



# UNITED ARAB EMIRATES

## LGBT+ Business Climate Score

Out Leadership's snapshot of the current state of affairs for LGBT+ people, through the lens of international business.

The business Climate Score rating is out of ten possible points, and is based on ten independently verifiable indicators of the legal, cultural and business context for LGBT+ people.

**2.5**



|   |  |  |  |
|---|--|--|--|
| 1. Are consensual homosexual acts between adults legal?   | <b>0</b><br><i>No</i>                          | 6. Is sex reassignment surgery at birth for intersex children prohibited?  | <b>0</b><br><i>No</i>  |
| 2. Is marriage or civil unions for same-sex couples available?  | <b>0</b><br><i>No relationship recognition</i> | 7. Are sexual orientation and gender identity discrimination in employment prohibited?   | <b>0</b><br><i>No</i>  |
| 3. Is being LGBT+ punishable by death?  | <b>1</b><br><i>No</i>                          | 8. Is there a US State Department warning against travel for LGBT+ individuals?  | <b>1</b><br><i>No</i>  |
| 4. Are sexual orientation and gender identity discrimination in the provision of goods and services prohibited? | <b>0</b><br><i>No</i>                          | 9. Do companies sponsor Pride or other means of promoting LGBT+ visibility?  | <b>0</b><br><i>there's no Pride celebration</i>                |
| 5. Can transgender people legally change their gender markers?  | <b>0</b><br><i>No</i>                          | 10. Are there laws prohibiting freedom for assembly or speech for LGBT+ people (i.e. "Anti-propaganda" laws, media gags, etc)? | <b>0.5</b><br><i>No, but officials act as though they were</i> |

# How to Use This Brief

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As a business leader, you have the opportunity to create change for LGBT+ people around the world – both within your organizations and in the countries where you do business. This brief provides valuable information to inform your conversations with:

**Internal Staff:** Ensure that staff at your company who do business in-country are aware of the laws and other regulations that impact LGBT+ people there, and that they've adopted the appropriate internal policies for their location.

**Government Leaders:** In your meetings with government leaders, particularly those focused on business expansion or diplomacy, we encourage you to bring up the information shared in this brief in an appropriate way, and help them understand how LGBT+ inclusive policies are part of your company's best practices, and acknowledged as global standards. You are the best person to judge whether you have the ability to have such a conversation with a local leader in an appropriate way. Your Government Affairs officer, Diversity & Inclusion head, or equivalent may be appropriate to include in these conversations.

**In-country Business Partners:** In conversations with business partners, when appropriate, ask them what they're doing to address LGBT+ inclusion, and help explain why inclusion positively impacts your ability to conduct business there.

## Talking Points

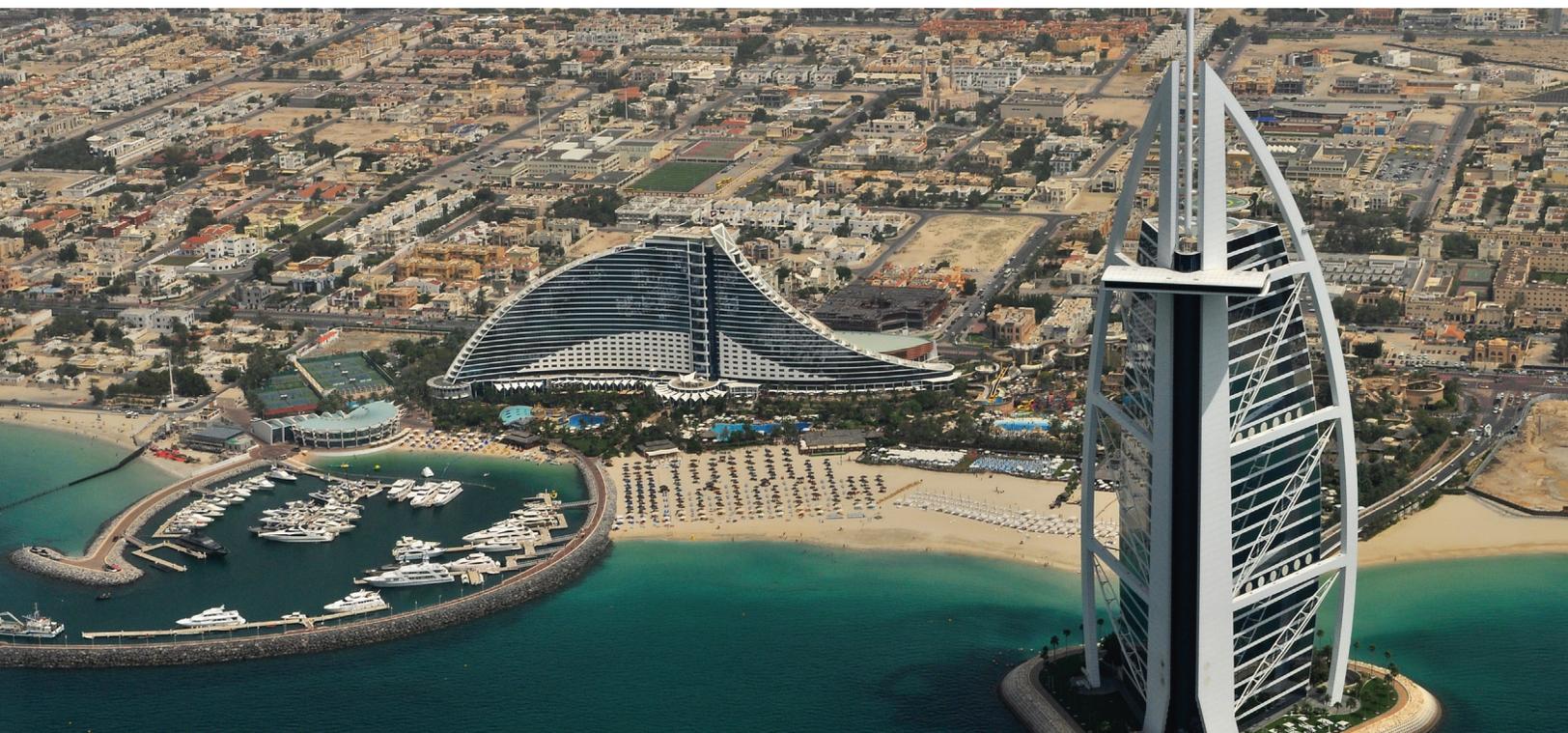
"The United Arab Emirates' anti-LGBT+ laws make it challenging for me to consider relocating any of my talented LGBT+ employees to the country."

