

## **UPR Review Session of Libya**

### **Based on sexual orientation, gender identity or intersex issues**

Quzah is an online community of LGBT activists created in January 2014 to write and publish news about the Libyan LGBT movement. It has represented Libya at the ILGA Africa Conference in 2014, and since 15/07/2014 Quzah is member in ILGA as QUZAH Libya LGBT rights.

#### **The Context**

Libya, a country located in North Africa, since 2011 the regime fell after the ruling dictatorial rule of 42 years, Since then, the state wandering and there is no permanent government and the Constitution nor civilian agencies of the State.

Libya is a Muslim country and the law is not implemented, but most legal texts based on Islamic law.

#### **Homosexual -human rights Violations**

1- same-sex relationships in Libya

Same-sex relationships in Libya is not legal and we have law punishable of homosexual acts and relationships up to 5 years in jail

Penal Code of 1953  
Article 407, 408

Article 407  
Sexual assault/rape

“(1) Any individual who has sexual intercourse with another person using violence, by means of threats or through deception shall be punished with a term of imprisonment of a maximum of ten years.

(2) This punishment shall also be imposed on any individual who has had sexual intercourse with the consent of a person who was not yet 14 years of age or with a person who did not resist on account of mental or physical disability. If the victim was not yet 14 years of age or was over 14 years of age but had not yet reached the age of 18, the maximum term of imprisonment shall be 15 years.

(3) If the offender is a relative of the victim, a guardian, a tutor or a custodian, or

if the victim is his servant, or if the victim has a special defendant relationship to the offender, a term of imprisonment of between five and 15 years shall be imposed.

(4) If an individual has sexual intercourse with another person with their consent (outside marriage), the two persons involved shall be punished with a term of imprisonment of five years at most.”

#### Article 408 Lewd acts

“(1) Any individual who commits lewd acts with a person in accordance with one of the methods specified in the preceding article shall be punished with a period of imprisonment of five years at most.

(2) This punishment shall also be imposed if the act has been committed in agreement with a person who was not yet 14 years of age or with a person who did not resist on account of a mental or physical disability. If the victim was between the ages of 14 and 18, the term of imprisonment shall be at least one year.

(3) If the offender belongs to one of the groups of offenders specified in paragraphs (2) and (3) of Article 407, a term of imprisonment of at least seven years shall be imposed.

(4) If an individual commits a lewd act with another person with their agreement (outside marriage), both parties shall be punished with a term of imprisonment.”

2- There is no government or non-government organization to protecting rights of sexual minorities.

3-There is NO the judiciary effective in protecting the rights of sexual minorities and the new government is still weak and courts and statutory bodies are ineffective also for Investigations and prosecutions.

Because of same-sex relationships are not legal in Libya so LGBT people can't go to the police to protect themselves from violence, infarct if the police will know that you had violence because you are homosexual they will rape you, it happened for many gay men inside the prison and happened to a lesbian girl who ran out of Libya to ask refugee ,here the link: <https://groups.yahoo.com/neo/groups/m-c-arena/conversations/topics/14181> . the police and socialite against LGBT people in Libya.

#### **Sexual minorities face discrimination**

4-In Libya society to be gay means you are against the (law of God and Islam), because homosexuality is forbidden taboo in Islam. so before to be a crime in law its forbidden in societal and immoral attitude and any act mention that you are gay - lesbian people will be exposed you verbally or even the threat of beatings, so what am trying to say is that LGBT people act as (normal figure) men and women gender for Libyan society and no homosexual speak out about his/her orientation, so the discrimination of sexual minorities can't be count in our case.

### Forms of Torture

5- There is no legislation protecting the rights of sexual minorities and when that happen violence and hate crime against homosexuals there is no law or legal act to protect them and that violence crime become more welcome against them in the socialite, i attach a photo of 12 Gay people have been torture by militias called (Doroh) and its armed militias (ISIS) who searching to catch gay men in Tripoli to torture and kill them sometimes.

PS: in this pic you see 12 Gay men got torture by (Doroh) and they published this picture on them Facebook page.



6-After the Revolution of 2011 and deterioration of the security situation in Libya and the absence of police the homosexual people become more target of violence by Islamic militias as (Doroh) which they are not police of government but only armed gang (ISIS) who control people by name of Islam and weapon , Torture, kidnapping and killing people with homosexual orientations the Media don't say they're gay, but we know they are because of our friends and our acquaintances.

## Concluding Remark

From January 2014 started QUZAH a group of Libyan LGBT activist write and report about Libya LGBT community and present Libya during ILGA Africa conference and international LGBT activity, QUZAH still working in Libya to create a big safe group and movement who can work with LGBT community there, we hope soon we can work with watch human rights too in Libya.

In 28/06/2014 it was the first public movement of Quzah at gay pride Milan – Italy





QUZAH have WordPress magazine and a face-group and during them publish the news about Libya LGBT movement ,

<https://quzah.wordpress.com/>

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