

# Egypt

*Situation of LGBT persons*



Ministry of Immigration  
and Integration

The Danish  
Immigration Service

## Executive summary

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Egypt de facto criminalises same-sex relations under the anti-prostitution law, the telecommunications law and the cybercrime law. However, the laws do not specifically mention that sex between people of the same sex is illegal. Instead, LGBT persons are typically charged with debauchery, incitement to debauchery, public indecency, misuse of telecommunications or violation of family principles or values in Egyptian society.

Egyptian law enforcement targets and arrests individuals from the LGTB community using digital evidence. Police officers create fake same-sex profiles on dating applications through which they contact LGBT persons in order to set up a meeting where they will arrest them.

LGBT people are subjected to ill-treatment, including beatings and sexual violence, forced anal exams and virginity tests in police custody.

Many LGBT people practice self-censorship and live a low-key life. However, the risk of being outed or revealed is always present. LGBT persons experience bullying and stigmatization in society and may also risk being monitored and blackmailed by gangs.

In Egypt, individuals who wish to undergo sex reassignment surgery, have to go through a long and complex process, and it is unlikely that they will be permitted to get the surgery.

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## Introduction

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This brief report aims at providing updated information about the situation of LGBT persons in Egypt.

The report contains information about the laws that affect the situation of LGBT persons. It also covers the authorities' treatment of LGBT persons and the Egyptian society's attitude towards the group.

The present report is based on information from written sources supplemented with information collected through an interview with an analyst from Human Rights Watch in August 2022.

The report is written in compliance with the EASO COI Report Methodology.<sup>1</sup>

Minutes from the meeting were forwarded to the source for approval. This provided the source an opportunity to amend, specify or comment on the context of the statements in order to reflect the information shared most accurately. The source approved the statements.

For the sake of transparency and accuracy, paragraphs in the meeting minutes in Annex I have been given consecutive numbers, which are used in the report when referring to the source's statements in the footnotes.

The research and editing of this report was finalised on 31 August 2022. The report can be accessed from the [DIS](#) website and is thus available to all stakeholders in the refugee status determination process as well as to the general public.

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<sup>1</sup> EASO, (EUAA) *EASO Country of Origin Information (COI) Report Methodology*, June 2019, [url](#)

## Abbreviations

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<b>DIS</b>	Danish Immigration Service
<b>EIPR</b>	Egyptian Initiative for Personal Rights
<b>EASO</b>	European Asylum Support Office
<b>EUAA</b>	European Union Agency for Asylum
<b>HRW</b>	Human Rights Watch
<b>ILGA</b>	The International Lesbian, Gay, Bisexual, Trans and Intersex Association
<b>LGBT</b>	Lesbian, gay, bisexual and transgender
<b>UCLA</b>	University of California

# 1. Legislation on LGBT issues

Egypt is a socially conservative society and religion is central to the Egyptian people's identity.<sup>2</sup> Homosexuality is a social taboo and according to studies by Pew Research Center and UCLA School of Law, Egypt is among the countries with the lowest level of LGBT acceptance<sup>3</sup>. Christian and Muslim authorities in Egypt have consistently condemned homosexuality, and it is by some religious scholars considered a disease.<sup>4</sup>

According to The International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), Egypt de facto criminalises same-sex relations,<sup>5</sup> even though the law does not specifically mention that consenting sex between people of the same gender is illegal.<sup>6</sup> The criminalisation depends mainly on the Law on the Combating of Prostitution (No. 10 1961)<sup>7</sup>, and in recent years, also on cybercrime laws.<sup>8</sup>

## 1.1. The Law on the Combating of Prostitution

Article 9(c) of The Law on the Combating of Prostitution No. 10 1961 (see appendix) punishes the habitual practice of *al-fujur*, which translates into the broad term 'debauchery', and *al-di'ara*, which generally refers to commercial prostitution<sup>9</sup>. Article 1 (a) punishes those who incite, employ or tempt someone with the purpose of engaging in debauchery or prostitution:

*Article 1(a) Whoever incites a person, be they male or female, to engage in debauchery or in prostitution, or assists in this or facilitates it, and similarly whoever employs a person or tempts him or induces him with the intention of engaging in debauchery or prostitution, is to be sentenced to imprisonment for a period not less than one year and not more than three years and a fine between 100<sup>10</sup> and 300<sup>11</sup> LE in the Egyptian administration and between 1000 and 3000 Lira in the Syrian<sup>12</sup> administration.<sup>13</sup>*

<sup>2</sup> DFAT, *DFAT Country Information Report Egypt*, 19 May 2017, [url](#), p. 22

<sup>3</sup> UCLA School of Law Williams Institute, *Social Acceptance of LGBT People in 174 Countries from 1981 to 2017*, October 2019, [url](#), p. 37; Pew Research Center, *The Global Divide on Homosexuality*, 4 June 2013, [url](#)

<sup>4</sup> DFAT, *DFAT Country Information Report Egypt*, 19 May 2017, [url](#), p. 22

<sup>5</sup> ILGA, *State-Sponsored Homophobia 2019*, March 2019, [url](#), p. 520

<sup>6</sup> ILGA, *State-Sponsored Homophobia 2019*, March 2019, [url](#), p. 520; Sexual Rights Initiative, *Egypt*, November 2021, [url](#)

<sup>7</sup> Human Rights Watch, *In a Time of Torture – the assault on justice in Egypt's crackdown on homosexual conduct*, 2004, [url](#), p. 13; ILGA, *State-Sponsored Homophobia 2019*, March 2019, [url](#), pp. 517-518; Berkman Klein Center for Internet and Society at Harvard University, *Digital Crime Scenes: The role of digital evidence in the persecution of LGBTQ people in Egypt, Lebanon, and Tunisia*, March 2022 [url](#), pp. 36-37; HRW analyst 2

<sup>8</sup> HRW analyst 4

<sup>9</sup> Human Rights Watch, *In a Time of Torture – the assault on justice in Egypt's crackdown on homosexual conduct*, 2004, [url](#), p. 13

<sup>10</sup> Approximately 5 US dollars

<sup>11</sup> Approximately 15 US dollars

<sup>12</sup> The law was originally from 1949, but was amended in 1961 to include Syria during the shortlived period of unification of the two countries from 1958-1961

<sup>13</sup> Arab Republic of Egypt, *Law no. 10/1961 on the Combating of Prostitution article 1(a)*, 1961, [url](#)

The law comes from an abolition movement in Egyptian society. It was motivated by anti-colonialism, the Muslim Brotherhood<sup>14</sup> and a strong nationalistic narrative in which sexuality and morality played an important role in defining the archetype of Egyptian society and family.<sup>15</sup>

A special committee of the House of Representatives (at the time the lower house of the parliament) recommended adding *al-fujur* to the draft law in 1949 in order to include male prostitution as they claimed that, according to judicial precedents, *al-di'ara* only referred to female prostitution. At the same time, *al-fujur* was a broad enough concept to be interpreted as sexual immorality in general.<sup>16</sup>

The Law on the Combating of Prostitution criminalizes the provider of sex and not the client. When it comes to habitual debauchery, article 9(c), the police do not differentiate between those who sell, those who buy and those who engage in sexual activities without monetary exchange<sup>17</sup>.

