



## Homosexuality in the UAE

Homosexuality is not just a taboo subject in Dubai – its strictly forbidden and punishable by law.

Many LGBT individuals may chose to visit Dubai or the UAE but it is extremely important to be informed of the consequences of being openly gay in this region.

Although one should never have to hide who they are, it's the only way to travel safely in the UAE if you are gay. With harsh and discriminatory laws condemning homosexuality and promoting homophobia in the name of religion, one must consider the risks quite carefully.

According to Dr. Raymond Hamden, a Lebanese-American psychiatrist, it is important for foreigners to remember that while Dubai appears modern and advanced in terms of technology and architecture, it is still a young, developing city. He says, "it's not different to [how Americans] were... a hundred years ago, right after or during the end of the Victorian era. Even though we are seeing globalization, in the city that defined globalization, we are still seeing a value system that still looks like new Victorians".

For the majority of nationals, this mentality is acceptable. Dr. Habib al-Mulla a lawyer and government spokesperson said, "this is a conservative society. Homosexuality, conducted homosexuality is an illegal act. And we are not ashamed of that".

### The Underground Scene

There is a vibrant underground gay scene in Dubai even though being gay is a punishable offence. If you know the right people and the right places, one can enjoy the gay scene to a certain extent. There are no official gay clubs, but locations of unofficial gay clubs circulate on the Internet and men gather with little fear of the consequences. Some claim that the police will simply disperse crowds if a gay club is busted, but other people are fearful that the situation might be worse. There are stories to suggest this fear is well founded. Apparently, one does not need to worry as much in a night club in comparison to being in public (keeping in mind nationals cannot drink and don't frequent night clubs) but that does not mean that night clubs are always safe enough to be open about your sexuality.

When the police find out about gay friendly clubs they get shut down fast, people get deported and punishments are likely imposed. Police reportedly frequent pubs and clubs with the intention of entrapping unsuspecting people. But, it's not just the police who are entrapping homosexuals. There are stories of fundamentalists chatting online and meeting up with gay men and subsequently threatening to report them to the police.

Enjoying the underground scene doesn't come without serious risks. There have been a few widespread reports regarding the condemnation of homosexual behavior in Dubai and the UAE. But many more stories likely go unreported.

### The Punishment

Reports claim that punishment for homosexuality can range from 10 years in prison, fines, deportation and even the death penalty.

The UAE Federal Penal Code, Article 354 states "whoever commits rape on a female or sodomy with a male shall be punishable by death".

Article 177 of the Penal Code of Dubai has consensual sodomy as being punishable by up to 10 years in prison.

Both penal codes are extremely hard to locate in English and translations vary. What appears to be true is that male rape is not recognized. Instead, consensual homosexual activity is criminalized.

## Cases of Injustice

### 2003

BBC reported a story regarding a man who was attacked by Sheikh Falah al-Nahyan with a belt back in 2003. Silvano Orsi, an Italian US citizen and victim, rejected a bottle of champagne offered as a gift from the Sheikh at a hotel in Geneva. The incident arose out of allegations that the Sheikh made homosexual advances to Orsi. Although not much has been reported on the details of the actual incident, published materials suggest that the Sheikh after sending over a bottle of Dom Pérignon approached Orsi, sat in his lap, and tried to fondle him. After Orsi rejected the Sheikh, the Sheikh turned violent. Orsi suffered a herniated disc, nerve damage and post-traumatic stress disorder from the assault.

The Sheikh was convicted of bodily harm and ordered to pay a fine of approximately £4,930, but was subsequently acquitted by Switzerland's highest court. Orsi claimed that the ruling was a cover up and that his human rights were infringed. The court's decision was as a result of the necessity of proving an attack was carried out with a dangerous object, which did not include a belt buckle. In countries such as Australia, even a pencil can be considered a weapon; its how the object is used, not what the object is intended to be used for.

It took 5 years for the court to hear Orsi's case in 2008. After the Swiss court's acquittal of the royal family member, Orsi decided to take the case to the European Court of Human Rights. Orsi believes that neither the US or Switzerland wanted to upset the UAE, hence the verdict. Considering the status of the accused, a royal family member, and the pending nuclear agreement between the US and the UAE at the time of the verdict this accusation is arguably plausible.

[CBS Report](#)

[BBC Report](#)

### 2004

Reports claim that in 2004 a wedding was raided in Sharjah and Fujairah in the UAE, but remained secret. Two dozen men were apparently arrested in Sharjah, lashed and released according to a prominent lawyer, Abdul Hamid Al Kumaiti. Because the mentality in the UAE is that homosexual men need to be deterred from homosexual activity, hormone treatments were required. These treatments were justified based on the social impact of homosexuality and risk for society. In breach of international law, men with low levels of hormones were treated accordingly.

