



Human Rights Council

LGBTQ+ rights in the Middle East

Forum	Human Rights Council (HRC)
Issue:	LGBTQ+ rights in the Middle East
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Introduction

Throughout the Middle East, historical and ongoing restrictions have shaped complex experiences for lesbian, gay, bisexual, and transgender (LGBT) individuals. While some nations inherited colonial-era laws criminalizing same-sex relations, others cite Sharia law and the Cairo Declaration on Human Rights in Islam to justify these restrictions. Regardless of the source, the result is a region where consensual same-sex acts, expressions of non-conforming gender identity, and expressions of support for LGBT rights face legal consequences due to the common belief that homosexuality and other acts of changing one's identity are immoral and unnatural.

The criminalization of same-sex conduct is widespread, with most countries penalizing it. Same-sex relations outside of marriage are illegal in nearly all Middle Eastern countries, and penalties can range from imprisonment to death by stoning.

Some countries in the region have constitutional provisions prohibiting discrimination, though most lack explicit protections based on gender identity. While countries such as Kuwait, the United Arab Emirates, and Oman explicitly criminalize gender non-conformity, other Middle Eastern countries use broader "indecent" laws to allow discrimination against transgender individuals, leaving them without recourse and unprotected from prosecution.

Similar to "indecent" laws that enable discrimination against transgender individuals, no explicit laws ban "promoting homosexuality," but vaguely phrased morality clauses may be used to silence any public advocacy for LGBT rights. Moreover, restrictions on non-governmental organizations effectively render LGBT groups unable to operate legally, forcing them into precarious situations.



In conclusion, the legal landscape presents systematic discrimination and limitations on expression and association. The lack of legal protections, alongside societal opinions on morality, creates significant challenges for LGBT individuals seeking to live openly in the Middle East.

Definition of Key Terms

Sexual orientation

A person's sense of attraction to, or sexual desire for, individuals of the same sex, another sex, both, or neither.

Homosexual

Sexual orientation of a person whose primary sexual and romantic attractions are toward people of the same sex.

Heterosexual

Sexual orientation of a person whose primary and romantic attractions are toward people of a different sex.

Gay

Synonym in many parts of the world for homosexual; often used to refer to the sexual orientation of a male whose primary sexual and romantic attraction is towards other males.

Lesbian

A sexual orientation in which a female is primarily sexually or romantically attracted to other females.

Bisexual

A sexual orientation in which a person is sexually or romantically attracted to both females and males.

Gender



Social and cultural codes used to distinguish what a society considers “feminine” and “masculine” conduct and/or characteristics.

Gender identity

A person’s internal felt sense of being female or male, neither, or both. A person’s gender identity does not necessarily correspond to their sex assigned at birth.

Cisgender

The gender identity of people whose sex assigned at birth conforms to their identified gender.

Transgender

The gender identity of people whose sex assigned at birth does not conform to their identified gender.

Sharia law

Sharia law encompasses a traditional legal system guiding Muslims’ daily lives. Founded on interpretations of the Quran and teachings of Prophet Muhammad, it governs personal conduct, criminal justice, and civil matters.

Cairo Declaration of Human Rights in Islam

The Cairo Declaration on Human Rights in Islam is a 1990 document issued by the Organization of Islamic Cooperation that presents a framework for human rights rooted in Islamic principles. It emphasizes religious duties, social justice, and collective rights alongside individual liberties, offering a perspective on human rights from an Islamic viewpoint.

General Overview

Legal background

Cultural values and historical experiences have contributed significantly to legal frameworks in the Middle East. Following gaining independence, some countries, such as Jordan and



Bahrain, pursued significant legal reforms, and others chose to retain or adapt elements of their pre-independence legal systems, sometimes modifying them to address changing societal norms. Religious law also plays a significant role across the region. Sharia law forms the primary legal framework in Saudi Arabia and exerts a considerable influence on the legal systems of several other countries.

Across the Middle East, legal frameworks around consensual adult sexual activity between individuals of the same sex vary significantly. Several countries, including Algeria, Morocco, Oman, Tunisia, Syria, Yemen, and Gaza, have explicit laws prohibiting such activity, often using gender-neutral language or directly mentioning both men and women. Others, like Sudan and Kuwait, specifically outlaw sodomy. Syria and Lebanon further criminalize "unnatural sex," with Lebanon defining it as any sexual act beyond heterosexual intercourse. These laws effectively criminalize same-sex relationships in these countries.

Qatar forbids extramarital sex for Muslims and penalizes the "instigation" or "enticement" of men, regardless of faith, to engage in "immorality" or sodomy. Notably, several nations leverage ambiguous "morality" laws, employing terms like "indecent" and "immoral" without precise definitions, to criminalize same-sex conduct.

In contrast, both Iraq and Jordan lack specific laws criminalizing consensual same-sex behavior, nor have their governments systematically interpreted existing "morality" clauses to do so.

Several Middle Eastern countries implement legal or regulatory measures that restrict expressions of gender nonconformity. In Kuwait, a law targeting "imitating the opposite sex" has led to arrests of both transgender and cisgender individuals. Similarly, the UAE penalizes men entering women-only spaces in attire typically associated with females. While Bahrain lacks an explicit law criminalizing transgender identities, documented cases reveal instances of individuals facing charges like "indecent behavior" due to gender non-conforming clothing. In addition, there is no unified procedure for amending official gender markers on documents, with the legal options adhering to the binary categories of "female" and "male."