Among other penal code provisions that are used by law enforcement against LGBT persons is article 178 of Law No. 58 of 1937. The law punishes anyone who trades or distributes material, including photographs, that are deemed in violation of public morals, with imprisonment of up to two years and a fine of 10.000<sup>18</sup> Egyptian pounds. Additionally, article 269 punishes anyone who incites others to commit indecency or adultery with imprisonment of up to one month. Article 278 of the same law punishes anyone who publically commits “*a scandalous act against pudency*”<sup>19</sup> with detention of up to one year and a fine of 300<sup>20</sup> Egyptian pounds.<sup>21</sup>

## 1.2. The Law on Anti-Cybercrimes and Information Technology Crimes and Telecommunication Regulation Law

In addition to prosecuting LGBT people under the The Law on the Combating of Prostitution, there is an increase in cases where the online morality laws are applied<sup>22</sup>. The digitisation of prosecutions in LGBT cases in Egypt is a response to the increasing digitisation of LGBT people’s lives. The digitisation has given law enforcement a broader range of accesible personal information. As online communités grow and data can be extracted, changes in prosecution and policing strategies occur simultaneously<sup>23</sup>.

Prosecutors are trying cases against LGBT people and sex workers under article 76 of the Telecommunication Regulation Law<sup>24</sup>, which criminalizes the misuse of telecommunications. Prosecutors

<sup>14</sup> Human Rights Watch, *In a Time of Torture – the assault on justice in Egypt’s crackdown on homosexual conduct*, 2004, [url](#), p. 132

<sup>15</sup> Hammad, Hannan and Biancani, Francesca, *Selling Sex in the City: A Global History of Prostitution, 1600s-2000s*, 23 August 2017, [url](#), p. 253

<sup>16</sup> Human Rights Watch, *In a Time of Torture – the assault on justice in Egypt’s crackdown on homosexual conduct*, 2004, [url](#), p. 133

<sup>17</sup> Egyptian Initiative for Personal Rights, *The Trap. Punishing Sexual Difference in Egypt*, November 2017, [url](#), p. 11

<sup>18</sup> Approximately 521 US dollars

<sup>19</sup> Arab Republic of Egypt: *Penal Code No. 58/1937*, August 1937 [url](#)

<sup>20</sup> Approximately 15 US dollars

<sup>21</sup> HRW analyst 3

<sup>22</sup> Slate, *Egypt’s Dangerous New Strategy for Criminalizing Queerness*, 30 December 2020, [url](#)

<sup>23</sup> Berkman Klein Center for Internet and Society at Harvard University, *Digital Crime Scenes: The role of digital evidence in the persecution of LGBTQ people in Egypt, Lebanon, and Tunisia*, March 2022, [url](#), p. 50

<sup>24</sup> Arab Republic of Egypt, *Law 10/2003 the Telecommunication Regulation Law article 76, 2003*, [url](#) (Annex 2)

also try cases under article 25 of the cybercrime law<sup>25</sup>, which criminalizes the use of technology to infringe on family principles or values in Egyptian society<sup>26</sup>. The telecommunication law has been under the Economic Courts since they were created in 2008, and The Law on Anti-Cybercrimes and Information Technology Crimes (also known as the cybercrime law) was added to the Economic Courts by decree in 2019. With this addition, the Economic Courts began exercising influence over public life by reinforcing digital surveillance and by policing digital morality,<sup>27</sup> although the main purpose of the courts is to resolve financial and commercial disputes<sup>28</sup>.

According to Berkman Klein Center for Internet and Society at Harvard University, article 25 of the Cybercrime Law on violations of family principles or values in Egyptian society is vague, flexible and open to interpretation. This leaves it up to the judicial authority and the prosecutor to define an article 25 crime. The punishment for violating family principles or values under article 25 of the cybercrime law is harsher than the punishment of habitual debauchery under article 9(c).<sup>29</sup> Article 9(c) of The Law on the Combating of Prostitution No. 10 1961 states that the punishment is “*imprisonment for a period not less than three months and not exceeding three years and a fine not less than 25<sup>30</sup> LE and not exceeding 300 LE<sup>31</sup>”* while article 25 of Law No. 175 of 2018 on Anti-Cybercrimes and Information Technology Crimes states that the punishment is “*imprisonment for no less than six months and a fine of no less than fifty thousand Egyptian Pounds<sup>32</sup> and no more than one hundred thousand<sup>33</sup> Egyptian Pounds<sup>34</sup>”*.

## 2. Implementation of the law and treatment of LGBT persons by the state

### 2.1. Digital targeting of LGBT persons

According to Human Rights Watch, Egyptian law enforcement uses digital dating to target and arrest persons from the LGTB community. The police monitor online dating websites known to host homosexuals looking for sexual relations. In such cases, the authorities can use the articles from the cybercrime law

<sup>25</sup> Arab Republic of Egypt, *Law No. 175/2018 on Anti-Cybercrimes and Information Technology Crimes chapter 3 article 25*, 2018, [url](#) (Annex 2)

<sup>26</sup> Berkman Klein Center for Internet and Society at Harvard University, *Digital Crime Scenes: The role of digital evidence in the persecution of LGBTQ people in Egypt, Lebanon, and Tunisia*, March 2022, [url](#), p. 50

<sup>27</sup> Berkman Klein Center for Internet and Society at Harvard University, *Digital Crime Scenes: The role of digital evidence in the persecution of LGBTQ people in Egypt, Lebanon, and Tunisia*, March 2022, [url](#), pp. 50-53

<sup>28</sup> USAID, Economic Courts Fact Sheet [url](#)

<sup>29</sup> Berkman Klein Center for Internet and Society at Harvard University, *Digital Crime Scenes: The role of digital evidence in the persecution of LGBTQ people in Egypt, Lebanon, and Tunisia*, March 2022, [url](#), pp. 55

<sup>30</sup> Approximately 1.50 US dollars

<sup>31</sup> Arab Republic of Egypt, *Law no. 10/1961 on the Combating of Prostitution article 9(c)*, 1961, [url](#) (Annex 2)

