



RESPONSES TO INFORMATION REQUESTS (RIRs)

[New Search](#) | [About RIRs](#) | [Help](#)

| The Board | | 11 August 2011 |
|--------------------------------------|--|----------------|
| About the Board | SAU103739.FE | |
| Biographies | | |
| Organization Chart | Saudi Arabia: situation of homosexuals, including laws, their treatment by society and government authorities, and the organizations available to assist them | |
| Employment | Research Directorate, Immigration and Refugee Board of Canada, Ottawa | |
| Legal and Policy | | |
| References | Homosexual community and meeting places | |
| Publications | An article that appeared in the American magazine <i>The Atlantic</i> states that there are active homosexual communities in Saudi Arabia's cosmopolitan cities, such as Riyadh and Djeddah (May 2007). People looking to meet same-sex partners can do so in cafés (ABC News 25 May 2009), on the street and on the Internet (<i>The Atlantic</i> May 2007). However, the British Broadcasting Corporation (BBC) quotes a professor who states that there is no "publicly acknowledged homosexual community" in that country (19 Oct. 2010). | |
| Tribunal | | |
| Refugee Protection Division | | |
| Immigration Division | | |
| Immigration Appeal Division | | |
| Decisions | Society's attitude | |
| Forms | According to some media sources, Saudi society considers homosexuality "extremely shameful" (BBC 19 Oct. 2010), "deeply offensive" (GME 2 Apr. 2011) and "repugnan[t]" (<i>The Atlantic</i> May 2007). Similarly, in its 2008-2009 progress report on combatting AIDS, which was presented to the United Nations, the Health Ministry of the Kingdom of Saudi Arabia states that Saudi society "highly discourages" homosexuality (Saudi Arabia n.d.). In correspondence sent to the Research Directorate on 5 April 2011, the Executive Director of the Center for Democracy and Human Rights in Saudi Arabia (CDHR), a not-for-profit organization based in Washington (CDHR n.d.), stated that homosexuals can be "chastised by society." In a telephone interview with the Research Directorate on 17 May 2011, the President of the Human Rights First Society (HRFS) stated that every day homosexuals are attacked by their families because of their sexual orientation and that some "may even be killed by family members." This information could not be corroborated among the sources consulted by the Research Directorate. The human rights non-governmental organization (NGO) HRFS was established in Saudi Arabia in 2002 (HRFS n.d.); however, the government still refuses to grant it a permit (ibid.; ibid. 17 May 2011). | |
| Statistics | | |
| Research | | |
| Research Program | | |
| National Documentation Packages | | |
| Issue Papers and Country Fact Sheets | | |
| Responses to Information Requests | | |
| Recent Research | | |
| Media Centre | | |
| News | | |
| Information Sheets | | |
| Media Relations | | |
| Proactive Disclosure | However, many sources indicate that, because of gender segregation, sexual activities can be "channelled discretely into same sex acts" (GME 2 Apr. 2011; CDHR 27 Apr. 2011; <i>The Atlantic</i> May 2007). According to the Director of the CDHR, sodomy "is socially accepted" (27 Apr. 2011). The reporter for the <i>Atlantic</i> states that being homosexual in Saudi Arabia involves a "contradiction-to have license without rights, and to enjoy broad tolerance without the most minimal acceptance" | |

(*The Atlantic* May 2007). She goes on to explain that in the Middle East, sexual practices are not linked to sexual identity (ibid.). Homosexual relations are tolerated; it is a behaviour that can, in fact, be transitory and does not define the person (ibid.). The *Country Reports on Human Rights Practices for 2010*, published by the United States (US) Department of State, note that in Saudi Arabia in 2010, “[c]onsequent to the illegality and severe punishment applicable [for homosexuality], there were few reports of societal discrimination, physical violence, or harassment based on sexual orientation” (U.S. 8 Apr. 2011, Sec. 6).

