

Immigration and Refugee Board of Canada

[Home](#)

> [Research Program](#)

> Responses to Information Requests

Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](#) website. Please note that some RIRs have attachments which are not electronically accessible. To obtain a PDF copy of an RIR attachment, please email the [Knowledge and Information Management Unit](#).

21 July 2016

BHR105575.E

Bahrain: Situation of sexual minorities, including societal attitudes and treatment by authorities (2011-July 2016)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Legislation

According to sources, homosexuality is illegal in Bahrain (Canada 14 July 2016; *Gulf News* 5 Feb. 2011). In correspondence with the Research Directorate, a Bahraini journalist who is also an LGBTI activist stated that since it is illegal to have a sexual relationship outside of marriage, and in Bahrain law marriage can only take place between a man and a woman, "then anything else is a crime" (Journalist 9 July 2016). Conversely, several sources state that same-sex activity is not criminalized in the country (US 13 Apr. 2016, 35; Human Rights Watch 27 Jan. 2016; UK 14 July 2016). Some sources further specify that same-sex activity is not illegal for consenting adults 21 years of age and older (UK 14 July 2016; ILGA May 2016, 35; US 13 Apr. 2016, 35). However, travel advice published by the government of the United Kingdom notes that "sodomy is illegal" (UK 14 July 2016). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) 2016 report, *State-sponsored Homophobia*, a new Penal Code was enacted in 1976 which "decriminalised consensual adult same-sex sexual behaviour" (ILGA May 2016, 35). UK-based LGBT news site Pink News likewise states that "[s]ame-sex sexual activity has been legal in Bahrain since 1976" (Pink News 24 Apr. 2014). GlobalGayz, a travel and culture website about LGBT life in countries around the world (GlobalGayz n.d.), explains that "[t]he law is silent on private, non-commercial sexual acts between consenting adults. The law therefore allows homosexuality and it is not criminalized in the Kingdom of Bahrain" (GlobalGayz 31 Jan. 2012).

However, Freedom House states that "[s]ame-sex sexual activity is not illegal, yet individuals have reportedly been punished for it" (Freedom House 2015). ILGA explains that "[i]t should be noted that there is a morality or 'public decency' law in place in Bahrain that could be interpreted to include LGB and trans persons" (ILGA May 2016, 35). Article 324 of the 1976 Penal Code states that "[e]very person who entices a male or a female to commit acts of immorality or prostitution or assists in such acts in any manner whatsoever shall [b]e liable for a prison sentence" (Bahrain 1976). GlobalGayz states that "[l]aw enforcement agents and the courts have broad discretionary powers to issue fines and or jail time for any activities deemed to be in violation of traditional morality" (GlobalGayz 31 Jan. 2012).

2. Treatment by Society

According to sources, Bahrain is seen as more socially liberal than other countries in the region (ILGA 21 Mar. 2011; Thomas Reuters Foundation 6 Mar. 2011; UK 14 July 2016). However, the travel advice from the UK also states that "many Bahrainis hold conservative social views" (UK 14 July 2016). Sources state that discrimination against sexual minorities occurs in the country (US 13 Apr. 2016, 35; Freedom House 2015; Al Bawaba 18 June 2014). An article by Middle Eastern news site Al Bawaba states that "gender nonconforming individuals encounter harassment by police and Bahraini citizens alike" (Al Bawaba 18 June 2014).

GlobalGayz states that "[t]raditional religious mores view homosexuality and cross-dressing as signs of immorality, which may impact how the legal system deals with LGBT-rights" (GlobalGayz 31 Jan. 2012). In addition, the US Department of State's *Country Reports on Human Rights Practices for 2015* states that "lesbian, gay, bisexual, transgender, and intersex (LGBTI) activities, such as same-sex relationships and same-sex sexual activity" are not socially accepted in Bahrain (US 13 Apr. 2016, 35).