<sup>32</sup> Approximately 2603 US dollars

<sup>33</sup> Approximately 5206 US dollars

<sup>34</sup> Annex 2 Arab Republic of Egypt, *Law No. 175/2018 on Anti-Cybercrimes and Information Technology Crimes chapter 3 article 25*, 2018, [url](#) (Annex 2)

regarding the infringement on Egyptian family values as well as the anti-prostitution law to prosecute those individuals.<sup>35</sup>

Targeting LGBT individuals in Egypt by using technology began in 2001. There was an increase in such cases between 2014 and 2015 after Egypt launched the Committee for the Promotion of Virtue and the Prevention of Vice, also known as the morality police in 2013.<sup>36</sup>

In one of the first cases reported by Human Rights Watch, two men were contacted by a man, who claimed he was a Swiss homosexual visiting Cairo, and they arranged to meet with him. They were arrested at the meeting place and sentenced to three months in prison each. On 5 March 2001, the tabloid newspaper, *Al-Naba'*, announced that two men had been arrested in Tahrir Square while waiting for potential partners they had encountered through online dating ads. In 2003, this type of arrest happened roughly once a week. Police officers impersonated both foreign and Egyptian homosexual men and contacted homosexual Egyptian men online and set up meetings where they would end up being arrested. The online chat was used as evidence in court.<sup>37</sup>

Today, police officers create fake same sex profiles on Grindr and other applications through which they entrap LGBT people, for instance by getting them to confess that they are homosexual. Sometimes, the police officer will ask, *“how much would you charge”*. If the LGBT individual does not reject payment for sex, this will be used as evidence against the person by accusing him of habitually practicing debauchery and promoting indecency.<sup>38</sup>

In an upcoming report (expected publication, November 2022), Human Rights Watch will report details of a hundred cases of digital targeting of LGBT people. One of the cases is from 2021, where an individual met a law enforcement officer on Grindr. The law enforcement officer pretended to be a homosexual man, and they agreed on a sum of money for having sex. Security officers arrested the individual on the agreed meeting location, detained him and tortured him in detention. The evidence used in the case was the chat in which the two men had agreed on having sex for money. The individual was prosecuted in the Economic Courts in 2022.<sup>39</sup>

Another example of online evidence could be a man texting, *“I like you”* to another man, which is used in court as incriminating evidence to prosecute homosexual men. The online evidence is found when the authorities carry out arbitrary searches of individuals' phones.<sup>40</sup>

Most men subjected to online targeting are charged with “habitual debauchery” and with some kind of “advertising” or “inducing” debauchery. These charges give the prosecutors a range of legal provisions to

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<sup>35</sup> Berkman Klein Center for Internet and Society at Harvard University, *Digital Crime Scenes: The role of digital evidence in the persecution of LGBTQ people in Egypt, Lebanon, and Tunisia*, March 2022, [url](#), p. 88

<sup>36</sup> Berkman Klein Center for Internet and Society at Harvard University, *Digital Crime Scenes: The role of digital evidence in the persecution of LGBTQ people in Egypt, Lebanon, and Tunisia*, March 2022, [url](#) p. 19

<sup>37</sup> Human Rights Watch, *In a Time of Torture – the assault on justice in Egypt’s crackdown on homosexual conduct*, 2004, [url](#), pp. 76-77

<sup>38</sup> HRW analyst 8

<sup>39</sup> HRW analyst 9

<sup>40</sup> HRW analyst 5, 8

work with. Sometimes, the defendant’s chat messages are altered by the police to make their case against the LGBT individual stronger.<sup>41</sup>

### 2.1.1. Physical evidence in cases against LGBT persons

While digital evidence plays a significant role in cases targeting LGBT persons, physical evidence is also relied upon. When the police perform property raids, items such as condoms, lubrication or clothing deemed effeminate, can be used by law enforcement as evidence of the intention of performing specific sexual acts, especially anal sex. Clothing the police deem effeminate can be used to frame an individual’s sexual identity.<sup>42</sup> Residential searches and arrests can happen if the police receives a complaint from a neighbour about suspicious people meeting at a flat. The police needs a warrant and a neighbour’s complaint would be sufficient to obtain one. Searches could also happen at a hotel if the hotel staff report suspicious behavior to the police.<sup>43</sup>

## 2.2. Anal examinations and prevalence of ill-treatment

Egyptian investigators routinely perform forced anal examinations on detainees authorities identify as trans women or homosexual men.<sup>44</sup> The practice of forced medical examinations is based on a study from 1857 by French forensic doctor Auguste Ambroise Tardieu who proposed criteria for detecting the practice of anal sex in what he called “sodomy crimes”. In habitual debauchery cases in Egypt, the Public Prosecution can refer the defendants to the Forensic Medicine Authority where they, among other things, carry out a check for the habitual practice of debauchery. They search for signs of repeated anal penetration, examine the anus for any traces of seminal fluid and take blood and urine samples to test for drugs, alcohol, sleeping pills or other substances.<sup>45</sup> The UN special Rapporteur on torture states that forced anal examinations are medically worthless, humiliating and amount to torture or ill-treatment.<sup>46</sup>

The Egyptian military performs homosexuality tests on conscripts as part of the medical examinations before entering the army. The doctor examines the anus of the conscripts with the purpose of finding any sign of same-sex sexual behaviour.<sup>47 48</sup>

In 2021 and 2022, Human Rights Watch documented cases of torture of LGBT individuals, such as severe and repeated beatings and sexual violence in police custody, forced anal exams and virginity tests against men and women. Human Rights Watch has also documented verbal abuse, forced confessions, systematic

<sup>41</sup> Human Rights Watch, *In a Time of Torture – the assault on justice in Egypt’s crackdown on homosexual conduct*, 2004, [url](#), pp. 83

<sup>42</sup> Berkman Klein Center for Internet and Society at Harvard University, *Digital Crime Scenes: The role of digital evidence in the persecution of LGBTQ people in Egypt, Lebanon, and Tunisia*, March 2022, [url](#), p. 128

<sup>43</sup> Berkman Klein Center for Internet and Society at Harvard University, *Digital Crime Scenes: The role of digital evidence in the persecution of LGBTQ people in Egypt, Lebanon, and Tunisia*, March 2022, [url](#), p. 98

<sup>44</sup> Mada Masr, *Imprisoned trans woman Malak al-Kashif sexually assaulted, subjected to forced anal examination in state hospital*, 12 March 2019, [url](#)

<sup>45</sup> Egyptian Initiative for Personal Rights, *The Trap. Punishing Sexual Difference in Egypt*, November 2017, [url](#), pp. 29-31

<sup>46</sup> UN Human Rights Council, *Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment*, 5 January 2016, [url](#), p. 10

<sup>47</sup> Middle East Eye, *‘It is hell’: Chronicles of military conscripts in Egypt*, 21 November 2016, [url](#)

<sup>48</sup> Military service and homosexuality is out of the scope of this report

denial of medical care and legal counsel and an increase in prosecution for alleged same-sex conduct since 2017 and precipitating for 2021 and 2022.<sup>49</sup>

### 2.3. Police raids and arrests

The following case examples were extensively covered in Egyptian as well as international media with large numbers of LGBT persons arrested at once.

