

throwing them from buildings (carried out from the tops of tall buildings) and later stoned.¹⁰⁸

In Kuwait, in addition to the criminalisation of extramarital sexual relations in a broad manner, sexual relations between men are also explicitly criminalised with a penalty of up to 7 years in prison.¹⁰⁹ In 2017, it was reported that Kuwait deported 76 men suspected of being gay.¹¹⁰ Also a report shows how the authorities detain trans-persons through a provision that was added to the criminal code in 2007 and prohibited “imitating the opposite sex”.¹¹¹

In the Sultanate of Oman, the criminal code imposes a prison term of one to three years for having consensual sexual relations with same-sex partners¹¹² and the Criminal Code of Qatar has its own with “instigating homosexuality”.¹¹³ Along with Qatar, the United Arab Emirates and Yemen could eventually apply the death penalty for same-sex sexual relations if they take the public stance that they are considered “harmful to society”. Even so, to date there are no records that this penalty has been imposed on LGBT persons in these countries.

In the Persian Gulf, LGBT persons in general hide their sexual orientation and non-conforming gender identity. Expressing them could put them at grave risk of violence and criminal prosecution, not only to themselves but their families too, who could also suffer rejection from society. For this reason, it is common for meeting places to be clandestine and hidden. Even so, these places are often subject to police raids that result in the arrest, public exposure and prosecution on charges against morality and violation of religious customs and teachings. At the same time, human rights institutions and associations do not include SOGI issues among their work.

Finally, it should be noted that the media in the Persian Gulf utilises pejorative and degradative terms to refer to LGBT persons, and also uses

strong hate speech in its contents, making humiliating references in their ways of dressing and behaving.

LGBTI Activists Fight Denial and Erasure in the Middle East

The author wishes to remain anonymous.

Recent years have seen some progress for LGBTI issues in the Middle East, though stories of government-sanctioned discrimination and censorship remain disappointingly common. On two separate occasions, Lebanese courts conceded that same-sex conduct should not be considered a criminal offense, though the legislature has yet to make any changes to the Penal Code provision used to persecute LGBT people.¹¹⁴

In Syria and Iraq, the impending end to the Islamic State's self-proclaimed caliphate comes as a relief to LGBT communities, though the future of their rights remains uncertain; both countries retain criminalizing provisions in law.¹¹⁵

Over the past two years, LGBT families in Israel were faced with setbacks in their fight for equal rights with heterosexual families. In July 2017, the Israeli government opposed a petition submitted by an LGBT organization asking that same-sex and common-law couples be allowed to adopt. The Israeli Child Welfare Services responded by arguing that having same-sex parents would be a difficulty for a child due to societal prejudice, tacitly sanctioning and perpetuating societal prejudice towards LGBT people.¹¹⁶ During protests that followed the decision, at least ten persons were reportedly arrested.¹¹⁷

The following month, the High Court of Justice rejected a petition made by the Israeli LGBT Association which demanded the state recognise marriage equality, expressing that amending the

¹⁰⁸ “Islamic State stones a youth accused of homosexuality in Mosul”, *Iraqi News*, 27 March 2017.

¹⁰⁹ The Penal Code of Kuwait was enacted through Law No. 16 of 1960, Article 193: “Sexual consensual acts between men of consenting age (21+ years old) will be prosecuted with up to 7 years imprisonment”. For more information, see Kuwait entry in the section on “Criminalisation” in this report.

¹¹⁰ “Kuwait Deports Dozens of Homosexuals in ‘Morality’ Crackdown”, *Albawaba News*, 11 August 2017.

¹¹¹ Human Rights Watch, “Kuwait: Country Summary”, 4, 2017.

¹¹² The [Penal Code of the Sultanate of Oman](#) was enacted through Royal Decree No. 7/74. For more information, see Oman entry in the section on “Criminalisation” in this report.

¹¹³ The [Penal Code of the Qatar](#) was enacted through Law No. 11 of 2004, Article 296. For more information, see Qatar entry in the section on “Criminalisation” in this report.

¹¹⁴ For more on Lebanon, please see the “Criminalization” section of this report.

¹¹⁵ For more on Syria and Iraq, please see the “Criminalization” section of this report.

¹¹⁶ “Israel Should Allow Adoption by Same-Sex Couples” *Human Rights Watch*. 20 July 2017.

