

Query response a-6753 of 22 May 2009

**Syria: Treatment and human rights situation of homosexuals: Legal provisions concerning homosexual activity; social treatment of homosexuals (including the issue of 'honour killings')**

This response was commissioned by the UNHCR Status Determination and Protection Information Section. Views expressed in the response are not necessarily those of UNHCR.

This response was prepared after researching publicly accessible information currently available to ACCORD within time constraints and in accordance with ACCORD's methodological standards and the *Common EU Guidelines for processing Country of Origin Information (COI)*.

This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status, asylum or other form of international protection.

Please read in full all documents referred to.

Non-English language information is comprehensively summarised in English. Original language quotations are provided for reference.

#### *Legal provisions concerning homosexual activity*

The US Department of State (USDOS) states in its Syria Country Report on Human Rights Practices published in February 2009 that the law criminalises homosexuality. However, no further details are given in the report. (USDOS, 25 February 2009, Section 5)

In April 2007, the International Lesbian and Gay Association (ILGA) published a report on laws prohibiting same sex activity between consenting adults. The report lists Syria as a country where same sex activity between males is considered illegal. The report lists the legal status of same sex activity between females in Syria as unclear. As a legal source the report mentions Article 520 of the Syrian Penal Code of 1949 which states: "Any unnatural sexual intercourse shall be punished with a term of imprisonment of up to three years." (ILGA, April 2007, p. 36)

The Spartacus International Gay Guide 2008, published by the German publishing house Bruno Gmünder Verlag also mentions Section 520 of the Syrian penal code as criminalising homosexuality:

"Section 520 of the penal code criminalizes „bodily lust against the laws of nature“ which according to Islamic law includes homosexuality; the meaning of this paragraph in recent years has been restricted to sex with minors." (Spartacus International Gay Guide, 2008, p. 960)

In a query response published in March 2007, the Immigration and Refugee Board of Canada (IRB) mentions an interview with a consular officer at the Embassy of Syria in Washington D.C. conducted in the year 2002. According to the consular officer acts of homosexuality are punishable by a prison term and individuals wishing to practice homosexuality must do so in secrecy or face possible punishment:

"Information on the treatment of homosexuals by society and government authorities, and the legal recourse and protection available to homosexuals subject to ill-treatment, was scarce among the sources consulted by the Research Directorate. [...] In a 2002 interview with the Research Directorate, a consular officer at the Embassy of Syria in Washington, DC said that the perception of homosexuality in the law and in society had not changed since 1993 (23 Aug. 2002). According to the consular officer, acts of homosexuality are punishable by a prison term (Syria 23 Aug. 2002). Those individuals wishing to practice homosexuality in Syria must do so in secrecy or face possible punishment, although charges are "rarely" laid (ibid.)." (IRB, 9 March 2007)

Among the sources consulted by ACCORD within time constraints no further information could be found on legal provisions concerning homosexual activity in Syria.

#### *Social treatment of homosexuals (including the issue of 'honour killings')*

The Spartacus International Gay Guide 2008 describes the social perception of homosexuality in Syria as follows:

"Homosexual relations are still socially outlawed and incompatible with the Islamic religion. Most Syrian homosexuals lead double lives. Syria is a secular state, so the power of the religious leaders is constrained. Gays that live a quiet life in Syria are generally ignored by the authorities." (Spartacus International Gay Guide, 2008, p. 960)

In its Country of Origin Information Report of October 2007, the UK Home Office gives an overview of the information available on the situation of homosexuals in Syria:

"19.02 Little information concerning the situation of gay men in Syria is available, largely due to the legal position limiting their freedom to be open about their sexuality, and the information that is available is mostly anecdotal. (GlobalGayz.com, June 2005 & June 2006; Syria TV, August 2005; DanielChamberlin.com, January 2006; AlBawaba.com, August 2003; GME.com, August 2003) [19a-19b] [20] [21] [22] [23] An August 2003 article by reporters of the website AlBawaba.com records the growth in coverage of the issue of homosexuality in the print and – particularly – electronic media. [22] After outlining many of the various websites devoted to Gay Arabs, the article cautions:

'With all that's been said regarding the rising openness throughout the Arab gay community and the increase in media outlets homosexuals can find comfort in, it is essential to remember that gays living in the Middle East still widely suffer from persecution. Gays and lesbians living in the Arab world are fighting against their own governments' persecution, according to various human rights groups.' [22] (p3)

19.03 The same article also republished part of a letter written by a Syrian gay man, originally featured on GayMiddleEast.com (GME.com), in which he briefly described the life of gays in Syria, stating that – although he believed gays needed protection, citing the risk of detention attached to being too obviously ‘gay’ in public – gays had become more open, and were able to meet people in the street. [22] (p2) However, one week after AlBawada.com had published its article GME.com expressed its concern for the welfare of its Syrian readership as a result of the article, stating that the Syrian author of the letter quoted by AlBawada.com had contacted GME.com requesting that they remove his letter from the site. [23]

19.04 From some perspectives, the freedom of gay men to meet others – although apparently only for casual sexual encounters – particularly in known cruising areas and bath houses, does not appear too restricted provided they are otherwise discreet. (DanielChamberlin.com, January 2006; AlBawaba.com, August 2003; GME.com, August 2003) [21] [22] [23] Nevertheless, more recent articles published on GlobalGayz.com in June 2005 and June 2006 still strike a note of alarm concerning the need to hide homosexuality from the authorities, and society at large. [19a-19b] The August 2005 comments of the Syrian Deputy Minister of Religious Endowments, Muhammad Abd al-Satter al-Sayyid on the subject of AIDS are indicative of the authorities’ official view of gay men:

‘All the diseases that have to do with sexual organs, mainly AIDS, syphilis, gonorrhoea, and so on... When these diseases appeared, they killed millions. More people were killed by these diseases than by wars. The only reason for this is the straying from the divine way regarding fornication, and when I say fornication – ‘Do not even approach abomination’ – this means fornication, homosexuality, and all the sexual deviation it entails. ...’