#### *Queen Boat 2001*

On 11 May 2001, some 60 Egyptian men were arrested and detained at different police stations around Cairo during a police raid of the floating nightclub, Queen Boat, which was frequented by homosexual men. 52 men were charged with debauchery. The trial began on 18 July 2001, and four months later, 21 out of the 52 were found guilty of “habitual debauchery” and sentenced to prison for one or two years. The key defendant was sentenced to five years in prison for “contempt of religion” and “debauchery”.<sup>50</sup> This happened after the police found a booklet in the defendant’s home, which tied homosexuality to religious ideas. The defendant was tortured during a three-week long interrogation.<sup>51</sup> Several human rights reports documented torture and humiliating practices during the detention and questioning of the men from the Queen Boat case.<sup>52</sup> The men from Queen Boat came from different social classes. Some were teachers and doctors, and others were truck-drivers and electrical technicians<sup>53</sup>. Their names were published in newspapers with their full addresses and occupations for public humiliation.<sup>54</sup>

#### *Qasr el-Nil 2003*

In 2003, 62 men were arrested on Qasr el-Nil Bridge in Cairo, which had a reputation of being a meeting place for homosexual men. They were charged with “habitual debauchery”.<sup>55</sup>

#### *Bab el-Bahr 2014*

In December 2014, morality police stormed a public bathhouse in Cairo’s Ramses neighbourhood accompanied by TV-presenter Mona Iraqi and her crew who filmed the half-naked men at the bathhouse. The incident aired on Egyptian TV in a 30 minute episode. The 26 men who were arrested said that they were celebrating the marriage of a friend and decided to go to the bathhouse. The police beat them and insulted them at the police station.<sup>56</sup> During investigations, the forensic medicine authority in Egypt said

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<sup>49</sup> HRW analyst 10

<sup>50</sup> Review of International Studies Vol. 33 No. 1 January 2007 *The Queen Boat Case I Egypt: sexuality, national security and state sovereignty*, [url](#), pp. 129-144

<sup>51</sup> Human Rights Watch, *In a Time of Torture – the assault on justice in Egypt’s crackdown on homosexual conduct*, 2004, [url](#), p. 24

<sup>52</sup> Review of International Studies Vol. 33 No. 1 January 2007 *The Queen Boat Case I Egypt: sexuality, national security and state sovereignty*, [url](#), p. 131; The Guardian, *50 Egyptian gays in court for ‘forming strife’*, 18 July 2001, [url](#)

<sup>53</sup> Human Rights Watch, *In a Time of Torture – the assault on justice in Egypt’s crackdown on homosexual conduct*, 2004, [url](#), p. 16

<sup>54</sup> The Guardian, *50 Egyptian gays in court for ‘forming strife’*, 18 July 2001, [url](#); Review of International Studies Vol. 33 No. 1 January 2007 *The Queen Boat Case I Egypt: sexuality, national security and state sovereignty*, [url](#), p. 132

<sup>55</sup> HRW, *Egypt: Crackdown on Homosexual Men Continues*, 6 October 2003, [url](#)

<sup>56</sup> EIPR, *The Trap. Punishing Sexual Difference in Egypt*, November 2017, [url](#), pp. 20-21

that the medical tests were inconclusive in determining whether the defendants were practising homosexual acts. All of the defendants were acquitted.<sup>57</sup>

### *Mashrou' Leila 2017*

In September 2017, a crackdown on LGBT people began at a concert with the Lebanese band, Mashrou' Leila, in Cairo after a small group among the audience raised the rainbow flag. The lead singer of the band is openly homosexual and performs songs addressing same-sex relationships and gender identity. After the concert, photos of the people raising the flag circulated on social media, and media figures, politicians and religious leaders joined voices against the people who were suspected of having raised the flag.

Following the concert, the local NGO, Egyptian Initiative for Personal Rights, documented at least 57 arrests in Cairo, Giza, Ismailia, South Sinai and Damietta.<sup>58</sup> The UK based NGO Stonewall for LGBTQ+ rights, reported that 76 people were arrested and at least 40 individuals were sentenced to prison for up to six years.<sup>59</sup> The majority were accused of “habitual debauchery” or “promoting debauchery” in accordance with article 9 and 10 of the Law on the Combating of Prostitution (No. 10/1961). Others were accused of facilitating debauchery and two individuals were charged with “*joining an outlawed group that aims to interfere [with] the provisions of the constitution and the law through inciting deviancy*”.<sup>60</sup>

One of the two arrested individuals was Sarah Hegazi, a queer feminist and LGBT rights supporter who waved the rainbow flag at the concert. She became internationally known after she took her own life in Canada in 2020. According to Hegazi, she was tortured by the Egyptian police. The police used electric shock torture, kept her in solitary confinement and encouraged other detainees to sexually assault her. Hegazi was released on bail after three months, and she subsequently applied for asylum in Canada.<sup>61</sup>

### *Arrest of journalist Mohamed el-Gheiti*

Journalists and people with media or social media platforms cannot discuss LGBT issues in Egypt without risking arrest. In 2019, the Egyptian journalist Mohamed el-Gheiti was sentenced to one year in prison, another year on probation and a fine after he had invited an anonymous homosexual man on his TV show to discuss his lifestyle. Even though Mohamed el-Gheiti has spoken out against homosexuality on several occasions, he was sentenced on charges of inciting debauchery and contempt of religion.<sup>62</sup>

## 2.4. Access to healthcare

At the height of the Covid-19 pandemic, Human Rights Watch documented a lack of access to healthcare for homosexual men and transgender women living with HIV in Egypt. The three fever hospitals in Cairo,

<sup>57</sup> Ahram online, *Egyptian court acquits 26 men in 'gay bathhouse' case*, 13 January 2015, [url](#)

<sup>58</sup> EIPR, *EIPR demands the immediate release of detainees and warns against violations in detention EIPR calls on the media to halt its hate speech and incitement against LGBTQI individuals*, 4 October 2017, [url](#)

<sup>59</sup> Stonewall, *Egypt –Arrests of LGBT people rising*, 4 December 2017, [url](#)

<sup>60</sup> EIPR, *EIPR demands the immediate release of detainees and warns against violations in detention EIPR calls on the media to halt its hate speech and incitement against LGBTQI individuals*, 4 October 2017, [url](#)

<sup>61</sup> HRW, *For Sarah Hegazy: In rage, in grief, in exhaustion*, 16 June 2020, [url](#)

