

Committee: Human Rights 1



Topic: LGBTQ Rights in Middle East & North Africa

Key definitions:

'LGBTQ'

Acronym for Lesbian, Gay, Bisexual, Transgender and Queer or Questioning.

'Gay/Homosexual'

A sexual orientation that describes a person who is emotionally/sexually attracted to people of their own gender; commonly used to describe men.

'Lesbian'

A sexual orientation that describes a woman who is emotionally/sexually attracted to other women.

'Bisexual'

A sexual orientation that describes a person who is emotionally/sexually attracted to more than one gender.

'Transgender'

A person whose gender identity differs from the sex they were assigned at birth.

'Queer'

Originally used as a pejorative slur, queer has now become an umbrella term to describe the myriad ways people reject binary categories of gender and sexual orientation to express who they are. People who identify as queer embrace identities and sexual orientations outside of mainstream heterosexual and gender norms.

'Same-sex marriage'

Same-sex marriage is the marriage of two people of the same sex or gender, entered into in a civil or religious ceremony.

Introduction:

The LGBTQ community has become more accepted than in previous years around the world in the last twenty years with same-sex marriage being legalised in twenty-eight nations. With growing social media coverage and the involvement of the UN, the LGBTQ community has been able to voice their opinions and fight for their rights through the development of organizations and mass protests. However, this has been largely ineffective in the Middle East and North Africa, as a predominantly Muslim majority, the law has always been against homosexuals and transgender people. According to Marianne Møllmann, senior policy advisor for Amnesty International, the two main reasons there is discrimination towards the LGBTQ community in the Middle East and North Africa are:

1. Sodom laws: Sodom laws is a law that defines certain sexual acts as crimes. This was initially brought by European governments in colonial times to the Middle East and North Africa. Sodom laws are known to be enforced largely on homosexual couples rather than heterosexual couples.
2. Sharia laws: An Islamic law, derived from the religious precepts of Islam, particularly the Quran and the hadith. A majority of the Middle East and North Africa base many of their laws off sharia laws and as homosexuality is a major sin in Islam it is thus a crime.

Israel is known to be the most LGBTQ progressive nation across not only the Middle East and North Africa but in Asia as well as they are the first to make it legal to be homosexual as of 1988. Additionally, they hold annual gay pride parades and allow same-sex couples to adopt. In Israel it is illegal to discriminate based on sexual orientation as of 1992, and they have signed the United Nations' Gay Rights Protection Resolution (2011). However, the LGBTQ community in Israel still struggle with same-sex marriage as the government recognizes a domestic partnership of same-sex couples but the institution of marriage in Israel is controlled by rabbinical courts, which do not recognize any marriage that is not religiously sanctioned. Thus, Israelis in same-sex marriages had to be married outside the country which is not very affordable for the majority. Lebanon has also progressed as in July 2018 consensual sex between people of the same sex was determined legal.

Many countries in the Middle East and specifically the North African region do not have specific laws banning homosexuality. Countries tend to use gender-neutral 'morality' laws to prosecute people for consensual same-sex conduct, using terms such as 'indecent' or 'immoral' without defining what falls under those categories. Egypt is a prime example of a country who uses these laws against LGBTQ people as they have a law prohibiting 'debauchery', which criminalizes sex work. However, this law has been used against homosexuals since the 1990's to prosecute homosexual conduct which has resulted in hundreds of arrests The Egyptian police are also very tight on security as they monitor gay men and transgender women on dating apps. Bahrain takes similar actions as they use vague 'morality' and 'decency' provisions to harass and detain people who are suspected to be LGBTQ. Moreover, extremist's groups have target gay men, transgender women, and gender non-conforming people. Extremist group IS (Islamic State) have killed people who are LGBTQ in Iraq, Syria and Libya.