Social, political, and religious background

The political restructuring following the Arab Spring had significant consequences for LGBT communities within the region. Empty positions of power during this period enabled the emergence of groups holding strong oppositional views towards LGBT rights, resulting in events that include the



documented instances of state-sanctioned executions for alleged same-sex conduct committed by the Islamic State of Iraq and the Levant, as well as similar acts perpetrated by pro-government militias in Libya. Egyptian authorities employ forced anal examinations, a practice condemned as torture by international bodies, and documented cases of beatings, rape, and mob violence against individuals perceived as LGBT persist in several countries across the Middle East.

Despite growing calls for official recognition and respect for LGBT rights from within the Middle East, advocacy efforts encounter various forms of resistance. At the international level, the Organization of Islamic Cooperation (OIC) has consistently voiced opposition to formal recognition of these rights by international bodies.

The Middle East, except Israel, exhibits a complex interplay of religious interpretations, societal norms, and legal frameworks that shape the understanding and acceptance of LGBT identities and expressions. Traditional beliefs and social values often view same-sex relationships as incompatible with established norms, leading to legal restrictions on self-expression and limitations on opportunities for LGBT individuals. While a global trend towards inclusivity and legal protections for LGBT individuals is gaining momentum, the Middle East has generally maintained its historical and cultural alignment with perspectives that disapprove of and often restrict LGBT identities and expressions.

Major Parties Involved

Saudi Arabia

The landscape of LGBT rights in Saudi Arabia rests on a foundation of conservative Islamic norms and legal frameworks that criminalize same-sex relationships. As the most traditional country in the Arab world, Saudi Arabia enforces strict gender roles and adheres to interpretations of Sharia law that deem any non-heterosexual conduct illegal. Penalties for same-sex activity range from flogging to the death penalty, though the exact implementation and severity can vary depending on the specific act and circumstances. Notably, Saudi Arabia also prohibits public displays of affection, even amongst heterosexual couples, further restricting forms of self-expression for the LGBT community.

Israel



In contrast to Saudi Arabia, Israel stands as a regional pioneer in embracing and safeguarding LGBT rights. Israel has outlawed discrimination based on sexual orientation in various aspects of life. Same-sex couples enjoy legal recognition through registered partnerships, granting them similar rights and benefits as married couples.

Timeline of Key Events

Date	Description of event
2011	The Arab Spring, a period of widespread political transformation, had complex and varied consequences for LGBT individuals across the Middle East.
July 26 th 2017	Israel's Supreme Court recognizes same-sex couples' adoption rights in a landmark ruling.
June 29 th 2023	The Israel government passed legislation approving same-sex marriage, although it has a grace period of one year before it officially takes effect.

UN involvement, Relevant Resolutions, Treaties and Events

- LGBT activists in the Middle East have recently begun to use international advocacy opportunities, such as the Universal Periodic Review (UPR) process at the UN Human Rights Council, to push for reforms. In some cases, this has led to governments accepting recommendations related to LGBT rights.
- In 2010, Iraq became the first Arab country to accept UPR recommendations related to sexual orientation and gender identity. This was followed by Algeria in 2016, when the government said that it does not discriminate against people based on their sexual orientation.
- Tunisia formally accepted a recommendation to end forced anal exams in 2017, after years of campaigning by LGBT groups. The Egyptian Initiative for Personal Rights plans to engage with the UN Committee Against Torture to build a norm against forced anal exams.



- The Arab Foundation for Freedoms and Equality (AFE) and LGBT organizations in North Africa have begun to engage with the African Commission on Human and Peoples' Rights (AFCHPR). The ACHPR has adopted a resolution on protection against violence and other human rights violations against persons on the basis of their real or imputed sexual orientation or gender identity.

Previous Attempts to solve the Issue

Legal advancements for LGBT rights in the Middle East, such as Israel's 2023 same-sex marriage law, have been driven by a combination of regional activism and international pressure. However, progress in favor of LGBT individuals across the region faces challenges from ingrained social stigma and the influence of religious conservatism. Moreover, the legal frameworks and social norms in many countries reflect different interpretations of LGBT rights, often prioritizing cultural values and traditional beliefs.

Possible Solutions

One possible solution in favor of the acceptance of LGBT individuals is the establishment of a dedicated regional Human Rights Commission on Equality and Inclusion, with representatives from diverse cultural and religious backgrounds, which could offer a framework for tackling LGBT rights within the Middle East. This body could establish binding regional standards for legal recognition, non-discrimination, and cultural understanding while giving technical assistance and guidance to individual countries on implementing these norms. Such a commission, operating within existing regional structures, could foster dialogue and exchange of best practices, potentially paving the way for gradual social and legal progress for LGBT individuals across the region.

A solution upholding regional sovereignty and cultural values could mention respecting the principle of national sovereignty in Article 2 of the UN Charter when addressing LGBT rights in the Middle East. The region's diversity in cultural and religious contexts necessitates solutions tailored to individual socio-cultural realities. Frameworks like the Cairo Declaration on Human Rights in Islam and existing interpretations of Sharia law offer valuable foundations for developing nuanced



approaches that resonate within specific cultural frameworks. Progress towards inclusivity and respect for all individuals, regardless of sexual orientation or gender identity, requires a dialogue that respects the right of each country to determine its own path while fostering constructive engagement and understanding across the region. External pressure or imposing Western models are unlikely to yield sustainable solutions within these diverse cultural landscapes. Internal processes driven by dialogue, respect for sovereignty, and exploring existing frameworks within each country's unique context hold the potential for gradual progress towards greater inclusivity for all.

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Appendix or Appendices

Appendix I – [Official HRC website](#)