<sup>62</sup> Independent, *Egypt sentences TV host to year in prison for interviewing gay man*, 21 January 2019, [url](#); Mada Masr, *Rights group condemns jail sentence for Egyptian TV presenter who interviewed gay man*, 25 January 2019, [url](#); HRW analyst 15

where infectious diseases are treated, were the places where individuals could go to obtain their HIV medication. These hospitals were converted into Covid-19 testing centres. The HIV patients were afraid of contracting coronavirus at the hospitals when they were going to get their life-saving medication, which meant that they stopped going.<sup>63</sup>

Human Rights Watch has also documented the stigma that LGBT individuals faced by health professionals at the fever hospitals during the pandemic. They were verbally abused, they were unable to obtain their medication, and they were ridiculed based on their HIV status. LGBT individuals are consistently stigmatized in the healthcare sector. Civil society actors have not been able to provide the same services for LGBT people, which they used to provide, due to the restrictive NGO law and other restrictions imposed on civil society by the Egyptian government. This situation has resulted in LGBT people de facto being denied access to basic services as they cannot turn to the government sponsored centres for care.<sup>64</sup>

## 2.5. Transgender individuals

Egyptian laws distinguish between ‘sex change’, referring to gender affirming surgery for transgender people, and ‘sex reassignment’ for intersex individuals. An individual who undergoes a sex change operation is not qualified for legal gender recognition, while individuals, who undergo a sex reassignment surgery, are allowed to change their name and gender.<sup>65</sup> There is a *fatwa*<sup>66</sup> issued by Al-Azhar in 1988, which permits medical intervention only for intersex people who are born with characteristics that vary from what is considered female and male bodies. However, transgender individuals are often disqualified from accessing gender affirming medical care.<sup>67</sup>

Egyptians, who wish to undergo sex reassignment surgery, have to go through a long and complex process, and there is no guarantee that they will be permitted to undergo surgery. First, the individual must send an application to the Sex Reassignment Committee at the National Doctors Syndicate. Subsequently, the applicant is subjected to a series of physical tests. After the tests, each case is reviewed by gynecologists and urologists. Then, the applicant is put on two years of psychiatric observation. Finally, a seven member committee of doctors and a scholar from the Islamic oversight body Dar al-Ifta will assess the case and decide whether or not to approve the surgery.<sup>68</sup> If approved, the state pays for the surgery at a public hospital such as Al-Husseini University Hospital, Demerdash Hospital, Qasr al-Aini Hospital or a private hospital.<sup>69</sup> It is possible to obtain a national identity card with the new gender after the sex reassignment surgery.<sup>70</sup>

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<sup>63</sup> HRW analyst 11

<sup>64</sup> HRW analyst 12

<sup>65</sup> HRW analyst 17

<sup>66</sup> A fatwa is a ruling on a point of Islamic law given by a recognized authority., Oxford Reference, *Overview fatwa*, n.d. [url](#)

<sup>67</sup> HRW analyst 16; The Journal of the International Institute, *Sex Change in Cairo: Gender and Islamic Law*, Spring 1995 [url](#)

<sup>68</sup> HRW analyst 18; Mada Masr, *Deterred from official healthcare, 26-yr-old dies after sex reassignment surgery*, August 2021, [url](#); France 24, *Transgender woman battles for dignity in conservative Egypt*, June 2021, [url](#);

<sup>69</sup> Mada Masr, *Deterred from official healthcare, 26-yr-old dies after sex reassignment surgery*, August 2021, [url](#)

<sup>70</sup> The Tahrir Institute for Middle East Policy, *Transgender Policy in Egypt: Murder by Medical Bureaucracy*, 18 January 2022, [url](#)

The unlikelyhood of achieving approval for surgery from the Committee has led some transgender individuals to save money in order to undergo surgery at unauthorized hospitals. In August 2021, a 26-year old man died of complications after he had undergone sex reassignment surgery at a private hospital in, Dokki, Cairo. The hospital was not authorized to perform such surgery. Others suffer from disabilities as a result of undergoing surgery in unauthorised places.<sup>71</sup>

In 2020, the head of the Sex Reassignment Committee at the National Doctors' Syndicate indicated that between 2014 and 2017, 87 cases had been approved for "physical reasons". Cases based on "gender identity disorder" - which is how transgender people usually get diagnosed, before they are referred to legal gender recognition - were all denied. There are no recent statistics on the number of transgender individuals who were able to change their name or gender, based on the gender identity disorder diagnosis.<sup>72</sup>

### 3. Treatment of LGBT persons by society

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Many LGBT people practice self-censorship. However, it is becoming increasingly difficult to maintain privacy, and the risk of being outed or revealed may come from many directions, including other individuals. LGBT people may also risk being monitored, blackmailed by gangs, primarily working in Cairo, who sometimes themselves are LGBT persons. There have been incidents in recent years where expressing anything related to sexual identity, e.g. support of LGBT rights, has been enough to be targeted by either other individuals or the authorities.<sup>73</sup>

Dozens of LGBT persons interviewed by Human Rights Watch have reported being unable to secure employment due to discrimination on the basis of their sexual orientation, gender identity or gender expression. In many cases, LGBT persons live at home with their parents and practice self-censorship to be able to lead a normal life. For those who do not practice this type of self-censorship, access to state services is very limited.<sup>74</sup>

LGBT persons, who are detained, arrested or questioned on morality charges experience difficulty in securing employment or healthcare due to their record. Morality charges usually stay on a person's record for up to three years. This prohibits the person from traveling and from accessing basic services, and it may also lead to additional arbitrary arrests and discrimination.<sup>75</sup>

LGBT persons with higher income and good connections can live a relatively normal life. However, they have, like other LGBT persons, to maintain a low profile and avoid any interactions with security forces, for

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<sup>71</sup> Mada Masr, *Deterred from official healthcare, 26-yr-old dies after sex reassignment surgery*, August 2021, [url](#) ; Human Rights Watch, *A discriminatory system killed a transgender man in Egypt*, 10 November 2021, [url](#)

<sup>72</sup> HRW analyst 20

<sup>73</sup> HRW analyst 21

<sup>74</sup> HRW analyst 14

<sup>75</sup> HRW analyst 13

instance at a checkpoint, at a café or a police station, which may lead to their phones being searched and their LGBT identity disclosed.<sup>76</sup>

The Lebanese NGO, Arab Foundation for Freedoms and Equality, reports that Egyptian LGBT people face blackmail, social disclosure, humiliation and physical assault. People who are outed at work or accused of belonging to a sexual minority by their colleagues face investigations, reprimands or are encouraged to quit their jobs. In school or at university LGBT people experience bullying and stigmatization, and at home, family members can respond with physical violence, shaming, deprivation of movement, forced psychological treatment and forced marriages.<sup>77</sup>