Public outreach:

There have been several ways that the LGBTQ community within the Middle East and North Africa have gained attention from International Human rights organizations and nations; mainly through social media and protests with Israel, Lebanon, Morocco, Egypt and Tunisia being the main hub of activists within the region. In May 2017, the regional MantiQitna network coordinated a multi-country social media initiative called 'Our Colours Are the Crime' on the International Day Against Homophobia and Transphobia (IDAHOT) which had addressed 'persecution, violence in public spaces and on the streets just for existing' in Algeria, Egypt, Libya, Mauritania, Morocco, Sudan and Tunisia. LGBTQ activists in Egypt have used social media campaigning with hashtags like #ColorsRNotShame which drew attention to the crackdown on LGBTQ Egyptians. In Morocco, a group of LGBTQ activists campaigned by distributing letters to homes which addressed that people of the LGBTQ community should be treated with love and respect. In Iraq, an organization put up posters on the streets of Baghdad at night that said 'I am equal to you. Difference is the basis of life'. In Lebanon, organizations working on the rights of LGBTQ people, like Helem and Legal Agenda, have been documenting abuses by the ISF (Internal Security Forces) and publicizing the accounts of victims which has given the ISF a negative image but has caused reports of abuses to decline significantly.

Recent progress:

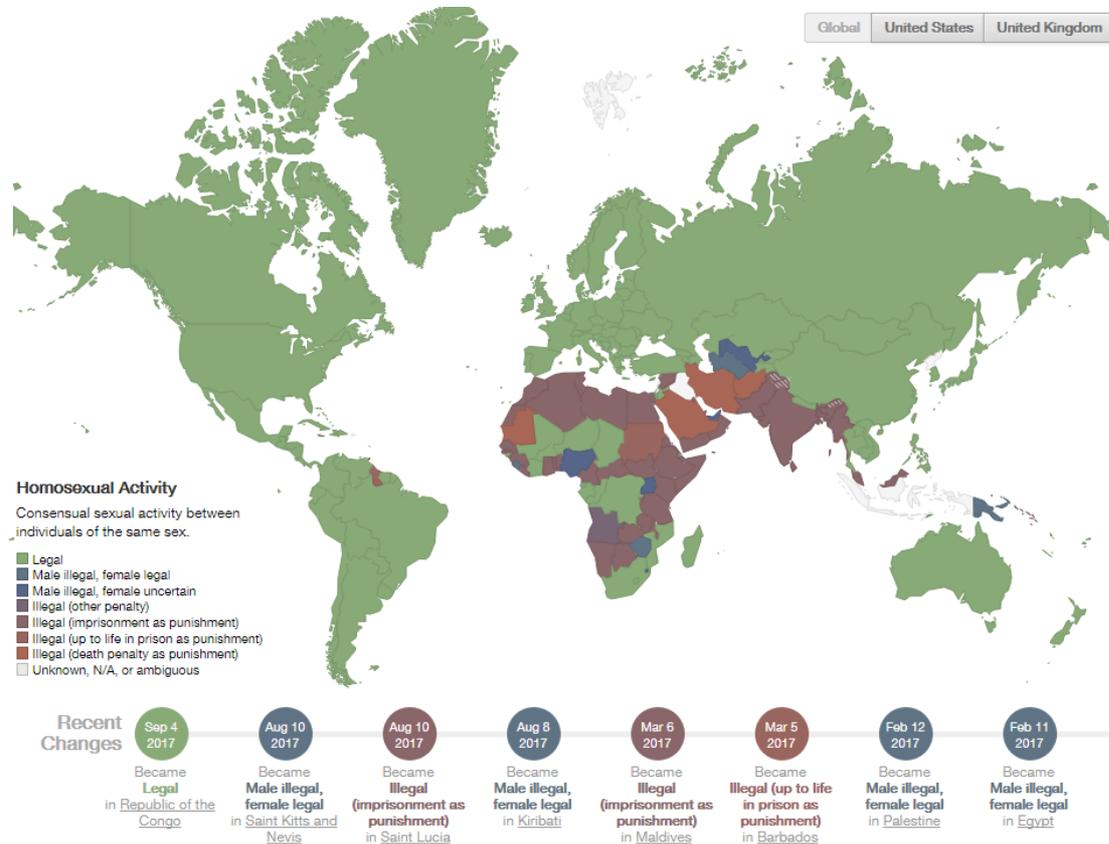
The Universal Periodic Review (UPR) is a process at the UN Human Rights Council, where every country's human rights record is evaluated by member states every four to five years. Most countries within the Middle East and North African region reject any recommendations related to sexual orientation and gender identity but there are some exceptions. In 2010, Iraq was the first Muslim-Arab country to accept UPR recommendations related to sexual orientation and gender identity including recommendations to 'address extrajudicial killings of a persons on the basis of their actual or presumed sexual orientation,' In 2014, Iraq accepted a recommendation by the UPR to 'avoid all forms of discrimination based on ethnicity, religion, gender or sexual orientation.'