According to Freedom House, "[d]iscrimination based on sexual orientation is common, and most LGBT ... people hide their gender identity" (Freedom House 2015). *Country Reports 2015* notes that there were "no open manifestations of LGBTI activity in the country, such as gay pride parades" (US 13 Apr. 2016, 35). In an interview with ILGA, a gay Bahraini man stated that "'there is a kind of strange denial ... at some points, it seems everyone is giving the blind eye and ignoring that [homosexuality] exists, and other times they try to stop it!'" (ILGA 21 Mar. 2011). According to the interviewee in the same source, "'living as a gay man is impossible in Bahrain'" (ILGA 21 Mar. 2011). The journalist stated that, as Bahrain is a small country, there are no significant differences in the treatment of sexual minorities throughout the country (Journalist 9 July 2016). Further and corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3. Treatment by Authorities

According to a travel advisory published by the Government of Canada, homosexuality "is punishable by imprisonment and deportation" in Bahrain (Canada 14 July 2016). The travel advice provided by the government of the UK states that "[t]here are some reported cases of individuals punished for same-[sex] sexual activity, but in practice arrests for homosexual behaviour are relatively rare" (UK 14 July 2016).

According to the journalist, lesbians are treated less "harshly" by authorities and are "the least [likely] to be charged and sentenced" among other sexual minorities (Journalist 9 July 2016). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3.1 Incidents of Violence or Arrests

According to an article on the website of English-language Bahraini newspaper *DT News*, two lesbians were sentenced to one month in jail in April 2016 after they were found kissing in a car on a university campus in Manama (*DT News* 19 Apr. 2016). According to the article, "[t]he women were charged with committing an obscene act in a public place" (*DT News* 19 Apr. 2016). The article adds that "[j]udges at the Lower Criminal Court set BD50 [approximately C\$173] as a bail for them, pending the outcome of their appeal" (*DT News* 19 Apr. 2016). Further and corroborating information on the case could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Country Reports 2014 states that in July 2014, a foreign man was sentenced to one month in jail, followed by deportation "for wearing women's make up and accessories" (US 25 June 2015, 39). The source adds that the man was arrested because police "thought that he was 'walking in a feminine way'" (US 25 June 2015, 39). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Sources report that in April 2013, two Chinese migrant workers were sentenced to five years' imprisonment, followed by deportation, on charges of prostitution and homosexuality (US 25 June 2015, 39; Pink News 11 Apr. 2013). According to sources, the judge gave the maximum sentence as "a deterrent to others," stating that "'homosexuality ruins individuals and nations'" (Pink News 11 Apr. 2013; US 25 June 2015, 39).

According to sources, 127 to over 200 people were arrested at a party in February 2011 (Al Bawaba 18 June 2014; AI 24 May 2012, 75; *Gulf News* 5 Feb. 2011) in Muharraq [al-Muharraq] (*Gulf News* 5 Feb. 2011; AI 24 May 2012, 75). Some sources describe the party as a "gay wedding" (Al Bawaba 18 June 2014; GDN Online 7 Feb. 2011). According to sources, the police arrived at the party due to noise complaints by neighbours (GDN Online 7 Feb. 2011; AI 24 May 2012, 75; *Gulf News* 5 Feb. 2011). According to Amnesty International (AI), most of those arrested

were released without charge but 50 were prosecuted, 30 on charges of prostitution and other illicit acts. They were sentenced in March to prison terms of up to six months. The High Criminal Court of Appeal confirmed the sentences in December; by then all had already been released. (AI 24 May 2012, 75)

Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

4. Support Services

Sources indicate that there are no legal measures to prevent discrimination against sexual minorities in the country (Journalist 9 July 2016; Human Rights Watch 27 Jan. 2016; Pink News 24 Apr. 2014). According to the journalist, there are no organizations in Bahrain to which sexual minorities may turn to for recourse or protection (Journalist 9 July 2016).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

