents of abuse. Saudi clerics condemned homosexuality during government-approved Friday sermons at some mosques, most notably at the Grand Mosque in Mecca on August 14.¹⁴¹

Passages [inciting hatred against gay men](#) (PDF) were removed in 2019 editions of Saudi Arabian high school books, though remaining passages contain [anti-Semitic themes and emphasise female subservience](#) to men.¹⁴²

10.6 UK Government statements

Saudi Arabia is a Foreign, Commonwealth and Development Office “priority country.” The Department publishes annual assessments of these thirty

¹³⁹ US State Department, [2020 country reports on human rights practices: Saudi Arabia](#), 30 March 2021, accessed 28 January 2022, ‘Acts of violence, criminalisation...’

¹⁴⁰ Human Rights Watch, [LGBT activism in the Middle East and North Africa](#), 16 April 2018, accessed 28 January 2022

¹⁴¹ US State Department, [2020 country reports on human rights practices: Saudi Arabia](#), 30 March 2021, accessed 28 January 2022, ‘Acts of violence, criminalisation...’

¹⁴² IMPACT-SE, [Review of selected Saudi textbooks 2020-21](#), December 2020; The Washington Post, [Saudi Arabia has been scrubbing its textbooks of anti-Semitic and misogynistic passages](#), 30 January 2021, both accessed 28 January 2022

countries. Assessments of Saudi Arabia have generally focused on the rights of women, the use of the death penalty, and freedom of expression.¹⁴³

The Government has raised concerns on the excessive use of the death penalty in the country and has raised other human rights abuses with the Saudi Government.¹⁴⁴ The UK has also signed a Memorandum of Understanding to help Saudi Arabia develop its education curriculum.¹⁴⁵

The rights and treatment of LGBT+ persons in Saudi Arabia have also been raised during general debates on [Homophobia, Transphobia and Biphobia](#) and [Global LGBT rights](#).¹⁴⁶

10.7 Further reading

- Human Rights Watch, [Saudi Arabia: Further textbook reforms needed](#), 2021
- US State Department, [2020 country reports on human rights practices: Saudi Arabia](#), 2021
- ILGA World, [State-sponsored homophobia](#), 2020, esp. pp31-8 and 69-75
- The Atlantic, [The Kingdom in the closet](#), 2007

¹⁴³ Foreign, Commonwealth and Development Office, [Human rights and democracy reports](#), updated 8 July 2021

¹⁴⁴ FCDO, [Human rights and democracy report 2019](#), 16 July 2020; PQ 143653 [[Saudi Arabia: LGBT people](#)], 17 May 2018

¹⁴⁵ PQ HL11766 [[Saudi Arabia: Textbooks](#)], 10 December 2018

¹⁴⁶ HC Deb, [17 May 2018](#), c527; HC Deb, [26 October 2017](#), c519

11

Syria

11.1 Legislation

Syria has a poor track record on LGBT+ rights and protections.

Same-sex sexual relations are illegal, punishable by up to three years in prison. Article 517 of the Penal Code (1949) also criminalises any “act against public indecency”, with a potential prison sentence of between three months and three years.¹⁴⁷

Freedom of expression and association is severely curtailed and there are no protections against discrimination, constitutional or otherwise. Same-sex marriage or civil unions are not recognised, and joint adoption is prohibited.¹⁴⁸

11.2 Impact of the civil war and the emergence of the Islamic State group

LGBT+ individuals within Syrian society have long been targeted and subjected to violence by not only the regime and pro-regime militias, but also their families who seek to defend the family “honour”.

However, the decade long civil war has seen the proliferation of numerous violent non-state actors in Syria and terrorist groups such as al-Qaeda linked Hayat Tahrir al-Sham. In 2014 the Islamic State group also emerged and took control of considerable territory in the country.

Targeted violence against the LGBT+ community subsequently increased.