Leilani Farha, the UN Special Rapporteur on the right to adequate housing, visited Egypt in 2018 where she, among others, met with people from the LGBT community in Cairo. She reported that the LGBT community faced discrimination, intimidation and harassment in the areas they were living in. She also reported that many LGBT persons are often not able to find accommodation because of their perceived sexual identity.<sup>78</sup>

### 3.1. Transgender people in public

Egypt has had a famous transsexual actress and there have been some appearances of transgender people in the media. Actress Hanan el-Tawil, who was born male, played important roles in popular Egyptian comedies until she was found dead in 2004 at the age of 38. The cause of her death is still unknown. Even though she became a celebrity, she faced attacks and complaints by her neighbours who, eventually, had her admitted to a psychiatric hospital in Cairo.<sup>79</sup>

Farida Ramadan is another well-known transgender Egyptian woman. Growing up in Damietta, she was treated with contempt by her family and decided to leave home in 2000. Ramadan applied for a sex change surgery at the Sex Reassignment Committee but never received approval. She saved up for 16 years and underwent surgery in 2016. She faced insults and sexual assaults in her neighborhood and was fired from her job when she started taking time off for treatment. She told her story on Egyptian TV. She is currently living in a village in the Beheria governorate where the villagers provide for her as she still has not been able to find employment.<sup>80</sup>

In 2020, famous Egyptian actor Hisham Selim told on Egyptian TV that his daughter Noura had become his son Nour. He received a lot of sympathy from the Egyptian public on social media.<sup>81</sup> The same year, his son Nour was sued for promoting homosexuality among the youth after an Instagram post in support of the LGBT activist Sarah Hegazi mentioned earlier<sup>82</sup>.

There is a disproportionate favouring of transgender identity over homosexual identity in the sense that being transgender in Egypt is more acceptable than being a homosexual man. Whereas transgender people

<sup>76</sup> HRW analyst 22

<sup>77</sup> Arab Foundation for Freedoms and Equality, *Human Rights Violations Against the LGBTQ+ Communities in Egypt and Sudan*, 2021, [url](#), p. 7

<sup>78</sup> UN, *Visit of Leilani Farha, the Special Rapporteur on the right to adequate housing to Egypt*, 3 October 2008, [url](#)

<sup>79</sup> Al Dostor, *حنان الطويل.. تحول جنسي ووفاة غامضة محطات في حياة الست كوريا*, [url](#); Cairo Scene, *Video documenting the life and death of Egypt's first transsexual actress goes viral*, 13 February 2017, [url](#)

<sup>80</sup> France 24, *Transgender woman battles for 'dignity' in conservative Egypt*, 2 June 2021, [url](#)

<sup>81</sup> BBC, *Hisham Selim, famed Egyptian actor, praised over transgender son*, 10 May 2020, [url](#); Nilefm, *My daughter Noura is now my son Nour, says Hesham Selim as he comes out in support of his son's transition*, May 4 2020, [url](#)

<sup>82</sup> Reuters, *Egyptian actor's trans son sued for Instagram post about LGBT+ activist's suicide*, 24 June 2020, [url](#)

are perceived as persons suffering from a “fault” or “error”, which needs correction, homosexuals are perceived as immoral people who commit a deviant act that is not “correctable”. Therefore, if someone comes out as transgender in an average Egyptian family, it may be less unacceptable than an individual who comes out as homosexual.<sup>83</sup>

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<sup>83</sup> HRW analyst 23; BBC, *Hisham Selim, famed Egyptian actor, praised over transgender son*, 10 May 2020 [url](#)

## Bibliography

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Ahram online, *Egyptian court acquits 26 men in 'gay bathhouse' case*, 13 January 2015

<https://english.ahram.org.eg/NewsContentP/1/120096/Egypt/Egyptian-court-acquits--men-in-gay-bathhouse-case.aspx> accessed 24 August 2022

Al Dostor, حنان الطويل.. تحول جنسي ووفاة غامضة لمحطات في حياة الست كوريا <https://www.dostor.org/3357049> accessed 24 August 2022

Arab Foundation for Freedoms and Equality, *Human Rights Violations Against the LGBTQ+ Communities in Egypt and Sudan*, 2021 <https://afemena.org/wp-content/uploads/2021/11/Human-rights-violations-against-the-LGBTQ-communities-in-Egypt-and-Sudan-.pdf> accessed 24 August 2022

Arab Republic of Egypt, *Law no. 10/1961 on the Combating of Prostitution*, 1961 <https://www.refworld.org/docid/5492d8784.html> accessed 24 August 2022

Arab Republic of Egypt: *Penal Code No. 58 of 1937*, August 1937 <https://www.refworld.org/docid/3f827fc44.html> accessed 24 August 2022

BBC, *Hisham Selim, famed Egyptian actor, praised over transgender son*, 10 May 2020 <https://www.bbc.com/news/world-52560676> accessed 24 August 2022

Berkman Klein Center for Internet and Society at Harvard University, *Digital Crime Scenes: The role of digital evidence in the persecution of LGBTQ people in Egypt, Lebanon, and Tunisia*, March 2022 [https://cyber.harvard.edu/sites/default/files/2022-03/Digital-Crime-Scenes\\_Afsaneh-Rigot-2022.pdf](https://cyber.harvard.edu/sites/default/files/2022-03/Digital-Crime-Scenes_Afsaneh-Rigot-2022.pdf) accessed 24 August 2022

Cairo Scene, *Video documenting the life and death of Egypt's first transsexual actress goes viral*, 13 February 2017 <https://cairoscene.com/ArtsAndCulture/Video-Documenting-the-Life-and-Death-of-Egypt-s-First-Transsexual-Actress-Goes-Viral> accessed 24 August 2022

DFAT (Australian Government Department of Foreign Affairs and Trade), *DFAT Country Information Report Egypt*, 19 May 2017 [https://www.ecoi.net/en/file/local/1419298/4792\\_1512556314\\_country-information-report-egypt.pdf](https://www.ecoi.net/en/file/local/1419298/4792_1512556314_country-information-report-egypt.pdf) accessed 24 August 2022

EIPR, (Egyptian Initiative for Personal Rights) *EIPR demands the immediate release of detainees and warns against violations in detention EIPR calls on the media to halt its hate speech and incitement against LGBTQ individuals*, 4 October 2017, <https://eipr.org/en/press/2017/10/egyptian-state-wages-unprecedented-arrest-campaign-against-individuals-based-their> accessed 24 August 2022

France 24, *Transgender woman battles for dignity in conservative Egypt*, June 2021 <https://www.france24.com/en/live-news/20210602-transgender-woman-battles-for-dignity-in-conservative-egypt> accessed 24 August 2022

