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## Human Rights Council

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Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

## **Written statement\* submitted by United Nations Watch, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[28 May 2023]

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\* Issued as received, in the language of submission only.



## **Violations Against the Lesbian, Gay, Bisexual and Transgender Community by the Palestinian Authority and Hamas**

United Nations Watch submits the following report for the Interactive Dialogue with the Independent Expert on Sexual Orientation and Gender Identity. This report documents egregious violations by the Palestinian Authority (“PA”) in the West Bank, and by Hamas in Gaza against the LGBT community, in grave breach of international law including the International Convention on Civil and Political Rights (“ICCPR”) and the Convention Against Torture (“CAT”). We call on the Human Rights Council and all United Nations stakeholders to stop ignoring these Palestinian victims of Palestinian violations, and to take immediate action to protect them.

Under both the CAT and ICCPR, State parties are in breach of their obligations when non-State actors violate certain provisions and the State does not take sufficient action to prevent such violations and ensure accountability.<sup>1</sup> Specifically, in its General Comment No. 2 on Article 2, the Committee Against Torture stated that State Parties should “ensure the protection of members of groups especially at risk of being tortured by fully prosecuting and punishing all acts of violence against these individuals...”<sup>2</sup> The Committee further stated that failure of a State to “exercise due diligence to intervene to stop, sanction and provide remedies to victims of torture facilitates and enables non-State actors to commit acts impermissible under the Convention with Impunity.”<sup>3</sup> The comments are specifically addressed to gender-based violence and persecution against those who do not conform to socially determined gender roles—often committed by non-State actors, specifically family members.<sup>4</sup>

Similarly, in its General Comment 36 on the right to life, the Human Rights Committee explained that this duty requires enactment of laws to protect life from “all reasonably foreseeable threats,” including those “emanating from private persons or entities.” Accordingly, a state party must enact “effective criminal prohibitions on all manifestations of violence or incitement to violence that are likely to result in deprivation of life,” including violent hate crimes and terrorist attacks. States must also investigate and punish violations.<sup>5</sup>

LGBT persons living under PA and Hamas control suffer severe persecution and ostracism. In Gaza, it is illegal to be gay. In the West Bank, being gay is not technically illegal, but it may as well be. According to Dar al-Iftaa, the PA’s office of Islamic rulings, LGBT behavior is a crime deserving of harsh punishment.<sup>6</sup>

A recent study listed the West Bank and Gaza as among the most dangerous places in the world for LGBT individuals.<sup>7</sup> Another study from 2019, commissioned by BBC News Arabic and conducted by the Arab Barometer research network, found that only 5% of West Bank Palestinians accept same-sex relations (Gaza Palestinians were not surveyed).<sup>8</sup> Many Palestinian homosexuals end up fleeing to Israel.<sup>9</sup>

Testimonies from gay Palestinians who managed to escape recount harrowing torture by both their families and the PA security forces and Hamas, often successful attempts to coerce them to inform on others, forced marriages, and other forms of threats and harassment including death threats. For example, one gay man from Gaza said in a June 2022 interview that when Hamas caught him they “put me in a tiny room two-by-two meters. They wouldn’t let me sleep or go to the bathroom inside. There was no food. They would torture me so badly...” Eventually, after five years of periodic arrests and torture, Hamas finally released him making him take an oath on the Quran that he would not “be gay again.” He then fled to Turkey.

Another gay Palestinian from Gaza also described being arrested and tortured by Hamas on suspicion of being gay: “They arrested me, hanged me from the ceiling, beat me up and interrogated me for five days.”<sup>10</sup> Yet another gay man from Gaza summarized the situation: “Everyone is afraid of everyone. Some have been punished, some have been killed. Others killed themselves...”<sup>11</sup>

In a shocking murder in October 2022, a gay West Bank Palestinian who had escaped to Israel was gruesomely beheaded near Hebron by an unnamed Palestinian. The United States of America’s Ambassador to Israel Tom Nides said he was “shocked and horrified” by the murder.<sup>12</sup> The perpetrator had filmed the beheading and circulated the video on social media. While the suspect was arrested by PA authorities, it is not clear whether he has been prosecuted.<sup>13</sup>

A November 2019 report by Shurat HaDin – Israel Law Center describes the cases of five gay Palestinian men who sought refuge in Israel in the previous five years due to persecution from family and police.<sup>14</sup> In one case, the family of 13-year-old boy “A” from the West Bank blamed the boy after he was gang-raped. They accused him of being a homosexual and subjected him to physical and psychological abuse for years after the incident. A Palestinian court cleared the attackers of wrongdoing.<sup>15</sup> After “A” left home, the family asked the Palestinian welfare society to hospitalize their son for being a homosexual. Since then he has been pursued by the Palestinian police, harassed, detained, tortured and almost beaten to death. He moved to Israel on a temporary residency permit.<sup>16</sup>