Legislation

Many sources report that Saudi Arabia does not have a penal code (ILGA May 2010; AI 2008, 47; CDHR 5 Apr. 2011). Sexual relations between same-sex partners are punishable under Shari'ah law (U.S. 8 Apr. 2011, Sec. 6; AI 2008, 47-48; GME 2 Apr. 2011). A report published in May 2010 by the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) notes that sodomy is a crime under Shari'ah law: [English version by ILGA] “For a married man the penalty is death by stoning, while the penalty for an unmarried man is 100 blows of the whip as well as banishment for a year.” According to Amnesty International (AI) and the news site GayMiddleEast.com (GME), sexual relations between unmarried same-sex partners are punishable by flogging (AI 2008, 48; GME 2 Apr. 2011) or imprisonment (ibid.); sexual relations between same-sex partners who are married to someone else are punishable by the death penalty (ibid.; AI 2008, 48). According to the President of the CDHR, anyone found guilty of homosexual acts can be subject to imprisonment, flogging or fines (CDHR 5 Apr. 2011). Sexual relations between women are also forbidden (ibid.). According to some sources, four witnesses are required before the death penalty can be invoked for homosexuality (HRFS 17 May 2011; GME 2 Apr. 2011). Furthermore, AI states that the offence entitled “‘Corruption on earth’ is a catch-all phrase,” and can apply to sexual relations between same-sex partners and it is always subject to capital punishment (AI 2008, 48). It is also forbidden for men “to behave like women” (U.S. 8 Apr. 2011, Sec. 6; FP 20 Dec. 2010; Human Rights Watch 24 June 2009).

Law enforcement

According to the Director of the CDHR, because “laws are made on the spot and totally up to the presiding judges in closed courts,” statistics on the number of people prosecuted for homosexuality are “almost non-existent” (5 Apr. 2011). An article on the GME Web site provides similar information regarding the latitude granted to judges: “Saudi law is not strictly codified and its implementation, in either a lenient or severe manner, depends mostly on religious Sunni judges and scholars, as well as royal decrees (and thus subject to extreme variability)” (2 Apr. 2011).

Similarly, according to an article that appeared in the *Courrier international* on 28 April 2008, homosexuality in Saudi Arabia [translation] “almost systematically” leads to capital punishment. In the article that appeared in *The Atlantic*, the author states, however, that the death penalty is rarely handed down for sodomy (May 2007). According to GME, the death penalty is very rare because, in order to get a conviction, four witnesses are required or the accused has to confess on four occasions (2 Apr. 2011). In the British *Guardian*, a journalist writes that no homosexuals have been executed since 2002, although there have been cases of imprisonment and flogging for homosexuality, “which tend to attract less media attention” (13 Sep. 2010). The President of the HRFS also stated that there have been no known executions for homosexuality “in the last ten years” (17 May 2011). A British prosecutor, who was quoted in a BBC article published on 15 October 2010, states, however, that the death penalty for homosexuality “is still applied in some cases’.”

Committee for the Promotion of Virtue and Prevention of Vice

The Committee for the Promotion of Virtue and Prevention of Vice is Saudi Arabia's religious police (AI 12 Nov. 2010; GME 2 Apr. 2011; ABC News 25 May 2009). At a public meeting, the Director of the Committee stated that this police is responsible for eradicating the "erroneous behavior that affects society, such as drinking alcohol, magic, immorality and homosexuality" (quoted in the *Saudi Gazette* 6 Apr. 2010). Similarly, an article published by ABC News on 25 May 2009 states that the Committee arrests and "punish[es]" men suspected of homosexuality. The Executive Director of the CDHR also stated that openly gay people are "picked up by ... religious police and face severe punishments" (5 Apr. 2011).