Between 2014 and its territorial defeat in 2019, Islamic State waged a particularly fierce campaign against LGBT+ individuals, prompting the ILGA to consider Syria as a country where the death penalty could be imposed for same-sex sexual activity.¹⁴⁹ Between June 2014 and March 2015 alone, IS executed at least 17 men in Syria and Iraq accused of indecent behaviour,

¹⁴⁷ ILGA World, [State-sponsored homophobia](#) (PDF), December 2020, pp137, 158

¹⁴⁸ ILGA World, [State-sponsored homophobia](#) (PDF), December 2020, p328

¹⁴⁹ ILGA, [UN resolution condemns death penalty for same-sex relations](#), 10 February 2017

sodomy and adultery.¹⁵⁰ In August 2017 [reports](#) emerged of a man, suspected of being gay, being thrown from the roof of a building by members of IS.¹⁵¹

Thousands of people have fled the civil war in Syria into neighbouring Lebanon and beyond. The number of LGBT+ individuals who have fled the country is unknown as the majority do not reveal their identities, particularly in countries like Lebanon which equally criminalises LGBT+ relationships. As a report from the group [Refugees in Towns](#) notes:

The LGBTQI+ community within the Syrian refugee population are among the most vulnerable refugees in Lebanon. They face challenges with integration and acceptance, not only within Syrian culture, but also from anti-Syrian sentiment among the Lebanese LGBTQI+ community, and from the homophobic culture of Lebanon. [Almost daily](#) there are [local news reports](#) in Beirut of [Syrian refugee abuse](#), particularly among the LGBTQI+ community.¹⁵²

11.3 Reports on human rights in the Syria

Syria is a Foreign, Commonwealth and Development Office (FCDO) human rights priority country. In its 2020 [annual report](#) the FCDO noted:

Arbitrary detention, enforced disappearances, torture, sexual violence, and severe restrictions on civil and political rights, including media freedoms, remained widespread. The Syrian regime was the main perpetrator of these violations, but abuses were also committed by proscribed terrorist organisations and by other armed groups.¹⁵³

The FCDO report does not discuss LGBT+ rights in Syria specifically, but it is discussed in the US State Department's [Annual Report 2020](#):

Violence and severe discrimination targeting lesbian, gay, bisexual, transgender, and intersex persons; existence and use of laws criminalizing consensual same-sex sexual conduct between adults [...]

In previous years police used this charge to prosecute LGBTI individuals. There were no reports of prosecutions under the law during the year, but the ARC Foundation and the Dutch Council for Refugees reported in June that LGBTI individuals believed they were not able to seek protection from the regime. NGO reports indicated the regime had arrested dozens of LGBTI persons since 2011 on charges such as abusing social values; selling, buying, or consuming illegal drugs; and organizing and promoting “obscene” parties. In July, HRW reported LGBTI persons were subject to “increased and intensified violence based on actual or

¹⁵⁰ Human Rights Watch, [Islamic State's war on gays](#), 8 June 2015

¹⁵¹ Pink News, [Horrific photos show ISIS terrorists throwing a gay man off a roof](#), 14 August 2017

¹⁵² Refugees in Towns, [No rainbow, no integration: LGBTQI+ refugees in hiding](#)

¹⁵³ FCDO, [Human rights and democracy reports 2020](#), July 2021

perceived sexual orientation or gender identity. The sexual violence described included rape, sexual harassment, genital violence, threat of rape of themselves or female family members, and forced nudity by state and nonstate armed groups. This violence took place in various settings, including regime detention centers, checkpoints, central prisons, and within the ranks of the national army.”

Although there were no known domestic NGOs focused on LGBTI matters, there were several online networking communities, including an online LGBTI-oriented magazine. Human rights activists reported there was overt societal discrimination based on sexual orientation and gender identity in all aspects of society.

The HTS reportedly detained, tortured, and killed LGBTI individuals in the territories they controlled. HRW reported instances of blackmail and harassment targeting the LGBTI community, many involving men who were perceived as gay.¹⁵⁴

The Human Rights Watch’s [World Report 2021](#) also notes “Both state and non-state actors continue to target men, boys, transgender women, gay and bisexual men, and nonbinary people, subjecting them to rape and other forms of sexual violence”.¹⁵⁵

11.4 Further reading

- [“Sexual violence against men, boys, and transgender women in the Syrian conflict”](#), Human Rights Watch, July 2020
- [“No rainbow, no integration: LGBTQI+ refugees in hiding”](#), Refugees in Towns
- [“Gay community hit hard by Middle East turmoil”](#), BBC News, 29 October 2014

¹⁵⁴ US Department of State, [Human rights report 2020: Syria](#), March 2021

¹⁵⁵ Human Rights Watch, [Syria: Events of 2020](#), 2021

12

Turkey

12.1 Legislation and enforcement

No criminalisation

There is no criminalisation of LGBT+ rights in the country. As the International Gay, Lesbian, Bisexual, Trans and Intersex Association (ILGA) notes, neither the Ottoman Penal Code of 1858 nor the current Penal Code of 2004 [make mention of consensual same-sex sexual acts between adults](#) (PDF).¹⁵⁶