The only two Palestinian LGBT organizations—Al Qaws and Aswat—operate from Israel rather than the West Bank or Gaza.<sup>17</sup> There is good reason for this. In August 2019, the PA barred Al Qaws from holding events in the West Bank and threatened to arrest participants.<sup>18</sup> PA police spokesman Col. Louai Irzeiqat described the group’s activities as “a blow to, and violation of, the ideals and values of Palestinian society.”<sup>19</sup>

In October 2019, Al Qaws released a statement accusing the PA police of inciting violence against the Palestinian LGBT community. The statement noted “much of the violence and harassment perpetrated since August [2019] has been at the hands of police officers themselves,” and questioned the PA’s “commitment to human rights.”<sup>20</sup> The statement further accused PA police of arresting an unknown number of activists and subjecting them to “military-style investigations involving violence, blackmailing, and interrogations marked by coercive, offensive and insulting questions regarding private lives, their connections to Al Qaws, and attempts to coerce these individuals to collaborate with the PA in order to arrest and persecute others.”<sup>21</sup>

United Nations Watch is deeply concerned about widespread crimes against LGBT people committed by the PA and Hamas, as well as private actors knowing that the authorities will not hold them accountable. We call on the Human Rights Council, as well as all relevant UN human rights mandate-holders, to condemn these crimes, to use all available means to ensure that perpetrators are held accountable, and to finally put an end to impunity.

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1 General Comment No. 2, Committee Against Torture, UN Doc. CAT/C/GC/2, ¶ 21 (January 24, 2008), <https://www.ohchr.org/en/documents/general-comments-and-recommendations/catcgc2-general-comment-no-2-2008-implementation>; General Comment 36, Human Rights Committee, UN Doc. CCPR/C/GC/36, ¶¶ 18-21 (September 3, 2019), <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-36-article-6-right-life>.

2 CAT General Comment No. 2 ¶ 21.

3 *Id.* at ¶ 18.

4 *Id.* at ¶ 18-22.

5 Human Rights Committee General Comment 36, at ¶¶ 18-2.

6 Persecution of the LGBT Community in the Palestinian Authority’s Territory, Including the Gaza Strip, Shurat HaDin (2019), available at <https://en.calameo.com/read/0065329009bb02cbb1979> [Hereinafter Persecution of LGBT in PA Territory].

- 7 Benjamin Weinthal, *Among most dangerous places for gays: West Bank, Gaza, Iran, UAE and Yemen*, Jerusalem Post (April 17, 2021), <https://www.jpost.com/international/ksa-iran-qatar-west-bank-and-gaza-among-most-dangerous-places-for-lgbtq-665426>,
- 8 Only 5% of Palestinians and 6% of Lebanese accept gay relationships, Jerusalem Post (July 1, 2019), <https://www.jpost.com/middle-east/only-5-percent-of-palestinians-and-6-percent-of-lebanese-accept-gay-relationships-594179>.
- 9 Lee Gancman, *High Court ruling ends gay Palestinian's asylum nightmare*, Times of Israel (February 11, 2016), <https://www.timesofisrael.com/high-court-ruling-ends-gay-palestinians-asylum-nightmare/>.
- 10 *Pride and Prejudice: The Hellish Life of Gaza's LGBTQ Community*, Ha'aretz (June 5, 2019), <https://www.haaretz.com/middle-east-news/palestinians/.premium-pride-and-prejudice-the-hellish-life-of-gaza-s-lgbtq-community-1.7403501>.
- 11 Id.
- 12 @USAmbIsrael, Twitter (October 7, 2022, 12:54 PM), <https://twitter.com/USAmbIsrael/status/1578322971986624513>.
- 13 Isabel Debre, *Shock, questions after gruesome killing of gay Palestinian*, Associated Press (October 7, 2022), <https://apnews.com/article/middle-east-israel-immigration-west-bank-gay-rights-ce95f6903faf461502cc0800b272b159>.
- 14 *Persecution of LGBT in PA Territory*, supra note 6.
- 15 Id. at p. 14.
- 16 Id. at pp. 14-15.
- 17 Id. at p. 6.
- 18 Isabelle Kershner and Mohammed Najib, *Palestinian Authority Bans Activities by Gay Rights Groups*, New York Times (August 19, 2019), <https://www.nytimes.com/2019/08/19/world/middleeast/palestinian-gay-tansgender-rights-group.html>; *Palestinian Authority bans events by local LGBTQ+ organization*, The New Arab (August 19, 2019), <https://english.alaraby.co.uk/english/news/2019/8/19/palestinian-authority-bans-events-by-local-lgbtq-organisation>.
- 19 Id.
- 20 *alQaws' Post-Police Statement: The Persecution and Restrictions Continue*, al-Qaws (October 30, 2019), [http://alqaws.org/news/alQaws-Post-Police-Statement-The-Persecution-and-Restrictions-Continue?category\\_id=0](http://alqaws.org/news/alQaws-Post-Police-Statement-The-Persecution-and-Restrictions-Continue?category_id=0).
- 21 Id.