People arrested or convicted

In 2010, a Saudi man was arrested and sentenced to 5 years in prison, 500 whiplashes and was fined 50,000 Saudi riyals (C\$12,931 [XE.com 1 June 2011]) for homosexuality, possession of pornography and transvestism (AI 12 Nov. 2010; *Saudi Gazette* 8 Nov. 2010; Pink News 9 Nov. 2010). In 2010, the media reported on a Saudi diplomat who was allegedly harassed by his colleagues at the Saudi Arabian consulate in Los Angeles because of his sexual orientation and his friendship with a Jewish woman (*Jeune Afrique* 23 Sept. 2010; *The New York Times* 14 Sept. 2010). The man, who filed a claim for asylum in the United States, also allegedly lost his job for the same reasons (NBC News 11 Sept. 2010; *Guardian* 13 Sept. 2010). Also in 2010, the Embassy of Saudi Arabia in Manila, the Philippines, published a memorandum instructing recruitment agencies in the Philippines not to hire homosexuals (GMA News 2 June 2010; PhilStar.com 5 June 2010; ABC-CBN News 1 June 2010). In August 2008, two men, originally from the Philippines, were arrested for gay prostitution (*Arab News* 11 Aug. 2008; Pink News 8 Aug. 2008). In July of the same year, 55 people were arrested at a gay party (ibid.; AKI 30 July 2008). Some twenty other people, who were also guests at a party, were arrested in June (ibid.; AP 23 June 2008; Pink News 8 Aug. 2008). According to the gay information Web site, Pink News, "[m]any were initially arrested on homosexuality charges but later released" (ibid.). No information on the treatment of the other people arrested in 2008 could be found among the sources consulted by the Research Directorate. Finally, in 2007, two men who allegedly engaged in homosexual relations were sentenced to 7,000 whiplashes (AI Belgique 5 Nov. 2007; LGF 21 Apr. 2009; UK Gay News 18 Oct. 2007).

Aid organizations

According to the Executive Director of the CDHR, there are no homosexual rights defence groups in Saudi Arabia (5 Apr. 2011). The President of HRFS provided similar information, but noted that his organization is currently helping a transexual whose case is before the courts (HRFS 17 May 2011). He added that, because his organization does not have a permit, it cannot obtain subsidies and, consequently, cannot offer assistance to all the people who need it (ibid.). The Cairo Institute for Human Rights Studies (CIHRS), an NGO established in 1994 (CIHRS n.d.b), also notes in a report that Saudi Arabia refuses to provide permits to human rights organizations (ibid. n.d.a, 32).

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

ABC News. 25 May 2009. Lara Setrakian. "Saudi Gay Scene: "Forbidden, but I can't Help It"." <http://abcnews.go.com/International/story?id=74_79150&page=1> [Accessed 11 Apr. 2011]

ABS-CBN News. 1 June 2010. Wheng Hidalgo. "Gay Ban in Saudi Hit." <<http://www.abs-cbnnews.com/global-filipino/06/01/11101-gay-ban-saudi-hit>> [Accessed 20 Apr. 2011]

ADN Kronos International (AKI). 30 July 2008. "Saudi Arabia: Police Arrest 55 at "Gay" Party." <<http://www.adnkronos.com/AKI/English/Religion/?id=1.0.2378425197>> [Accessed 20 Apr. 2011]

Amnesty International (AI). 12 November 2010. "Un homme condamné pour homosexualité." <<http://www.amnesty.org/fr/library/asset/MDE23/013/2010/fr/b2255981-8e34-4794-b2c5-392aeea03999/mde230132010fra.html>>> [Accessed 30 Mar. 2011]

_____. 2008. *Love, Hate and the Law: Decriminalizing Homosexuality*. <<http://www.amnesty.org/en/library/asset/POL30/00312008/en/e2388a0c-588b-4238-9939-de6911b4alc5/po1300032008en.pdf>> [Accessed 30 May 2011]

Amnesty International (AI) [Belgique]. 5 November 2007. "Arabie saoudite : crainte de flagellation." <<http://www.amnestyinternational.be/doc/amnesty-c-est-quoi/nouscontacter/l-espace-coordinations/coordination-sante/archives-desactions/article/arabie-saoudite-crainte-de>> [Accessed 1 June 2011]

Arab News [Saudi Arabia]. 11 August 2008. Ghazanfar Ali Khan. "15 Held on Bootlegging, Gay Prostitution Charges." <<http://archive.arabnews.com/?page=1§ion=0&article=112657&d=11&m=8&y=2008>> [Accessed 21 Apr. 2011]

The Associated Press (AP). 23 June 2008. "Saudis Step Up Arrests of Suspected Gays." (365 Gay) <<http://www.365gay.com/news/saudis-step-up-arrests-of-suspected-gays/>> [Accessed 13 Apr. 2011]

The Atlantic. May 2007. Nadya Labi. "The Kingdom in the Closet." <<http://www.theatlantic.com/magazine/archive/2007/05/the-kingdom-in-the-closet/5774/>> [Accessed 11 Apr. 2011]