Protections

The ILGA notes there are [no protections or recognition](#) for LGBT+ persons in the country.¹⁵⁷

In July 2021, Turkey [withdrew from the Istanbul Convention on Women's Rights](#).¹⁵⁸ The treaty aims to prevent and prosecute all forms of violence against women. President Erdoğan previously said the [treaty "normalises homosexuality."](#)¹⁵⁹

Limitations on freedom of expression

There are some barriers to freedom of expression. Article 8 of the [Law on Regulation of Publications on the Internet and Combatting Crimes Committed by means of such publications 2007](#) allows the government to lock content if there is suspicion that certain crimes are being committed on a particular website.¹⁶⁰

In both 2009 and 2015, there were reports Turkish authorities used to the law to block access to LGBT+ websites under suspicion of "prostitution" (the [case in 2009](#)) and "obscenity" (the reason [for five sites being blocked in 2015](#)).¹⁶¹

¹⁵⁶ ILGA World, [State-sponsored homophobia 2020](#) (PDF), December 2020, p108

¹⁵⁷ [Ibid](#), p329

¹⁵⁸ Amnesty International, [Turkey's withdrawal from the Convention rallies the fight for women's rights across the world](#), 30 June 2021

¹⁵⁹ [Turkey quits landmark Istanbul Convention because it "normalises homosexuality."](#) Pink News, 22 March 2021

¹⁶⁰ Council of Europe, [The law on regulation of publications on the internet and combatting crimes committed by means of such publications](#), as amended March 2015

¹⁶¹ Pink News, [Turkey blocks access to gay websites](#), 9 October 2009 and GenderIT, [Access to LGBTI related websites was blocked one by one?](#), 4 June 2015

Ban on some LGBT+ events, including Pride Marches

Some LGBT+ events have also been banned under laws governing public assemblies, particularly in Ankara and Istanbul.

From 2016 to 2018, Turkey was in a [state of emergency](#) following a failed coup attempt.

In November 2017, the Governor of Ankara [banned LGBT+ events “indefinitely”](#) under the State of Emergency legislation and Law on Meetings and Demonstrations. Reasons cited included the need to “maintain public order.”¹⁶² The ban impacted on [LGBT+ film festivals](#) due to be held.¹⁶³

The ban was [not lifted when the nationwide state of emergency was ended](#). Human Rights Watch said it meant “all public LGBTI-related discussions are banned in Ankara province.”¹⁶⁴ In April 2019, the ban was eventually lifted [following a court decision](#).¹⁶⁵

Following the lifting of the ban, in August 2019 eighteen students and one university staff member were [charged with participating in an “unlawful assembly”](#) at a Pride March in Ankara. The University had announced a general ban on LGBT+ events.¹⁶⁶

The Istanbul Pride March was [cancelled five years in a row to 2019](#), and the pandemic meant it was also not held in 2020.¹⁶⁷

Police [dispersed an attempted Pride March](#) in the city in June 2021.¹⁶⁸ Pride Marches were [regularly held in Istanbul since 2003](#) (PDF).¹⁶⁹

In 2020, the Turkish Government told the UN High Rights Committee that there is “no systematic ban” on events involving LGBT+ persons and that from 2015 to 2019 [around 20,000 people participated in 97 events held by LGBT+ people](#) (PDF).¹⁷⁰

¹⁶² Ankara Government, [Press release regarding the ban decision \(translated\)](#), 19 November 2017

¹⁶³ France 24, [Turkey bans LGBTI events in Ankara “to maintain public order.”](#) 20 November 2017

¹⁶⁴ Human Rights Watch, [Turkey: End Ankara ban on LGBTI events](#), 14 February 2019

¹⁶⁵ Middle East Eye, [Court lifts ban on LGBT pride events in Ankara](#), 19 April 2019

¹⁶⁶ The Guardian, [Turkey urged to drop case against LGBT activists charged over pride parade](#), 8 November 2019

¹⁶⁷ BBC News, [Turkey’s Erdogan denounces LGBT youth as police arrest students](#), 2 February 2021

¹⁶⁸ CNN, [Turkish police fire tear gas to disperse pride march in Istanbul](#), 27 June 2021

¹⁶⁹ S. Pearce, [Pride in Istanbul](#), Societies without Borders, 9, 2014

¹⁷⁰ UN Human Rights Council, [Report of the working group on the universal periodic review](#), 24 March 2020, para 97

12.2 Turkish politics and LGBT+ rights

Opposition to LGBT+ rights

Political statements

Several politicians, including the country's President, have expressed homophobic views or attacked LGBT+ groups, though the Government's international statements have taken a different approach.

