



Egypt - Researched and compiled by the Refugee Documentation Centre of Ireland on Friday 24 July 2015

Treatment of homosexuals including criminal prosecutions/sentencing

Human Rights Watch reporting in January 2015 on events of 2014 notes in a report that:

“Authorities arrested more than 95 lesbian, gay, bisexual, and transgender (LGBT) people between July 2013 and December 2014” (Human Rights Watch (29 January 2015) *World Report 2015: Egypt*, p.8).

In February 2015 *Amnesty International* commenting on events of 2014 states in a report that:

“Men suspected of having consensual sex with other men, as well as transgender people, faced arrest and prosecution on prostitution and public morality charges under the Law on Debauchery (Law 10 of 1961)” (Amnesty International (25 February 2015) *Amnesty International Report 2014/15, Egypt*).

A report issued in June 2015 by the *United States Department of State* reviewing events of the preceding year states:

“The law does not explicitly criminalize consensual same-sex sexual activity, but it allows police to arrest lesbian, gay, bisexual, and transgender (LGBT) persons on charges such as “debauchery,” “prostitution,” and “violating the teachings of religion,” and provides for prison sentences of up to 10 years. Reports of such arrests increased during the year and local rights groups reported at least 16 cases involving up to 100 people. Authorities did not effectively use antidiscrimination laws to protect LGBT individuals. Gay men and lesbians faced significant social stigma and discrimination, impeding their ability to organize or publicly advocate on behalf of LGBT persons. Information was not available on official or private discrimination in employment, occupation, housing, statelessness, or access to education or health care based on sexual orientation and gender identity. There were no government efforts to address potential discrimination. There were few reported incidents of violence against LGBT individuals, although intimidation and the risk of arrest greatly restricted open reporting and contributed to self-censorship” (United States Department of State (25 June 2015) *Country Reports on Human Rights Practices for 2014, Egypt*, p.44).

An article published by *Reuters* in January 2015 states:

“An Egyptian court on Monday ordered the release of 26 men who were detained last month in a raid on a Cairo bath house after police received a tip that they were holding gay orgies... Though homosexuality is not specifically outlawed in Egypt, discrimination is rife. Gay men are frequently arrested and typically accused of debauchery, immorality or blasphemy” (Reuters (12 January 2015) *Egypt court orders release of 26 men detained over bath house 'orgy'*).

BBC News in January 2015 notes that:

“Egyptian law does not criminalise homosexual acts, but they remain taboo. Adults suspected of engaging in consensual homosexual conduct are frequently arrested on charges of debauchery, immorality or blasphemy” (BBC News (12 January 2015) *Egypt court clears men accused of bathhouse 'debauchery'*).

A report released in March 2015 by *Human Rights First* notes:

“Last week police arrested seven "transsexuals," as termed in official statements, at a nightclub in a popular tourist area of central Cairo. The arrestees will be charged under the country's debauchery law, the government's favorite tool for persecuting gay and transgender Egyptians.

The arrests were, government officials say, part of a broad effort to target a "network for practicing debauchery." Key to this effort is entrapment: the government creates fake online profiles that draw gay men or transgender people to public meetings. The arrests were only the latest in Egypt's crackdown on the human rights of LGBT Egyptians” (Human Rights First (6 March 2015) *Egypt's LGBT Crackdown Continues*).

In May 2015 the *International Lesbian, Gay, Bisexual, Trans and Intersex Association* points out in a report that:

“Sexual relations between consenting adult persons of the same sex in private are not prohibited as such. However, the Law on the Combating of Prostitution, and the law against debauchery...have been used to imprison gay men in recent years...

Law 58/1937 promulgating The Penal Code

Article 98(f): "Detention for a period of not less than six months and not exceeding five years, or paying a fine of not less than five hundred pounds and not exceeding one thousand pounds shall be the penalty inflicted on whoever exploits and uses the religion in advocating and propagating by talk or in writing, or by any other method, extremist thoughts with the aim of instigating sedition and division or disdaining and contempting any of the heavenly religions or the sects belonging thereto, or prejudicing national unity or social peace...

Article 269 bis: "Whoever is found on a public road or a traveled and frequented place inciting the passersby with signals or words to commit indecency shall be punished with imprisonment for a period not exceeding one month. If the felon recurs to committing this crime within one year of the first crime, the penalty shall become imprisonment for a period not exceeding six months and a fine not exceeding fifty pounds. A ruling of conviction shall necessitate placing the convict under police supervision for a period equal to that of the penalty..." (International Lesbian, Gay, Bisexual, Trans and Intersex Association (13 May 2015) *State-Sponsored Homophobia 2015: Egypt*).

A report issued in March 2015 by the *European Commission* states:

“An increasing number of arrests of members of the lesbian, gay, bisexual, transgender and intersex (LGBTI) community took place under accusations of debauchery. The defendants were referred to trial where they were given harsh sentences after very short proceedings. LGBTI people continued to face harsh treatment in police custody, physically and mentally, and were often subjected to non-consensual medical examinations” (European Commission (25 March 2015) *Progress report on the relations with EU*, p.8).

In May 2015 the *Independent* points out that:

“Being gay is not illegal in Egypt, and neither is being transgender, but since the military pushed out the unpopular Islamist president Mohammed Morsi in the summer of 2013, the country has been engaged in a fierce crackdown on both communities. Human rights workers say at least 150 LGBT people have been arrested by the country’s “morality police”. and around 100 are still behind bars on draconian catch-all charges of “debauchery” or “inciting sexual perversion”” (The Independent (17 May 2015) *How distaste of LGBT people in Egypt has turned into state-sponsored persecution*).

In May 2015 the *Fédération Internationale des Ligues des Droits de l'Homme* points out in a report that:

“Mass arrests of LGBT persons has been a recurrent pattern of the violence perpetrated by the Egyptian security apparatus over many years... Since October 2013, campaigns targeting LGBT persons have become more frequent” (Fédération Internationale des Ligues des Droits de l'Homme (19 May 2015) *Exposing state hypocrisy: sexual violence by security forces in Egypt*, p.16).

This report also states:

“Egypt does not have a law explicitly banning homosexual activity. Those arrested are charged with “debauchery” (fugur) or “sexual indecency” as well as other vaguely defined crimes such as “endangering public morals” or “indecent behaviour”. Heavy prison sentences are handed down after summary trials. Under international law, laws criminalizing consensual homosexual conduct between adults violate the rights to non-discrimination and privacy...” (ibid, p.16).

This report also points out that:

“Between November 2012 and May 2014, at least 32 people received sentences ranging from three to twelve years in prison for ‘debauchery’ and ‘sexual deviance’” (ibid, p.16).

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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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