British Broadcasting Corporation (BBC). 19 October 2010. Chris Summers. "How Murder Exposed Saudi Prince's Homosexual Life." [Accessed 18 Apr. 2011]

_____. 15 October 2010. "Saudi Prince Will not Give Evidence in Murder Trial." <<http://www.bbc.co.uk/news/uk-england-london-11552937>> [Accessed 31 May 2011]

Cairo Institute for Human Rights Studies (CIHRS). N.d.a. *Bastion d'impunité, mirages de réforme : les droits de l'homme dans le monde arabe en 2009*. <<http://www.cihrs.org/Images/ArticleFiles/Original/543.pdf>> [Accessed 31 May 2011]

_____. N.d.b. "L'Institut du Caire pour l'étude des droits de l'homme (CIHRS)." <<http://www.cihrs.org/FrenchiAboutus.aspx>> [Accessed 31 May 2011]

Center for Democracy and Human Rights in Saudi Arabia (CDHR). 27 April 2011. Correspondence sent to the Research Directorate by the Executive Director.

_____. 5 Apr. 2011. Correspondence sent to the Research Directorate by the Executive Director.

_____. N.d. "About Us." <http://www.cdhr.info/index.php?option=com_content&view=article&id=76&Itemid=57> [Accessed 1 Apr. 2011]

Courrier international [Paris]. 28 April 2008. "Les droits des homosexuels dans le monde." <<http://www.courrierinternational.com/dossier/2008/04128/les-droits-des-homosexuels-dans-le-monde>> [Accessed 30 Mar. 2011]

- Foreign Policy* (FP). 20 December 2010. Max Strasser. "The Global Rights Battlefields." <http://www.foreignpolicy.com/articles/2010/12/20/the_global_gay_rights_battlefields> [Accessed 20 Apr. 2011]
- GayMiddleEast.com (GME). 2 April 2011. Dan Littauer. "Entrapped by Saudi Religious Police, British Gay Man Feared Beheading." (San Diego Gay and Lesbian News - SDGLN) <<http://www.sdglnews.com/news/2011/04/02/entrapped-saudi-religiouspolice-british-gay-man-feared-beheading>> [Accessed 20 Apr. 2011]
- GMA News. 2 June 2010. Jerrie Abella. "Saudi Govt Tough on Gay, Lesbian Workers." <<http://www.gmanews.tv/story/192502/saudi-govt-goes-tough-on-gay-lesbianworkers>> [Accessed 4 Apr. 2011]
- Guardian* [United Kingdom]. 13 September 2010. Brian Whittaker. "Saudi Arabia's Juggling Act on Homosexuality." <<http://www.guardian.co.uk/commentisfree/2010/sep/13/saudi-arabia-homosexuality-juggling-act>> [Accessed 18 Apr. 2011]
- Human Rights First Society (HRFS). 17 May 2011. Telephone interview with the President.
- _____. N.d. "HRFS." <http://hrfssaudi-arabia.org/?page_id=84> [Accessed 30 May 2011]
- Human Rights Watch. 24 June 2009. "Saudi Arabia: Drop 'Cross-Dressing' Charges." <<http://www.hrw.org/en/news/2009/06/24/saudi-arabia-drop-cross-dressingcharges>> [Accessed 21 Apr. 2011]
- International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA). May 2010. Daniel Ottosson. *Homophobie d'État : une enquête mondiale sur les lois qui interdisent la sexualité entre adultes consentants de même sexe.* <http://old.ilga.org/Statehomophobia/ILGA_Homophobie_Etat_2010.pdf> [Accessed 30 May 2011]
- Jeune Afrique* [Paris]. 23 September 2010. Leïla Slimani. "Diplomate gay demande asile." <<http://www.jeuneafrique.com/Article/ARTJAJA2593p049.xml1/>> [Accessed 4 Apr. 2011]
- The Lesbian and Gay Foundation (LGF). 21 April 2009. Joanne Dunning. "THT Warn Gay Men Living with HIV to Check Their US Travel Plans." <<http://www.lgf.org.uk/tht-warn-gay-men-living-with-hiv-to-check-their-ustravel-plans/>> [Accessed 20 Apr. 2011]
- NBC News. 11 September 2010. "Saudi Diplomat Seeking Asylum: 'My Life Is in Danger'." (ILGA) <<http://ilga.org/ilga/en/artic1e/mCDSOjMIbe>> [Accessed 4 Apr. 2011]
- The New York Times*. 14 September 2010. Rebecca Cathcart. "Gay Saudi Diplomat Seeks U.S. Asylum." <<http://www.nytimes.com/2010/09/15/world/15asylum.html>> [Accessed 11 Apr. 2011]
- PhilStar.com. 5 June 2010. Evelyn Macairan. "CBCP to Gay OFWs Banned in Saudi: Go to Other Countries." <<http://www.philstar.com/Article.aspx?articleId=581315&publicationSubCategoryId=200>> [Accessed 13 Apr. 2011]
- Pink News. 9 November 2010. "Saudi Man Receives Lashes and Prison Sentence for Gay Video." <<http://www.pinknews.co.uk/2010/11/09/saudi-man-receives-lashes-and-prison-sentence-for-gay-video/>> [Accessed 11 Aug. 2011]
- _____. 8 August 2008. Tony Grew. "Gay Filipinos Arrested in Saudi Arabia." <<http://www.pinknews.co.uk/news/articles/2005-8646.html/>> [Accessed 13 Apr. 2011]