For example, in 2017 President Erdoğan said empowering gay people was [“against the values of our nation.”](#)¹⁷¹ Similar remarks were [made to his party's youth group in 2021](#), when he said “You are not the LGBT youth, not the youth who commit acts of vandalism.”¹⁷²

In February 2021, the Turkish Interior Minister in 2021 [attacked LGBT+ students](#).¹⁷³

Internationally, the Turkish Government has supported LGBT+ rights. For example, in 2018 its Government was amongst the signatories to a [letter supporting LGBT+ rights in Poland](#).¹⁷⁴

“Go to Holland” incident, 2020

It was reported in April 2020 that a homophobic speech by the Director of the Turkish Institute for Religious Affairs [led to a rise in hate speech and violence](#). Erdogan [backed the Director](#). Social media support trended with a hashtag translating as “go to Holland,” being a [frequently-used anti-LGBT statement](#) and reference to the legislation of same-sex marriage in the Netherlands.¹⁷⁵

The Director, Ali Erbaş, was [condemned by the Turkish Bar Association](#), who said the comments were harmful. In response, the Ankara prosecutor's office launched an investigation into the Heads of the Ankara Bar Association, on the grounds they may have insulted Turks' religious views.¹⁷⁶

¹⁷¹ The Guardian, [“Its just the start”: LGBT community in Turkey fears government crackdown](#), 23 November 2017

¹⁷² BBC News, [Turkey's Erdoğan denounces LGBT youth as police arrest students](#), 2 February 2021

¹⁷³ The Independent, [Twitter restricts Turkish interior minister's homophobic tweet calling protesters “LGBT perverts”](#), 2 February 2021

¹⁷⁴ Hurriyet Daily News, [Turkey among signatories to open letter supporting LGBT rights in legally-restrictive Poland](#), 10 June 2018

¹⁷⁵ Pink News, [“Go to Holland” is the bizarre new homophobic slur in Turkey \[...\]](#), 2 May 2020; Pink News, [Turkish President Erdoğan backs Muslim cleric who claims “evil” homosexuals spread disease \[...\]](#), 28 April 2020

¹⁷⁶ Reuters, [Turkish ruling party, lawyers clash over cleric comments on homosexuality](#), 27 April 2020

Support for LGBT+ rights

A poll in March 2020 suggested that around [45% of Turks think that LGBT+ persons should have equal rights](#). This was an increase from 33% in 2016, when the survey was first carried out.¹⁷⁷

Other political leaders have sought to support LGBT+ rights.

In July 2021, Deputy Chair of the Republican People's Party, Gökçe Gökçen, issued a statement [condemning discrimination and violence against LGBT+ people](#) in Istanbul, noting rising number of attacks and complaints reaching NGOs.¹⁷⁸ The party previously [supported introducing protections for LGBT+ persons](#) in the Turkish constitution in 2012.¹⁷⁹

Following the banning of Pride events in Ankara and Istanbul under the mayoralties of the ruling conservative Justice and Development Party, both mayoralties are [now controlled by the Republican People's Party](#), which is relatively supportive of LGBT+ rights.¹⁸⁰ In May 2020, for example, the [Mayor of Istanbul said](#) "we have a responsibility to protect the freedoms of homosexuals, but our society is not ready to allow gay marriage yet."¹⁸¹

In 2019, [several opposition-run municipalities celebrated LGBT+ Pride Day](#). This include officials in the Republican People's Party.¹⁸²

In 2015, the [first-openly gay candidate ran for office](#).¹⁸³ Baris Sula was running for the left-wing People's Democratic party, but [did not win](#).¹⁸⁴

Civil society organisations are active in Turkey. In 2020, hundreds of lawyers [issued a joint statement](#) condemning the government's hate campaign against LGBT+ persons.¹⁸⁵

12.3 Limits on LGBT+ activism and NGOs

The US State Department says some LGBT+ organisations have [faced challenges in accessing financial or other support from abroad](#), stating government used regular and detailed audits to create "administrative burdens" and intimidation through large fines. It states "numerous" LGBT+