### 2005

Officials in Dubai arrested 26 men attending a gay wedding raided by police. Some of the men were from the UAE, others from India and other Arab countries. Twelve men were arrested and detained while 14 others were dismissed. Eleven of the men confessed to practicing homosexuality and were sentenced to 5 years imprisonment for homosexuality, and an additional year for obscenity. According to reports the men were dressed in women's clothing and make-up in preparation for the wedding.

Hormone therapy is considered a useful treatment to deal with the 'homosexual problem' in Dubai. The US State Department has condemned the arrests, psychological and hormone treatment of the men in this case as it is in breach of international law. While the foreigners were deported, the Emirati men would have been given the hormone therapy with consent. BBC correspondent Julia Wheeler said there were suggestions that agreeing to this treatment could help reduce the men's sentences.

In 2005, reports spread about the increase of lesbianism in the UAE, especially in 'all girls' educational institutions. The topic has been regularly ignored considering the taboo nature of homosexuality in Muslim countries. Lesbianism is seen as a disease by many in Dubai, including Rashida Badri, the former assistant director of private Education in Dubai. A disease they say should be treated medically or through therapy or counseling.

At the [Ajman University of Science and Technology](#), lesbianism is apparently not common, with only one case being reported. To deal with the 'problem' the two girls involved were separated and sent to different living quarters. Qualified female staff members and social workers monitor all female students to prevent any 'abnormal' behavior or traits.

[MSNBC Report](#)

### 2007

No one will likely forget the shocking story of [Alexandre Kafkaesque](#), a French boy aged 15 who was raped by three Emirati men in 2007. Kafkaesque was offered a ride home by an Emirati acquaintance. The acquaintance and 2 local men raped Kafkaesque in the back seat at knifepoint, while stopped in the secluded desert. The boy was later dumped after

the 3 men were finished with him. Kafkaesque was threatened and told that his family would be killed if he reported the incident.

The three men pled not guilty to the charges, but all three men's sperm were found inside Kafkaesque. Reports suggest that the doctor claimed there was evidence of a history of sodomy and that it did not appear that force was used.

Kafkaesque claims he was discouraged by the police from pressing charges and even faced the possibility of being charged with criminal homosexual activity himself. Officials even allegedly hid the fact that one of the attackers tested positive for HIV while in prison years earlier.

This case has raised many issues about the injustice that occurs in Dubai, especially the treatment of foreigners in the legal system. This is alarming considering the large proportion of foreigners in Dubai.

Khalifa Rashid Bin Demas, the Dubai Attorney General stated that there is no distinction between nationals and non-nationals in the criminal justice system. It appears that the opposite is true.

This case highlighted the taboo nature of homosexuality and HIV/AIDS. The law provides that foreigners with HIV or foreigners who have committed homosexual actions are to be deported, or so it seems. Prosecutors, however, have rejected these accusations as untrue. Considering the difficulties in acquiring a criminal code for the UAE or Dubai in English, there is no way to confirm or dismiss whether these accusations are valid. What is apparent though, is that there have been various cases over the last 5 or so years that demonstrate harsher treatment for foreigners and criminalization of homosexuality.

Kafkaesque and his mother in protest, have launched a website, [boycottdubai.com](http://boycottdubai.com). Radha Stirling spoke with the victims father several years ago and is extremely supportive of the family's public endeavours to prevent this happening to others in the future.

## 2008

Dubai police in conjunction with the Watani programme held a one week awareness campaign with seminars against transvestitism. They warned people of the dangers of cross-dressing and its impact on society.

According to Adel Al Marzouki, the Head of Guidance at Islamic Affairs and Charitable work, there has been a noticeable increase among youth who are cross-dressing in schools and colleges. Al Marzouki claims this increase is due to a lack of parental attention; children left unsupervised or with maids, broken homes and working parents. Also to blame, the media and movies that apparently encourage this type of behavior. Homosexuality has a grave impact on a society where religious books condemn homosexual behavior for being immoral and against human nature. If these values are not respected, he believes, foreigners should be deported. Dr Mamdouh Mukhtar claims that hormonal factors play a role in this type of behavior and that people should be given medical and psychological treatment.

Based on today's standards in the Western world this type of mentality would be shunned. Homosexuality is not a disease or mental problem that needs to be fixed.

Another story in 2008 involved a lesbian couple that was jailed under public decency laws for kissing and groping on the beach. The Lebanese and Bulgarian women pleaded not guilty but were sentence to one month in jail. The women were to be deported after serving their sentences.