¹¹⁷ Hagay Hacohen, “Ten Arrested During LGBT Tel Aviv Protest” *The Jerusalem Post*. 20 July 2017.

law to allow for same-sex marriage was the domain of the legislature, not the courts.¹¹⁸

Israeli rainbow families received more bad news in August 2018 when prime minister Netanyahu, caving to pressure from ultra-Orthodox parties, voted against a measure that would have granted single men and same-sex couples the same right to surrogacy as single women and heterosexual couples.¹¹⁹ Following the vote, thousands of people went on strike and took to the streets in cities across Israel, and two persons were arrested in Jerusalem as demonstrators were assembling outside the residence of the prime minister.¹²⁰

Following the demonstrations, the heads of 14 Israeli LGBT organizations released a list of demands from the government in order to ensure full equality and put an end to discrimination. The list included prevention of violence, legal recognition of same-sex families, and equality in health care, among others, and threatened continued protests if the demands were not met.¹²¹

Just a month prior, activists staged a demonstration blocking Tel Aviv's pride parade over what they see as the Israeli government exploiting their community to present itself as tolerant and progressive while also violating the human rights of neighbouring Palestinians. "While we're demonstrating here," said one of the protest organizers, "just a few kilometres away (Israeli soldiers) are shooting people exercising the right to protest."¹²²

Palestinian human rights activists regularly accuse the Israeli government of "pink washing," or trying to portray the country as progressive by comparing it to "backwards" Palestinian and Muslim societies.¹²³ Indeed, aside from a pilot programme allowing bisexual and gay men to donate blood¹²⁴, Israel's track record on LGBTI issues over the previous two years tarnishes the country's claims of social liberalism and tolerance.

In neighbouring Jordan, the government remains hostile towards LGBT issues and has shown it is

willing to censor free speech to erase its queer community. In August 2017, Jordanian MP Dima Tahboub filed a complaint against My.Kali, a publication covering human rights and LGBTQ issues. In her complaint to the Audiovisual Media Authority, Tahboub called the magazine "shawath", meaning "perverts" or "deviants."¹²⁵ Though media reported that her public war on the magazine had shut it down, magazine editors pointed out they had already been blocked for a year in the country.¹²⁶

The following year, Jordanian authorities announced the cancellation of an event discussing the impact of art in the fight against stereotypes because My.Kali was involved. Still, the magazine's founder has vowed to fight on in the face of censorship, saying, "In a region where we're denied recognition, this platform isn't waiting for anyone to provide us that, but claiming it and giving a voice to many."¹²⁷

In October 2018, the Lebanese authorities similarly attempted to stifle free speech by trying to shut down the NEDWA conference on gender and sexuality organized by the Arab Foundation of Freedom and Equality (AFE) for alleged "incitement to immorality." The conference was moved to a different location, but not before security officers took the details of all attendees from the hotel registry, worrying participants from oppressive countries like Egypt.¹²⁸

The status of LGBTI people in the Middle East in recent years gives cause for cautious optimism, as small steps towards equality are being realized. Yet, at the same time, instances of discrimination and censorship from authorities remain commonplace. Despite attempts at erasure, whether they be through silencing the press, cancelling assemblies, or refusing to recognize the rights of queer families, LGBTI activists across the region remain resilient and undeterred.

¹¹⁸ Ilan Lior, "Israel's High Court Rejects Petition to Recognize Same-sex Marriages" *Haaretz*. 31 August 2017.

¹¹⁹ Stuart Winer, "Caving to ultra-Orthodox, Netanyahu about-faces on gay surrogacy rights" *Times of Israel*. 18 July 2018.

¹²⁰ "LGBTQ Israelis hold mass strike, protests demanding equality" *+972 Magazine*. 22 July 2018.

¹²¹ "LGBT community lays out demands from government for 'full equality'" *Times of Israel*. 25 July 2018.

¹²² "LGBT Activists Block Tel Aviv Pride March With Pro-Palestinian Protest" *Palestine Chronicle*. 9 June 2018.

¹²³ Nada Elia, "Don't try to stop us from denouncing Israel's pinkwashing" *Middle East Eye*. 6 April 2018.

¹²⁴ Josh Jackman, "Israel to allow gay and bisexual men to donate blood – regardless of when they last had sex" *Pink News*. 11 January 2018.

¹²⁵ Jason Lemon, "This Jordanian MP is leading a war against the LGBT community" *Step Feed*. 1 August 2017.

¹²⁶ "Open Letter to Jordanian MP Dima Tahboub" *My.Kali*. 1 August 2017.

¹²⁷ Leyal Khalife, "Event in Jordan canceled because a queer publication was involved" *Step Feed*. 6 November 2018.

¹²⁸ "Lebanon: Security Forces Try to Close LGBT Conference" *Human Rights Watch*. 4 October 2018.