¹⁷⁷ Pink News, [LGBT+ acceptance in Turkey, where a majority of the population is Muslim, is at an all-time high](#), 24 March 2020

¹⁷⁸ Bianet, ["It is our responsibility to defend everyone's right to life"](#) (translated), 9 June 2020

¹⁷⁹ Time Turk, [BDP's same-sex marriage question is discussed](#), 15 May 2012

¹⁸⁰ Middle East Eye, [Court lifts ban on LGBT pride events in Ankara](#), 19 April 2019

¹⁸¹ Kaosgl, [Mayor of Istanbul responded to the "gay marriage" question](#), 26 May 2020

¹⁸² Middle East Eye, [Turkish opposition sparks debate with pro-LGBT Pride campaign](#), 1 July 2019

¹⁸³ The Independent, [First-ever openly gay parliamentary candidate stands for election in Turkey](#), 25 May 2015

¹⁸⁴ Pink News, [Turkey arrests pro-Kurdish MPs from only party with pro-LGBT policies](#), 10 November 2016

¹⁸⁵ Kaosgl, [A joint statement from hundreds of lawyers: LGBTIQ+ rights are human rights](#), 1 July 2020

organisations reported a sense of vulnerability due to hate speech and restrictions on freedom of speech and association.¹⁸⁶

In 2021, [four students were arrested](#) over an artwork that reportedly depicted rainbow symbols at the Great Mosque in Mecca and alongside the Shahmaran, a popular Middle Eastern mythical creature.¹⁸⁷

In April 2020, two petitions were launched demanding LGBT+ organisations be shut down. In May, the pro-government newspaper, Yeni Akit, [called for LGBT+ organisations to be closed](#),¹⁸⁸ and another [criticised funding for LGBT+ organisations](#) such as that from Amnesty, the US-based Freedom House, and the British Embassy.¹⁸⁹ In June, the pro-Government newspaper, Takvim, [called for a boycott of Sports shop Decathlon](#) after it celebrated Pride Month.¹⁹⁰

12.4 Discrimination

Hate speech

In 2020, many activists and LGBT+ persons [reported that homophobia and transphobia increased](#) as some regard them as carriers of the virus.¹⁹¹ This included the head of Turkey's Religious Affairs Directorate, imam Ali Erbaş (see above).¹⁹²

In 2014, the [Constitutional Court](#) said referring to gays as “perverts” is “hate speech.”¹⁹³

Criticisms of LGBT+ people in media and culture

Several media and cultural activities have also been criticised for involving LGBT+ characters or themes.

For example, in 2020 the TV show “Love 101” was [attacked by conservative media outlets](#) as one its characters was alleged to be gay.¹⁹⁴

¹⁸⁶ US Department of State, [2020 country reports on human rights practices: Turkey](#), March 2021

¹⁸⁷ [Turkey LGBT: Four students arrested over artwork](#), BBC News, 30 January 2021, accessed 28 January 2022

¹⁸⁸ [Perverted associations should be closed \(translated\)](#), Akit, accessed 28 January 2022

¹⁸⁹ [Here are some sponsors of LGBTI propaganda](#), Ayinlik, 6 May 2020, accessed 28 January 2022

¹⁹⁰ [Social media boycott call to Decathlon \[...\]](#), Takvim, 5 June 2020, accessed 28 January 2022

¹⁹¹ [Turkey's gay community fights homophobia alongside Covid-19](#), Al-Monitor, 4 May 2020, accessed 28 January 2022

¹⁹² [Turkish government scapegoats LGBTI community for Covid-19 pandemic](#), Ekathimerini-com, 11 May 2020, accessed 28 January 2022

¹⁹³ [Constitutional court of Turkey: Referring to gays as “perverts” is hate speech](#), LGBTI News Turkey, July 2014, accessed 28 January 2022

¹⁹⁴ [Turkey's gay community fights homophobia alongside Covid-19](#), Al-Monitor, 4 May 2020, accessed 28 January 2022

The art museum Istanbul Modern's online activity [inviting children to draw rainbows](#) was also criticised. Some education leaders told children to stop drawing such images.¹⁹⁵

Rainbow Europe report that in November 2020, the Advertising Council said any product with an LGBT+ symbol [must feature an 18+ classification mark](#) (PDF) on e-trading websites.¹⁹⁶