Seventeen homosexual men were also arrested in 2008 for cross-dressing and being gay. This comes as no surprise considering the local campaign against transvestites earlier in 2008. The foreigners were to be deported.

While it is clearly a violation of human rights to criminalize homosexuality and promote discrimination, there is a fine line between the right to be yourself and the importance of respecting other people's cultures. While it is imperative that homosexuality be accepted in the UAE, it is also important for foreigners to be respectful of the culture in which they impose themselves – even if they disagree with the customs. For some, this may mean skipping the UAE in their travel plans.

## 2009

In 2009, a Canadian couple was detained for 28 days in Dubai. The couple felt that they were targeted for being gay. They were detained for carrying prescription drugs, Celebrex for arthritis, which is banned in the UAE. The couple, Rocky Sharma and Stephen McLeod have been together for almost 20 years and only stopped in Dubai for a day in transit before returning to Toronto from their vacation in India. They claim that the airport security was targeting people who were young, dressed well, and were from the Western world. It was suspected they were looking for party drugs.

The couple was given little information regarding their detention as security officials spoke little English. They were not given the opportunity to contact a lawyer or consular officials. Instead, Sharma was able to contact friends on his Blackberry, which he had with him upon arrest. His friends gave him the emergency contact number for the Canadian embassy in Abu Dhabi, which he called before his phone was confiscated. They were taken to the detention centre and forced to provide urine samples for drug testing. They survived an unhygienic prison cell with 8 other prisoners for 10 days before they were sent to separate prisons; their only means of communication was through the Canadian consular office.

This prison conditions were reported as terrible by the couple. "You were lucky if you received a blanket and pillow" they said. They slept on the floor for the first few days. The washroom conditions were worse – just a hole in the ground for 200 people to use. Meals were provided 3 times a day and consisted of rice with some sort of sauce. The couple says they will never return after their experience. A sentiment held by many who have encountered the legal system in the UAE.

## 2010

This year, "AZ", a Syrian prisoner at the Central Jail dropped a claim of a rape against 7 inmates. This is even though a medical report indicated that he had indeed been attacked, beaten and raped. The original charge contained accusations against 7 men for assaulting AZ, tying a rope around his neck to immobilize him while each of the men raped him. AZ, appeared before a judge and stated that he was under the influence of drugs for schizophrenia when he lodged his complaint and that the incident had actually occurred in the Ajman Central jail, where he had been held previously. Although the six Emirati men and one stateless person denied the charges, the judge noted the discomfort of AZ when he read excerpts of the medical report.

Another hearing was subsequently held regarding one of the Emirati men, AA who was charged with consensual sex with AZ. AA faces 1 year in jail for his 'crime'. While it seems evident that rape occurred, AA is being charged with consensual homosexual sex. This degrades the reality of the rape AZ suffered. Arguably by acknowledging male rape Emiratis authorities may consider that as encouraging sodomy by only criminalizing the behavior when it is not consensual.

Stories from February of this year suggest that there are still growing fears of lesbianism in all girl schools in the UAE. One student estimates that about 1/3 of the residents are lesbians. These fears have led to strict rules on dressing appropriately even inside the dorm rooms, with sleeveless dresses and shorts being banned.

In March of this year, a male student was sentenced to one year imprisonment for prostitution. The student's laptop was seized as it was believed he was luring men to have sex with him in exchange for money via the Internet. The 18 year old was busted when he unknowingly tried to lure a police sergeant into having sex with him. The 23 year old sergeant claimed he was conducting a security patrol on the internet and had a chat with the defendant. The charges arose in January and another man, MN was also charged with prostitution, consensual homosexual sex, pornographic material, cross-dressing and insulting religion.

MN was arrested at the Dubai International airport allegedly in possession of homemade pornos. MN denies the charges, but is being held in solitary confinement for his own protection. MN is also accused of insulting religion after posting images of himself dressed up as a woman reading the Quran. While this arguably may be in bad taste, there is still a right to freedom of religion and freedom of expression. These rights clearly bear no weight in Dubai or even the UAE.

## Internet Censorship

The government in the UAE has restricted access to various websites and monitors chat rooms, instant messages and blogs. There were only few reports of prosecutions and punishments but many people on the Internet censor their conversations and identity in gay chat rooms. The country's only service provider of Internet has a proxy server which blocks any website that go against the country's moral values. Sites regarding dating or marriage, LGBT issues, the Baha'I faith, Israel or sites related to unblocking the censorship are all inaccessible. Reports even suggest that any site with the word gay or sex is blocked.



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