2011]

Saudi Arabia. N.d. Ministry of Health. *UNGASS Country Progress Report 2010. Ministry of Health Kingdom of Saudi Arabia: Narrative Report January 2008 - December 2009*. (UNAIDS)

<http://www.unaids.org/en/dataanalysis/monitoringcountryprogress/2010progressreportssubmittedbycountries/saudiarabia_2010_country_progress_report_en.pdf> [Accessed 30 May 2011]

Saudi Gazette. 8 November 2010. Adnan Al-Shabrawi. "Man Gets Prison, Lashes for Gay Video." <<http://www.saudigazette.com.salindex.cfm?method=home.regcon&contentID=2010110886984>> [Accessed 12 Apr. 2011]

_____. 6 April 2010. Muhammed Saeed Al-Zahrani. "Segregation of Sexes Hai'a Chief Stands by His Comment." <<http://www.saudigazette.com.salindex.cfm?method=home.regcon&contentID=2010040668546>> [Accessed 21 Apr. 2011]

UK Gay News. 18 October 2007. "London Students Protest the 7,000 Lashes for Gay Saudi Men." <<http://www.ukgaynews.org.uk/Archive/07/Oct/1801.htm>> [Accessed 20 Apr. 2011]

United States (U.S.). 8 April 2011. Department of State. "Saudi Arabia." *Country Reports on Human Rights Practices for 2010*. <<http://www.state.gov/gldrl/rls/hrrpt/2010/nea/154472.htm>> [Accessed 11 Apr. 2011]

XE.com. 1 June 2011. "Résultats du convertisseur universel de devises." <<http://www.xe.com/lucc/convert.cgi?language=fr&Amount=50+000&From=SAR&To=CAD>> [Accessed 1 June 2011]

Additional Sources Consulted

Internet sites, including: The Advocate; Arabic Network for Human Rights Information (ANHRI); ARC International; AsylumLaw.org; Committee for the Defense of Human Rights in the Arabian Peninsula (CDHRAP); Freedom House; Gay and Lesbian Arab Society (GLAS); *The Gay & Lesbian Review Worldwide (G&LR)*; GlobalGayz.com; Helem; Human Rights First; United Nations Integrated Regional Information Networks (IRIN); International Commission of Jurists (ICJ); International Federation of Human Rights (FIDH); International Gay and Lesbian Human Rights Commission (IGLHRC); International Service for Human Rights (ISHR); King Saud University National Center for Youth Studies (NCYS); Office of the United Nations High Commissioner for Human Rights (OCHR); Saudi Civil and Political Rights Association (ACPRA); Sodomy Laws.

[▲
Top of Page](#)

[Important Notices](#)

The attached reproduction is a copy of an official work that is published by the Government of Canada. The reproduction has not been produced in affiliation with, or with the endorsement of the Government of Canada.