



CalsMUN 2019
Future Technology

Research Report

Forum: United Nations Human Rights Council

Issue: Female and LGBTQ rights in the Middle East

Chairs: Bart van Donselaar and Labib Ehsan



Personal Introduction

Labib Ehsan

Hi, I'm Labib, and I'll be the co-chair for the Human Rights Council. I've participated in various conferences, but this is my first time chairing HRC. I'll be coming all the way from the US, and I look forward to seeing you all here at CalsMUN 2019.



Introduction

'Female and LGBTQ rights in the Middle East' is one of our committee's two issues. After reading this document, you should have enough information to be able to write a proper policy statement/position paper and resolution on this issue. Of course, we still encourage you to research your nation's stance on the issue and any past actions they have taken relating to it. This report serves to give you the background information on LGBTQ rights in the Middle East in order to form an argument in line with your country's position.

People around the world face violence and inequality—and sometimes torture, even execution—because of who they love, how they look, or who they are. Sexual orientation and gender identity are integral aspects of ourselves and should never lead to discrimination or abuse. The same goes with women's rights. Technically, and morally as well, there should never be any gender bias associated with human rights. That is why it's called "human" rights, and not anything gender specific. What is sad is that many places in the world actually deny equal rights to their female and LGBTQ population, and sometimes even oppress them.

Definition of Key Terms

LGBTQ

The terms lesbian, gay, bisexual, and transgender (LGBT) describe distinct groups within the gay culture. The early initiatives for people who were gay focused mostly on men. So, in an attempt to draw attention to issues specific to gay women, "lesbian" is often listed first.

Basic Human Rights

These rights are the fundamental human rights that were enshrined by the United Nations for every human being on the planet nearly 70 years ago. These rights include the right to live free from violence, slavery, and discrimination; to be educated; to own property; to vote; and to earn a fair and equal wage.

General Overview

The lack of LGBTQ rights in The Middle East have been a key human rights issue for a long time. This community has historically been discriminated against, but at present, the international LGBT community is slowly gaining official recognition from governments and societies. In the Middle East, the situation for the LGBT community is especially dismal. Middle Eastern countries, with the exception of Israel, openly condemn the LGBT community. Consequently, the LGBT community in the Middle East exists underground, and members of the community often live in fear of being discovered. If revealed or perceived to be homosexual, he or she risks being ostracised by the entire society, including his or her own family. In general, these communities have no legal protection whatsoever. They are seen as outlaws and outcasts by society. Homosexuality is illegal in most Middle Eastern



countries under penalty of fines, jail terms, or even death in some areas. The few protections that do exist are little more than legal loopholes. For example, in Iran, homosexuality is punishable by death, though there are less severe provisions for people of “unsound mind” or for minors committing homosexual acts. For the lesser sin of Tafhiz, or the rubbing of genitals/buttocks, the general punishment is 100 lashes, though the sentence may be dropped if the person repents to God before the witnesses testify in court.

Female rights are also in quite a bad situation in these countries. Historically, the Middle East gave women more rights than in the West including the right to own and manage property, to sue and be sued, to enter into contracts and conduct businesses, rights granted to Western women only relatively recently. Nevertheless, family law and inheritance gave fewer rights to Middle Eastern women. There’s a clear irony as the same Islamic law since its provision advanced women’s rights against the norms in the 7th century, but leaves them at a disadvantage today. Indeed, child marriage, the duty of obedience and difficulty to get divorced, have become part of the everyday life of women in Middle Eastern countries ruled by the clerics. Still, politics has tried to reduce those inequalities and has been key in promoting equal rights between men and women in the Middle East. Charismatic nationalists such as Turkish Kemal Ataturk in 1920s, Tunisian Habib Bourguiba in 1950s, the Shah of Iran in the 1960s and even the Marxist ideology in Somalia have helped women to achieve legal equality with their male counterparts. Unfortunately, some of those countries have cancelled those reforms after the resurgence of the power of the conservative clerics since the 1970s, leading to an unstable and problematic legal status for the Middle Eastern female citizen. For instance, until recently, Iran enforced for 39 years a strict dress code with harsh criminal penalties.

Major Parties Involved

Saudi Arabia

Saudi Arabia has been seen as a country which oppresses their women, and condemn their LGBTQ community in this modern world. They have been the only country in the world to ban women from driving — an internationally recognized symbol of unequal status-. Along with the ability to drive has come new rights and freedoms: the ability to join the military, work in intelligence services and attend sporting events and concerts. A senior cleric even commented that women should not be required to wear the abaya (A simple, loose overgarment, essentially a robe-like dress). In Saudi Arabia, the laws state that if a person is found of engaging in same gender sexual behaviour, the death penalty would be applied. According to Country Reports of the US Department of State, in Saudi Arabia there are no established LGBT organizations. Furthermore, reports of official and social discrimination on the grounds of sexual orientation remains unclear because of strong social pressure of not to discuss LGBT matters.

Israel

Israel’s stance on these issues are almost at the opposite end of the spectrum. Israel has been called the "gay capital of the Middle East," which is no surprise to many of its



supporters who have been touting its outstanding record on gay rights for years. Israel's LGBTQ citizens are afforded all manner of legal rights denied to many even in the Western world, including prohibitions on employment discrimination and civic recognition of marriage equality and adoption by same-sex couples. These are facts anyone can look up on the Internet, but what casual observers may not know is that LGBTQ life in Israel is vibrant and a major part of their popular culture. Even Jerusalem, a city known for its conservative religious tendencies, holds a pride parade each year, and it's also home to the Jerusalem Open House for Pride and Tolerance. Tel Aviv has become a major LGBTQ tourist destination after being named the #1 gay city in the world by various travel and cultural magazines.