"The severity of the United Arab Emirates laws against the LGBT+ community damages its reputation and perception in the international business community."

"International corporations and institutions have a challenging time doing business in the United Arab Emirates without receiving criticism from the global LGBT+ community."

"By not welcoming LGBT+ visitors and tourists, the United Arab Emirates is missing out on a significant tourist market and opportunity to expand its economy. In the US alone, LGBT+ tourists spend \$65 billion per year on hotels, flights, and other tourism-related expenses."

"Assuming conservative estimates that 4-6% of the general population identifies as LGBT+, there are anywhere from 370,000–550,000 LGBT people in the United Arab Emirates. If the government repeals anti-LGBT+ laws, hundreds of thousands of LGBT+ people will be able to participate more fully and openly in the economy."



# Current Legal Status of LGBT+ People

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## *Legal Status of the Lesbian, Gay, and Bisexual Community*

Both civil law and Sharia law criminalize same-sex sexual activity in the UAE.

All sexual activity outside of heterosexual marriage, including consensual same-sex relations, is illegal in the UAE and carries a penalty of "confinement for a minimum period of one year."

Under civil law, punishments vary from Emirate to Emirate: In Dubai, Article 177 of the Penal Code allows for up to a 10-year prison sentence for consensual same-sex intimacy. In Abu Dhabi, Article 80 of the Penal Code allows for up to a 14-year prison sentence for sodomy.

Under Sharia law, individuals who engage in same-sex conduct can be subject to the death penalty. That said, the death penalty is rarely carried out in the UAE and appears to be a punishment reserved for universally severe crimes. Though there is no record of consensual relations being punished this way, Sharia law exists and is enforced alongside the civil legal framework.

In general, any "queer acts" can be punished under these laws, including cross-dressing and public displays of affection.

## *Legal Status of the Transgender and Gender-Diverse Communities*

The United Arab Emirates legalized gender reassignment surgery for individuals whose physical features do not match with their physiological characteristics in 2016, but 3 men who underwent procedures abroad were not allowed to change their gender markers in the national registry in a 2018 test case.

The UAE is one of a few countries in the world that prohibit transgender women's very existence, punishing "any male dressed in female apparel" with a prison term.

In the past, the UAE government has arrested transgender tourists traveling in the country and threatened them with deportation. In August 2016, Canadian model Gigi Gorgeous, who is trans, reported being detained at the Dubai airport and then being denied entry.

## *Government Statements and Actions*

Mohammed bin Nukhaira Al Dhahiri, the former UAE Minister of Justice, was quoted in 2005 as saying: "There will be no room for homosexual and queer acts in the UAE. Our society does not accept queer behavior, either in word or in action. Our society, God willing, is safe from every evil. The path of corruption added to the loss of the soul destroys the present and future of the youth.