HRW (Human Rights Watch), *In a Time of Torture – the assault on justice in Egypt's crackdown on homosexual conduct*, 2004 <https://www.hrw.org/reports/2004/egypt0304/egypt0304.pdf> accessed 24 August 2022

HRW, For Sarah Hegazy: In rage, in grief, in exhaustion, 16 June 2020

<https://www.hrw.org/news/2020/06/16/sarah-hegazy-rage-grief-exhaustion>

accessed 24 August 2022

HRW, *Egypt: Crackdown on Homosexual Men Continues*, 6 October 2003

<https://www.hrw.org/news/2003/10/06/egypt-crackdown-homosexual-men-continues> accessed 24 August

2022

ILGA ( The International Lesbian, Gay, Bisexual, Trans and Intersex Association) *State-Sponsored*

*Homophobia 2019*, March 2019 [https://ilga.org/downloads/ILGA\\_State\\_Sponsored\\_Homophobia\\_2019.pdf](https://ilga.org/downloads/ILGA_State_Sponsored_Homophobia_2019.pdf)

accessed 24 August 2022

Independent, Egypt sentences TV host to year in prison for interviewing gay man, 21 January 2019

<https://www.independent.co.uk/news/world/middle-east/egypt-mohamed-al-gheiti-prison-sentence-gay-guest-interview-lgbt-religion-a8738206.html> accessed 24 August 2022

accessed 24 August 2022

Mada Masr, *Deterred from official healthcare, 26-yr-old dies after sex reassignment surgery*, August 2021,

<https://www.madamasr.com/en/2021/08/31/news/u/deterred-from-official-healthcare-26-yr-old-dies-after-sex-reassignment-surgery/>

accessed 24 August 2022

Mada Masr, *Rights group condemns jail sentence for Egyptian TV presenter who interviewed gay man*, 25

January 2019 <https://www.madamasr.com/en/2019/01/25/news/u/journalists-rights-group-condemns-egypts-jailing-of-tv-presenter-for-interviewing-gay-man/>

accessed 24 August 2022

Mada Masr, *Imprisoned trans woman Malak al-Kashif sexually assaulted, subjected to forced anal examination in state hospital*, 12 March 2019,

<https://www.madamasr.com/en/2019/03/12/news/u/imprisoned-trans-woman-malak-al-kashif-sexually-assaulted-subjected-to-forced-anal-examination-in-state-hospital/>

accessed 24 August 2022

Middle East Eye, *'It is hell': Chronicles of military conscripts in Egypt*, 21 November 2016

<https://www.middleeasteye.net/features/it-hell-chronicles-military-conscripts-egypt> accessed 24 August

2022

Nilefm, *My daughter Noura is now my son Nour, says Hesham Selim as he comes out in support of his son's*

*transition*, May 4 2020 <https://nilefm.com/entertainment/article/5582/-my-daughter-noura-is-now-my-son-nour-says-hesham-selim-as-he-comes-out-in-support-of-his-son-s-transition>

accessed 24 August 2022

Pew Research Center, *The Global Divide on Homosexuality*, 4 June 2013

<https://williamsinstitute.law.ucla.edu/wp-content/uploads/Global-Acceptance-Index-LGBT-Oct-2019.pdf>

accessed 24 August 2022

Reuters, *Egyptian actor's trans son sued for Instagram post about LGBT+ activist's suicide*, 24 June 2020

<https://www.reuters.com/article/us-egypt-lgbt-lawsuit-trfn-idUSKBN23V2X8> accessed 24 August 2022

Review of International Studies Vol. 33 No. 1 January 2007 *The Queen Boat Case I Egypt: sexuality, national security and state sovereignty*, pp. 129-144

[https://warwick.ac.uk/fac/soc/pais/people/pratt/publications/published\\_article.pdf](https://warwick.ac.uk/fac/soc/pais/people/pratt/publications/published_article.pdf) accessed 24 August 2022

Sexual Rights Initiative, *Egypt*, November 2021 <https://sexualrightsdatabase.org/countries/357/Egypt> accessed 24 August 2022

Slate, *Egypt's Dangerous New Strategy for Criminalizing Queerness*, 30 December 2020 <https://slate.com/technology/2020/12/egypt-lgbtq-crime-economic-courts.html> accessed 24 August 2022

Stonewall, *Egypt –Arrests of LGBT people rising*, 4 December 2017 <https://www.stonewall.org.uk/node/60722> accessed 24 August 2022

The Guardian, *50 Egyptian gays in court for 'forming strife'*, 18 July 2001 <https://www.theguardian.com/world/2001/jul/18/1> accessed 24 August 2022

The Journal of the International Institute, *Sex Change in Cairo: Gender and Islamic Law*, Spring 1995 <https://quod.lib.umich.edu/j/jii/4750978.0002.302?view=text;rgn=main#N27> accessed 30 August 2022

The Tahrir Institute for Middle East Policy, *Transgender Policy in Egypt: Murder by Medical Bureaucracy*, January 18 2022 <https://timep.org/commentary/analysis/transgender-policy-in-egypt-murder-by-medical-bureaucracy/> accessed 24 August 2022

UN, *Visit of Leilani Farha, the Special Rapporteur on the right to adequate housing to Egypt*, 3 October 2008 <https://www.ohchr.org/en/statements/2018/10/visit-leilani-farha-special-rapporteur-right-adequate-housing-egypt> accessed 24 August 2022

## Annex 1 Meeting minutes

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### Whatsapp meeting with an analyst, Human Rights Watch (HRW), 21 July 2022

About the source : The source is a researcher at Human Rights Watch with profound knowledge about the situation of LGBT people in Egypt.

#### *The law and its Implementation*

1. Several Egyptian laws restrict the right to privacy and freedom of expression. Among these vague and broad laws, which are also used to target LGBT people in discriminatory and disproportionate ways, are penal code provisions that criminalize public indecency, inciting debauchery and the possession or distribution of material violating public decency. The law does not clearly define public decency, debauchery or the acts that are punished.
2. Article 9 of Law 10 of 1961 on the Combating of Prostitution punishes anyone who habitually engages in debauchery or prostitution or who offers, owns or manages establishments for the purposes of such activities with up to three years of prison and a fine of 300 Egyptian pounds. Article 14 of the same law punishes the incitement to debauchery. Those are the laws primarily used by law enforcement authorities and courts against LGBT people and they have generally stretched the interpretation of the incitement to debauchery and debauchery to apply to consensual same sex conduct between men.
3. Other penal code provisions that are used are article 178 of Law No. 58 of 1937, which punishes anyone who trades or distributes material including photographs that violate public morals with imprisonment of up to two years and a fine of 10.000 Egyptian pounds. Additionally, article 269 punishes anyone who is found to incite others to commit indecency or adultery with imprisonment of up to one month. Article 278 of the same law punishes anyone who publicly commits a scandalous act against pudency with detention of up to one year and a fine of 300 Egyptian pounds.
4. Recently the cybercrimes law has been used as well in LGBT cases. Law No. 175 of 2018 restricts online content undermining public morals or family values in articles 26 and 25, and article 27, which criminalizes the use of the internet to commit any other criminalized offense such as those mentioned in the penal code. Those articles punish individuals by up to six months in prison and a fine between 50.000 and 100.000 pounds. Those crimes are primarily punished in economic courts, which were established in Egypt in 2008. The jurisdiction includes violations of the 2018 cybercrime laws. Thus, a combination of, the penal code laws and laws on cybercrime are used to target LGBT people.
5. It is primarily the incitement to debauchery and debauchery laws and the public indecency laws that are used against LGBT persons. They are invoked when individuals are found to defy gender roles or gender conformity - including if they are suspected of being gay or transgender. The