‘If only we had stoned everyone who had committed this abomination – wouldn’t it have been better than letting these diseases infect others, spreading to millions around the world?’ [20]

19.05 Lesbianism is only briefly acknowledged in these articles, almost certainly – at least in part – due to the greater restrictions faced by women just by virtue of their gender, regardless of their sexuality. (GlobalGayz.com, June 2005 & June 2006; Syria TV, August 2005; DanielChamberlin.com, January 2006; AlBawaba.com, August 2003; GME.com, August 2003) [19a-19b] [20] [21] [22] [23]” (UK Home Office, 10 October 2007, p. 55-56)

In March and May 2008, the Scottish Newspaper Scotland on Sunday reports on the case of Jojo Yakob, who claims to have been tortured in Syria because of his homosexuality:

“A gay asylum seeker who faces torture and death if he is deported to Syria, where homosexuality is illegal, is waiting to hear if this week's appeal for leave to stay in Scotland will be granted.

Jojo Jako Yakob, 19, fled Syria two years ago after being arrested, shot and beaten before being tortured in jail when he was caught distributing anti-government leaflets. Once prison guards discovered that he was not only a Christian member of the repressed

Kurdish minority in the Arab state but was also a homosexual, he was beaten so badly that he slipped into a coma. [...]

Dr Rebwah Fatah, a Middle East expert, also gave evidence at the hearing and referred to a report concerning gay and human rights in Syria. He explained to the hearing that homosexuality is a "taboo" in the Middle East, which has a deep Islamic culture. "Gay people in Syria face punishment by law, by the family and by the society," said Fatah. "Mistreatment of Mr Yakob is plausible if he were returned to Syria. If he comes to the attention of the Syrian authorities, he would be exposed to real risk of arrest and imprisonment without due process." (Scotland on Sunday, 11 May 2008)

"Yakob says he was held in police cells for 20 days without charge and subjected to daily electric shock torture and beatings before being transferred to Ahdas Prison, by the Turkish border. In prison, he formed a relationship with a gay prisoner named Hassain. Yakob explained: "Hassain was serving a sentence, he told me, for 25 years. He told me that the sentence was only because he was gay.

"The Syrian government claim that they do not imprison people any longer for being gay and that in any event the maximum sentence is three years. This is not true. The Syrian authorities will always find other charges to bring against a person." After the pair were seen sleeping together in jail, Yakob said he was subjected to systematic beatings, which "went on for days into weeks". He added: "This was all because I was gay. No questions were asked of me about my father's political party or any other political activity. All the questions related to me being gay.

"I was also subjected to cold-water torture, where I was put in a room and buckets of cold water were constantly thrown over me. I could not remember what day it was or how long I had been in prison. "One day I woke up in hospital in a nearby town of Kamishli. The doctor who was treating me told me that I had been in a coma for 20 days. He said to the authorities that I could not return to prison as I was not fit and I could not stand trial until I had had a rest. He suggested that I be sent home for recuperation."

[...] But a spokesman for the Syrian Embassy in London denied last night that torture of gay people took place. He said: "Homosexuality is illegal in Syria, but there are no special units to deal with this problem. "People are not prosecuted – society looks at this as a disease for which they can be treated – it is a similar position to that taken by the Vatican. I cannot give a clearer answer." (Scotland on Sunday, 16 March 2008)

In October 2008, the Scotsman, a Scottish News Website also reports about the case of Jojo Yakob. The article mentions reports according to which dozens of homosexuals are imprisoned in Syria and claims that perpetrators may face a shorter jail sentence if they kill a homosexual for reasons of eliminating family shame:

"Last week, The Scotsman revealed how Jojo Yakob, a young Syrian man who claims he was tortured for being gay, fears for his life after a Scottish judge threw out his appeal against a deportation order. His case raised concern from equality campaigners that Britain is sending people to countries where they face persecution because of their sexual

orientation. [...] In Syria, homosexuality is regarded as a "disease" which needs to be treated. Reports from the country claim that dozens of homosexuals are imprisoned after being arrested on vague charges such as abusing social values. It is claimed that within Syrian law, killing a homosexual can eliminate family shame – which means the perpetrator faces a much shorter jail sentence." (The Scotsman, 11 October 2008)

Among the sources consulted by ACCORD within time constraints, no further information could be found on the issue of crimes related to family honour in connection with homosexuality.

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References: (all links accessed 22 May 2009)

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[http://www.ilga.org/statehomophobia/State\\_sponsored\\_homophobia\\_ILGA\\_07.pdf](http://www.ilga.org/statehomophobia/State_sponsored_homophobia_ILGA_07.pdf)
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- USDOS - US Department of State: Country Reports on Human Rights Practices 2008 - Syria, 25 February 2009  
<http://www.state.gov/g/drl/rls/hrrpt/2008/nea/119127.htm>