Violence against LGBT+ groups

In 2019, LGBT+ organisation Kaos Gay and Lesbian Cultural Research and Solidarity Association (KOAS-GL) said there were [150 self-reported attacks on LGBT+ persons](#) that year, of which 129 occurred in open public spaces and 41 included multiple attackers.¹⁹⁷

In August 2016, one transgender activist, Hande Kade, was murdered after being raped. Transgender Europe report from 2008 to September 2021, [a total of 58 transgender murders have taken place](#).¹⁹⁸

There have been several attacks reported against transgender people. In January 2020, a trans woman was [trapped in her house for months](#) following violent threats.¹⁹⁹ In July, a transgender woman was [attacked at least three times](#).²⁰⁰

The US State Department in 2020 said police ["rarely" arrested suspects](#) or held them in pretrial detention involved in LGBT+ cases, in contrast to normal practice.²⁰¹

12.5 UK Government and Parliament Material

The rights of LGBT+ people in Turkey have been raised several times in the UK Parliament.

In June 2021 the FCDO was [asked what steps it was taking with its European counterparts to protect LGBT+ rights in Turkey](#). The Minister, Wendy Morton, said:

¹⁹⁵ [Education bosses in Turkey order children to stop drawing rainbows in case they turn people gay](#), Pink News, 6 May 2020, accessed 28 January 2022

¹⁹⁶ ILGA Europe, [Annual review](#) (PDF), 2021, p113

¹⁹⁷ US State Department, [2020 country reports on human rights: Turkey](#), March 2021, accessed 28 January 2022

¹⁹⁸ Trans Respect, [Trans murder monitoring](#), accessed 28 January 2022

¹⁹⁹ [Trans woman trapped at home for months after threats of having acid thrown in her face](#), Pink News, 13 January 2022, accessed 28 January 2022

²⁰⁰ [Market worker attacked a trans woman in Pangalti/Istanbul, threatened her with death](#), Kaosgl, 22 July 2020, accessed 28 January 2022

²⁰¹ US State Department, [2020 country reports on human rights: Turkey](#), March 2021, accessed 28 January 2022

We will continue to encourage Turkey to respect the rights and safeguard the welfare of all minority groups in Turkey, including the LGBTIQ+ community, and cooperate with other like-minded European countries in our efforts. Colleagues in Ankara work closely with European missions to engage on all human rights issues.²⁰²

In June 2021, the Government [also said](#) its Missions regularly engage with civil society groups, and that it has funded projects supporting freedom of expression and LGBT+ issues. It said Pride Marches should be allowed, and public statements targeting LGBT+ persons should be “disparage[ed].”²⁰³

In 2021, LGBT+ Rights in Turkey were also raised in a [Commons debate on the arrest of opposition politicians](#). The Minister said the Government [shared concerns](#) of US and European states on the treatment of LGBT+ persons in the country, and stated:

We support the rights of LGBTI groups in Turkey. We have encouraged Turkey to respect the rights of the LGBTI community, to allow Pride marches to go ahead unchallenged, and to discourage disparaging public statements targeting the LGBTI+ community.²⁰⁴

Previous PQs were raised in 2018, in which the Government said it had called for the cancellation of the Istanbul Pride in 2018 [to be overturned](#).²⁰⁵

The Prime Minister, Theresa May, [also raised human rights directly with President Erdogan](#) in the same year.²⁰⁶ In response to reports events by LGBT+ groups had been banned in Ankara by the city’s governor, the Government said the British Embassy had [raised concerns directly](#).²⁰⁷

The Government also said it had previously [funded a project to raise public awareness and support the human rights of vulnerable groups and the advocacy capacity](#) of LGBT+ citizens and refugees in Turkey with the participation of Bar associations, lawyers, social workers and rights-based civil society organisations.²⁰⁸

It also raised the [breaking up of the Gay Pride March](#) in Istanbul in 2017.²⁰⁹ The UK Embassy in Ankara and Consulate in Istanbul [flew a rainbow flag](#) during Turkish Pride Week in support.²¹⁰

The flying of the flag represented a [change in position in 2016](#), where Government said the Pride Flag was not flown at the British Embassy in Ankara. The answering Minister, Baroness Anelay, said since 2015 UK Missions