Amid the upheaval, the liberal democracy of Israel – while far from perfect – remains a reliable defender of women's rights. All women in Israel, regardless of race, religion or ethnicity, enjoy broad freedoms, rights and protections, including the right to vote, freedom of expression and career choices. Women are protected by law from discrimination. Israel's Declaration of Independence grants "all Israel's inhabitants' equality of social and political rights irrespective of religion, race or gender." Three years after declaring statehood in 1948, Israel passed legislation guaranteeing women the right to live in dignity, including providing equality in work, education, health and social welfare. During its 63 years of existence, Israeli society has undertaken many steps to advance the status of women. As a result, women have progressed in multiple spheres of Israeli life, such as politics, economics, education, the domestic realm and the military.

Timeline of Key Events

Time	Description
<i>1885: The Brits</i>	In 1885 the British government introduced new penal codes that punished all homosexual behaviour. Of the more than 70 countries that criminalise homosexual acts today, over half are former British colonies.
<i>1935: Voting in Turkey</i>	In 1935 women finally get full voting rights in Turkey. Turkey was the first country in the middle east to allow women voting rights. A little earlier though, women were able to vote in municipal elections. This happened around 1930-1934. Kemal Mustafa Ataturk was the one who decided to give women this freedom to vote and even run for certain offices.
<i>1980s: The rise</i>	The rise of Islamic fundamentalism in the 1980s coincided with that of the gay-rights movement in America and Europe, hardening cultural differences. Once homosexuality had become associated with the West, politicians were able to manipulate anti-LGBT feelings for their personal gain.
<i>2018: Right to drive</i>	Saudi Arabia lifted its ban, and legalized driving for women for the first time in history



Previous Attempts to Resolve the Issue

Rather than government intervention, these issues have been tackled by the people themselves. Despite state-sponsored repression and social stigma, LGBT people in the Middle East are finding ways to speak out. They are telling their stories, building alliances, networking across borders, developing national and regional movements, and finding creative ways to combat homophobia and transphobia. This report accompanies a series of videos produced by Human Rights Watch and the Arab Foundation for Freedoms and Equality (AFE). The videos feature individual activists reaching out in Arabic to LGBT people living in the Middle East and North Africa with messages of support and encouragement. The report thus focuses on those parts of the region where Arabic is predominantly spoken.

The uprisings in Tunisia, Egypt, Libya, Bahrain, Yemen, and Syria saw an unprecedented involvement of women in the public sphere, representing a rupture in existing systems and allowing for new possibilities in knowledge and discourse on social and gender justice issues. This came about through grassroots organizing and through the relentless efforts of women to push for women's rights as a priority on the political agenda. Women's rights movement in MENA have pushed the state to recognize, for example, sexual violence as a fundamental problem, following years of prolonged denial. In Egypt, Tunisia, Jordan and Lebanon, the Penal Code was reformed on domestic violence, underage marriage and honour crimes, after decades of struggle. But, as feminist activists note, "These achievements came at the hands of largely undemocratic regimes, so they are fragile and vulnerable to revocation at any moment." But historically, the regimes in our region have succeeded in containing the women's rights movement by co-opting its discourse, this is known as "state feminism". Often, the reforms come with unjust economic policies that impoverize women and a repressive agenda that increases public sphere militarization, stifles political action, and represses opposition.

Possible Solutions

- A good help in reaching some sort of solution would be The US changing its foreign policies towards these countries, especially Saudi Arabia, which would create possible political pressure on them to resolve these issues. The U.S. government (especially since the days of Jimmy Carter, who hailed the Iranian shah's regime a few months before its overthrow) has for years exploited human rights rhetoric by highlighting its enemies' human rights violations and ignoring its friends' violations. The people of the Middle East have not forgotten that Washington ignored the shah of Iran's abysmal record of human rights violations while strictly scrutinizing the human rights records of Libya and Syria, for example. Of course, Libya and Syria do violate human rights, but Washington's double standard is blatant and cruel. The antipathy to U.S. economic and political interests in the Middle East stems largely from the inability or unwillingness of the U.S. to judge human rights on a universal and neutral basis. U.S. support for Saudi Arabia has also harmed the cause of reforming Islam, because Saudi oil wealth helps to promote a very conservative branch of Islamic theology and jurisprudence throughout the Muslim world.
- Promoting donors and international NGOs, exerting a disproportionate influence on the priorities and opportunities of WROs. Many WROs in Iraq, Yemen, and the Gaza



Strip have transitioned to humanitarian programming to secure funds, putting gender development work on hiatus. Donor priorities have overwhelmingly shifted towards providing funds for humanitarian aid, creating further difficulties for WROs. Moreover, the actions and discourse of the international community are often contradictory to the objectives of gender equality, human rights and democratization more broadly. International actors often fail to address or deal with the structural issues that hinder gender justice.

- Any possible UN intervention which would bring these countries to trial regarding their inhumane punishments for homosexual acts, or even the denial of the fundamental human rights to women



Bibliography

Below you can find the sources we used and some others to further expand your understanding of this issue.

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