In August 2016, two men were deported for cross-dressing and public intoxication.

In 2005, 26 young people identified in the media as men were arrested at an Abu Dhabi hotel after police allegedly discovered them engaging in cross-dressing and homosexual practices. Thirteen of them were convicted and sentenced to 5 years in prison.

In 2008, two women, a Lebanese and a Bulgarian, were arrested at a Dubai beach for engaging in public display of affection—both women were sentenced to 1 month in prison and deported.

# Socio-cultural Environment of LGBT+ People

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## *Status of LGBT + Organizing and Community*

Due to social conventions and potential political persecution, LGBT+ organizations do not operate openly, nor are LGBT+ pride marches or gay rights advocacy events held.

There is some activity through social media channels, though they are not fully safe. Attempted police entrapment of LGBT+ people through digital surveillance has been reported.

## *Cultural Views of the LGBT + Community*

In Emirati society, same-sex desire is commonly believed to result from a physical or mental health problem for which "treatment" is strongly encouraged. At times, the government has threatened to subject people to compulsory psychological and hormonal treatment for homosexual activity.

Some same-sex behavior is culturally acceptable (e.g., men holding hands and friendly kissing). Nonetheless, locals and foreigners have been arrested, deported, and jailed by authorities for homosexual conduct.

There is a gay nightlife scene and higher-end hotels catering to international travelers seem to be more accommodating to homosexual couples.

Within the Arabic language, there are few terms or concepts specific to the LGBT+ experience. Despite recent efforts to coin new terminology, the language clusters all sexual behavior considered to be "deviant," which results in Arabic speakers associating same-sex relations with pedophilia and other lewd acts.



# Impact of LGBT Discrimination on Business & Talent



## BRAND RISK **HIGH**

There is high brand risk in supporting the LGBT+ community in the UAE by potentially provoking negative reactions from Emirati government officials. In addition, because same-sex relations are often prejudicially associated with pedophilia and other "deviant acts," local Emiratis may be angered by a company's attempt to promote LGBT+ rights.

## CLIENT RISK **NOTABLE**

Due to the LGBT+ community's increased scrutiny of LGBT+ rights in the UAE, LGBT+ clients may choose to move their business away from companies that conduct business in the UAE.

## TALENT RISK **HIGH**

Many top LGBT+ identified employees cannot be relocated to Emirati offices due to a reasonable fear of imprisonment and deportation, in addition to the inability to secure spousal visas.

## MARKETING RISK **HIGH**

As a result of anti-LGBT+ laws, corporations cannot undertake any LGBT+ specific marketing efforts when operating business in the UAE. Furthermore, because of loose interpretation of laws, visible support of the LGBT+ community in the UAE could lead to legal persecution.

## Local Leaders Advocating for LGBT Equality

Because of the severity of the legal situation in the UAE, reaching out directly to any Emirati citizen to discuss LGBT issues may put that person at risk for prosecution. Instead of speaking with local leaders, Out Leadership recommends reaching out to the following people outside of the United Arab Emirates:

**Graeme Reid**  
Director, LGBT Rights Program  
at Human Rights Watch

**Jessica Stern**  
Executive Director,  
OutRight Action International

## Purpose

Multinational companies face operational and reputational risk when they do business in countries where the legal and/or social atmosphere makes it difficult for LGBT+ people to live openly. Discrimination against LGBT+ people creates serious challenges for talent mobility, retention, and development.

Out Leadership's LGBT+ CEO Business Briefs seek to help C-Suite leaders understand and respond to these risks. Secondly, these Briefs seek to inform and empower corporate executives to engage in conversations with trade officials and other local stakeholders about why discrimination against LGBT+ people negatively impacts their ability to do business.



## Additional Resources

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### **2016 International Gay and Lesbian Association State Sponsored Homophobia Report**

This report contains a country-by-country analysis of anti-LGBT laws and policies around the world.

### **2016 Human Rights Watch World Report**

This report contains a country-by-country analysis of human rights concerns for 2014, and includes specific information pertinent to LGBT issues.

## Special Thanks

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Our partners and colleagues at the Global Equality Fund, 11.e Council/or Global Equality, The Palette Fund, The United States Department of State, Stonewall, Gay, Lesbian & Straight Education Network, Oogachaga, OutRight Action International, Human Rights Watch, and the Williams Institute were instrumental in the creation of this brief.

We also want to thank Out Leadership's Global Advisory Board Members and our member companies' senior leaders, who have committed to using the brief.

### **Pro Bono Legal Partner**

We thank our partners at Ropes & Gray, who have vetted the legal facts in this brief.

**ROPES & GRAY**

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