²⁰² PQ 13240 [[Turkey: LGBT people](#)], 16 June 2021

²⁰³ PQ 13239 [[Turkey: LGBT people](#)], 16 June 2021

²⁰⁴ HC Deb, [16 March 2021](#), c113WH

²⁰⁵ PQ 163525 [[Turkey: LGBT people](#)], 17 July 2018

²⁰⁶ PQ HL8084 [[Turkey: LGBT people](#)], 4 June 2018

²⁰⁷ PQ HL3907 [[Turkey: LGBT people](#)], 19 December 2017

²⁰⁸ PQ HL1140 [[Turkey: LGBT people](#)], 21 September 2017

²⁰⁹ PQ HL702 [[Asylum](#)], 25 July 2017

²¹⁰ PQ HL268 [[Pride flag](#)], 12 July 2017

had only flown a limited number of flags, which did not include the Rainbow.²¹¹

In May 2021, the UK Government said it is [disappointed by Turkey's withdrawal from the Istanbul Convention](#), and has raised the matter with the Turkish ambassador.²¹²

12.6 Further Reading

- ILGA Europe, [Turkey: January-December 2020](#), 2021
- Home Office, [Country policy and information note. Turkey: sexual orientation and gender identity](#), 2017

²¹¹ PQ HL977 [[Pride flag](#)], 13 July 2016

²¹² HC Deb, [26 May 2021](#), c140WH

13

United Arab Emirates

13.1 Legal rights

As established in Articles 94 to 109 of the Constitution, the legal system of the United Arab Emirates (UAE) is twofold: the highest judicial authority in the country is the Federal Judiciary, presided over by the Federal Supreme Court; and, at the local level, judicial departments are overseen by the Ministry of Justice.

Each of the seven emirates has the right to either follow the federal judicial system or to maintain its own local judicial system. Whereas the emirates of Ajman, Fujairah, Sharjah, and Umm AlQuwain participate in the Federal Judiciary, the emirates of Abu Dhabi, Dubai, and Ras Al-Khaimah maintain their own independent judicial departments, which have jurisdiction over matters that do not correspond to the Federal Judiciary.

While Islamic Sharia is said to be the main source of UAE law, most codified legislation in the UAE is also influenced by Egyptian and French civil laws. Sharia is applied exclusively to civil and criminal issues, particularly within personal status courts.

The UAE's criminal law, in particular, derives mainly from Islamic Sharia and codified provisions within the Federal Penal Code. Moreover, the emirates of Abu Dhabi, Dubai, and Sharjah have penal codes of their own, which are all subordinate to the Federal Penal Code. Criminal courts deal with criminal cases initiated by the federal or local prosecution in each emirate, whereas federal courts handle crimes committed within the boundaries of the national capital.

The International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) reports on the laws criminalising homosexual activity in the United Arab Emirates:²¹³

Certain interpretations posit that Article 354 of the [Federal Penal Code](#) (1987) prescribes the death penalty for “sodomy with a male”. Similarly, Article 356 has been interpreted by various scholars to criminalise consensual same-sex sexual activity. The original Arabic language provision in this article is “العرض هتك” (hatk al-‘arD), which literally translates to “disgrace to honour” but has been translated in

²¹³ ILGA, [State-sponsored homophobia: Global legislation overview update](#), December 2020

substantially different ways (e.g.: “voluntary debasement”, “indecent assault”, “indecent”, “carnal knowledge”) by different sources.

In 2016, [Federal Decree-Law No. 7](#) (2016) amended Article 358 to establish that any person who publicly commits a “disgraceful act” would be punished by a jail sentence for no less than six months. The same penalty applies to any person who says or commits any “act against the public morals”.

There have been numerous cases of state persecution of LGBT+ people in the UAE in recent years. Human Rights Watch reports and examinations that led to sentences of imprisonment for homosexuality and obscene acts under Sharia law have been brought to the attention of the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment²¹⁴.

Consensual same-sex sexual activity is additionally criminalised in several emirates by means of local legislation:

Abu Dhabi

Article 80 of the [Abu Dhabi Penal Code](#) punishes “consensual sodomy” with a penalty of up to 14 years’ imprisonment.

Dubai

Article 177 of the [Dubai Penal Code](#) (1970), as amended in 1994, punishes “unnatural crimes (sodomy)” —defined as “sexual intercourse with another person in contravention of the laws of nature” —with a penalty of up to 10 years’ imprisonment.

Additionally, Article 183 establishes that “sexual intercourse” is deemed to have occurred once the sexual organ has entered in the slightest degree, whether or not that entry is accompanied by secretion of semen.