In May 2017, a coalition of five Tunisian LGBT groups produced a UPR submission, co-signed by 13 civil society organizations that work on issues other than LGBT rights, calling for an end to forced anal examinations. In September, the government formally accepted a recommendation to end the exams, its human rights minister commenting that Tunisia is 'committed to protecting the sexual minority from any form of stigmatisation, discrimination and violence'

In 2014 the ACHPR (African Commission on Human and Peoples' Rights) adopted resolution 275 on protection against violence and other human rights violations against persons on the basis of their real or imputed sexual orientation or gender identity. It has also highlighted states' obligations to refrain from torture on the grounds of sexual orientation or gender identity and to ensure freedom of assembly and protection of human rights defenders working on issues related to sexual orientation and gender identity.

Key Statistics:

- Map labelling where homosexual activity is legal and illegal, a majority of Middle East and North African countries have homosexual activity as illegal with other penalties.
- Israel is the only country in the Middle East and North Africa that allows homosexual activity and same sex marriage.



- The death penalty applies to homosexuality in Saudi Arabia, Yemen and Sudan.
- Imprisonment of up to ten years in the following countries: Algeria, Morocco, Bahrain, Kuwait, Oman, Qatar, Somalia, Tunisia, and Syria.
- According to Human Rights Watch (2018):
 - Sex outside marriage (zina) is prohibited including between unmarried men and women in the following countries: Bahrain, Iran, Egypt, Jordan, Libya, Mauritania, Morocco, Palestine, Oman, Qatar, Saudi Arabia, Sudan, Syria, United Arab Emirates and Yemen
 - Countries that have laws explicitly prohibiting same-sex acts, with language that is gender-neutral or explicitly includes both women and men: Algeria, Morocco, Oman, Tunisia, Syria, Yemen, and part of Palestine (Gaza).
 - Countries that prohibit consensual sex between men, or sodomy: Kuwait, Sudan, and part of the United Arab Emirates (Dubai)
 - Countries that prohibit vaguely defined ‘unnatural’ sex: Lebanon, Syria and part of the United Arab Emirates (Abu Dhabi)
 - Abu Dhabi (UAE), “unnatural sex with another person.”

- Qatar bans sex outside marriage for Muslims, and provides penalties for any male, Muslim or not, who “instigates” or “entices” another male to commit an act of sodomy or immorality.
- Kuwait and the United Arab Emirates are among the few countries in the world that explicitly criminalize gender non-conformity. Oman joined them in 2018, introducing a retrograde provision in its new penal code that punishes any man who “appears to dress in women’s clothing.”

Possible Solutions:

- Support from Western nations by:
 - Getting politicians to address the issue publicly.
 - Supporting people of the LGBTQ community in the region.
 - Getting involved in cases of the death penalty and serious abuse cases.
- Introducing education on LGBTQ people in primary school and how they are to be respected and treated equally.
- Get International human rights organizations to pressure governments in the region.
- Get International human rights organizations to publicly shame nations who are abusing, killing and discriminating people of the LGBTQ community.

Useful links:

- <https://eu.usatoday.com/story/news/2017/06/15/lgbtq-glossary-slang-ally-learn-language/101200092/> - key definitions and further information
- <https://www.amnesty.org/en/countries/middle-east-and-north-africa/report-middle-east-and-north-africa/> - Middle East and North Africa 2018 human rights review
- <https://www.hrw.org/report/2018/04/16/audacity-adversity/lgbt-activism-middle-east-and-north-africa> - All details on how the LGBTQ community has developed over time in the region.