References

Al Bawaba. 18 June 2014. "[The Morning After Gay Pride: A Sexuality Survey of the ME's LGBT Hot Spots.](#)" [Accessed 23 June 2016]

Amnesty International (AI). 24 May 2012. "Bahrain." *Amnesty International Report 2012: The State of the World's Human Rights*. (POL 10/001/2012) [Accessed 8 July 2016]

Bahrain. 1976. [Penal Code](#). [Accessed 11 July 2016]

Canada. 14 July 2016. [Travel.gc.ca. "Bahrain."](#) [Accessed 11 July 2016]

DT News. 19 April 2016. "[Lesbians Caught Kissing on Bahrain Campus, Jailed.](#)" [Accessed 19 July 2016]

Freedom House. 2015. "Bahrain." *Freedom in the World 2015*. [Accessed 11 July 2016]

GlobalGayz. 31 January 2012. "[Bahrain Country Photos.](#)" [Accessed 8 July 2016]

GlobalGayz. N.d. "[Welcome to GlobalGayz – Gay Travel, Culture and LGBT Human Rights.](#)" [Accessed 13 July 2016]

GDN Online. 7 February 2011. Basma Mohammed. "[Crackdown Urged After 'Gay Wedding'.](#)" [Accessed 8 July 2016]

Gulf News. 5 February 2011. Habib Toumi. "[Bahrain Arrests Scores in Raid on Gay Party.](#)" [Accessed 23 June 2016]

Human Rights Watch. 27 January 2016. "Bahrain." *World Report 2016: Events of 2015*. [Accessed 11 July 2016]

International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA). May 2016. Aengus Carroll. *State-sponsored Homophobia. A World Survey of Sexual Orientation Laws: Criminalisation, Protection and Recognition*. [Accessed 8 July 2016]

International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA). 21 March 2011. Alessia Valenza. "[A Gay Bahraini Speaks Out.](#)" [Accessed 11 July 2016]

Journalist. 9 July 2016. Correspondence with the Research Directorate.

Pink News. 24 April 2014. Scott Roberts. "[Bahrain: Transgender Prostitutes Lose Appeal Against Jail Term.](#)" [Accessed 23 June 2016]

Pink News. 11 April 2013. Corinne Pinfold. "[Bahrain: Male Sex Workers Sentenced to Jail by Judge Who Claims 'Homosexuality Ruins Nations'.](#)" [Accessed 23 June 2016]

Thomson Reuters Foundation. 6 March 2011. Hossein Alizadeh. "[Will the 'New Middle East' Be a Welcoming Place for Gays and Lesbians?'](#)" [Accessed 12 July 2016]

United Kingdom (UK). 14 July 2016. "[Bahrain Travel Advice.](#)" [Accessed 11 June 2016]

United States (US). 13 April 2016. Department of State. "Bahrain." [Country Reports on Human Rights Practices for 2015](#). [Accessed 8 July 2016]

United States (US). 25 June 2015. Department of State. "Bahrain." [Country Reports on Human Rights Practices for 2014](#). [Accessed 11 July 2016]

Additional Sources Consulted

Oral sources: Bahrain Center for Human Rights; Bahrain Human Rights Society; Bahrain Human Rights Watch Society; International Lesbian, Gay, Bisexual, Trans and Intersex Association; OutRight International.

Internet sites, including: Ahwaa.org; Al Arabiya News; ecoinet.net; GayLawNet; *The Guardian*; Gulf Digital News; Human Rights Campaign; International Gay & Lesbian Travel Association; Inter Press Service; International Refugee Rights Initiative; Lexadin; LGBT Asylum News; Muftah; Susan's Place Transgender Resources; Towleroad; UK – Foreign & Commonwealth Office; UN – International Labour Organization, Refworld; Women Living Under Muslim Laws.

[Tips on how to use this search engine.](#)

[Top of Page](#)

Date modified: 2016-01-05