Sharjah

Article 176 of the [Sharjah Penal Code](#) (1970) punishes “unnatural crimes (Sodomy)” —defined as “sexual intercourse with another person in contravention of the laws of nature” or “allowing a male to have intercourse with them in contravention of the laws of nature” — with imprisonment of up to 10 years.

Additionally, Article 181 establishes that “sexual intercourse” is deemed to have occurred once the sexual organ has entered in the slightest degree, whether or not that entry is accompanied by secretion of semen.

There are further legal barriers to freedom of expression on sexual and gender diversity issues in the UAE:

²¹⁴ Ibid

- Article 3(5)(4) of Law on Combating Cybercrimes ([Law No. 5](#)) (2012) criminalises the condoning, provoking, or promoting of sin through the computer network or any information technology means or a website. The Telecommunications Regulatory Authority also blocks websites that “promote destructive principles, such as homosexuality” as part of its [Internet Access Management Regulatory Policy](#).
- Article 362 of the Federal Penal Code (1987), as amended by Federal Decree-Law No. 7 (2016), punishes the production, possession or display of any material against public morals with jail sentence and/or a fine. Other relevant provisions include Article 358 (“disgraceful acts”), Article 360 (enticing by words or signs to debauchery), Article 361 (uttering immoral speech and prompting to debauchery), Article 363 (enticing to debauchery or prostitution).

There have been several examples of UAE citizens being arrested and sentenced for breaking these laws:

- In 2013, two local men were sentenced to three years in prison for same-sex prostitution in Dubai. One of the men was also charged with “breaching public modesty” for publishing his photos wearing women’s undergarments and in full make-up.²¹⁵
- In 2016, a 21-year-old Lebanese man in Abu Dhabi was arrested by an undercover police officer after posting an Instagram photo wearing short women’s clothes, wigs, and make-up, and being accused of using the online platform to offer sexual services to other men.²¹⁶
- In 2018, the Knowledge and Human Development Authority of the Dubai Government banned a textbook used in a private international school for “violating the religious and traditional norms in the UAE” because it featured a family with two mothers.²¹⁷

In its most recent series of country reports on human rights, the US State Department considered the rights and experiences of the LGBT+ community in UAE:

ACTS OF VIOLENCE, CRIMINALIZATION, AND OTHER ABUSES BASED ON SEXUAL ORIENTATION AND GENDER IDENTITY

Both civil law and sharia criminalize consensual same-sex sexual conduct. Under sharia individuals who engage in consensual same-sex sexual conduct could be subject to the death penalty. Dubai’s penal code allows for up to a 10-year prison sentence for conviction of such activity, while Abu Dhabi’s penal code allows for up to a 14-year prison sentence. There were no reports of arrests or prosecutions for consensual same-sex conduct.

The law does not extend antidiscrimination protections to LGBTI individuals on the basis of their sexual orientation, gender identity or expression, or

²¹⁵ [Two jailed over male prostitution in UAE](#), Gulf News, 25 June 2013

²¹⁶ [One photo of gay man in drag lands him on death row in Abu Dhabi](#), LGBTQ Nation, 5 October 2016

²¹⁷ [Dubai Bans Private School Book on Homosexual Parents](#), Al Bawaba, 9 October 2018

sex characteristics. There were no government efforts to address potential discrimination.

By law, wearing clothing deemed inappropriate for one's sex is a punishable offense. The government previously deported foreign residents and referred the cases of individuals who wore clothing deemed inappropriate to the public prosecutor.

The law permits doctors to conduct sex reassignment surgery when there are "psychological" and "physiological" signs of gender and sex disparity. The penalty for performing an unwarranted "sex correction" surgery is three to 10 years in prison.

Due to social conventions and potential repression, LGBTI organizations did not operate openly, nor were gay pride marches or gay rights advocacy events held.²¹⁸

To celebrate Pride Month in June 2021, the UK and US embassies in the UAE both flew the rainbow flag. This was the first time any diplomatic mission had flown a gay pride flag in the UAE and it proved controversial.²¹⁹

²¹⁸ [2020 Country Reports on Human Rights Practices: United Arab Emirates](#), Bureau of Democracy, Human Rights, and Labor (US Department of State), 30 March 2021

²¹⁹ [U.S. and UK embassies in the UAE face backlash after flying rainbow pride flag in historic regional first](#), CNBC, 30 June 2021

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