accusations are based on either content of phones discovered during arbitrary phone searches or the individual's appearance. Egyptian authorities round up suspected gay men or transgender individuals on the street or target them online. Usually, the cybercrime laws are invoked if individuals have posted something online that is perceived to violate public decency, or if they have content on their phone such as selfies, photos, chats on Grindr or even the mere presence of the application Grindr. Any same sex dating app on one's phone is also used to incriminate the person under either cybercrime laws or incitement to debauchery laws.

6. Usually the laws are combined. In the first instance, individuals are referred to court based on penal code provisions such as the debauchery laws. If the case has any online content, it can be transferred to the economic court where the cybercrime law is invoked.
7. Usually photos are used against individuals as evidence in LGBT cases. Photos of individuals themselves or photos of them with others perceived as a same-sex couple. Other examples are presence of applications on phones, a Facebook post, a rainbow flag filter on a Facebook profile etc. There have been cases of online extortion in the sense that individuals have coerced LGBT people into having sex and then reported the act or blackmailed them by threatening to report it to the authorities.
8. An example of online evidence used against LGBT persons could be a man telling another man "I like you" which is used in court as incriminating evidence to prosecute. The evidence comes from searches of individuals' phones or entrapment on social media where many law enforcement officers create fake same sex profiles on Grindr and other applications through which they entrap LGBT people by for instance getting them to confess that, "they are gay". Sometimes, the law enforcement officer would ask, "how much would you charge", and if the LGBT individual do not reject payment for sex, this would be used as evidence against the person by accusing him of habitually practicing debauchery and promoting indecency.

### *Treatment of LGBT people by the state*

9. The Egyptian state is making a targeted attempt to entrap and hunt down LGBT people and secure their prosecution. In a coming report (expected published in November 2022), Human Rights Watch (HRW) will report details of a hundred cases of digital targeting against LGBT people in the MENA region. One of the cases is from 2021, where an individual was prosecuted in the Economic Courts in 2022. The individual met a law enforcement officer on Grindr, who pretended to be a gay man and they agreed on a sum of money for having sex. Security officers arrested the individual at the agreed location, detained him and tortured him in detention based on the chat in which they had agreed on having sex for money. Another case was an individual who met a man on Grindr. When he was going to meet the man, four security officers arrested him and took him to a detention center. As soon as he got there, he found out that the man on Grindr was a police officer. They searched his phone and he was charged with soliciting prostitution on social media. Cybercrime law of 2018 contains an article criminalising any action undermining public morals and family values, including any content posted online on Facebook, Tiktok, Instagram or exchanged on WhatsApp

that is perceived to undermine family values. During the Covid-19 pandemic, HRW expected that arbitrary arrests and prosecutions would decline because LGBT people are usually rounded up on the streets, but instead the online targeting became the primary way the authorities used to prosecute LGBT people. Usually people from lower socio-economic backgrounds were targeted but there has also been cases of individuals with connections and social status being targeted.

10. In 2021 and 2022, HRW has documented cases of torture of LGBT individuals such as severe and repeated beatings and sexual violence in police custody, forced anal exams and virginity tests against men and women. HRW has also documented verbal abuse, extracted forced confessions, systematic denial of medical care and legal counsel and an increase in prosecution for alleged same sex conduct since 2017 and precipitating for 2021 and 2022.
11. At the height of the Covid-19 pandemic, Human Rights Watch documented a lack of access to healthcare for gay men and transgender women living with HIV in Egypt. The three fever hospitals in Cairo, where infectious diseases are treated, were the places where individuals could go to obtain their HIV medication. These hospitals were converted into Covid-19 testing centres, which created a crisis where individuals could not retrieve their life saving medication due to fear of contracting coronavirus.
12. HRW has also documented the stigma that LGBT individuals faced by health professionals at the fever hospitals during the pandemic. They were verbally abused, they were unable to obtain their medication, and they were ridiculed based on their HIV status. Civil society actors have not been able to provide the same services for LGBT people, which they used to provide, due to the restrictive NGO law and other restrictions imposed on civil society by the Egyptian government. This situation has resulted in LGBT people de facto being denied access to basic services as they cannot turn to the government sponsored centres for care.
13. Individuals who are detained, arrested, or questioned on morality charges are facing extreme difficulty in securing any kind of employment or healthcare due to their record. Morality charges usually stay on an individual's record for up to three years, which prohibits them from traveling and from accessing basic services, and it may subject them to additional arbitrary arrests and discrimination.
14. Dozens of individuals interviewed by HRW have reported being unable to secure employment or to move around due to discrimination on the basis of their sexual orientation, gender identity, or gender expression. In many cases, individuals live at home with their parents and practice extreme self-censorship to be able to lead a normal life. For those who cannot practice this type of self-censorship, access to services is very limited.
15. Journalists or people with platforms cannot discuss LGBT issues without risks of being arrested. The Egyptian journalist Mohamed el-Gheiti who was homophobic but discussed homosexuality on his show was sentenced to one year in prison.

16. There is a divide between the religious and the medical authorities in Egypt, which evolves around the extent to which the religious authorities should have a say in medical matters. There is a fatwa, which permits medical intervention only for intersex people who are born with characteristics that vary from what is considered female and male bodies. However, transgender individuals are often disqualified from accessing gender affirming medical care, which leaves them with very few choices. If they want surgery, they need to go to the unregulated, unsafe clinics where Human Rights Watch has documented cases of people dying after surgery.
17. In Egypt, there is a distinction between ‘sex change’ referring to gender affirming surgery for transgender people and ‘sex reassignment’ for intersex individuals. An individual who undergoes a sex change operation is not qualified for legal gender recognition, while individuals who undergo a sex reassignment surgery are allowed to change their name and gender.
18. Since 2003, a review committee under Egypt’s Ministry of Health comprising medical authorities and religious leaders (a representative from Egypt’s Islamic oversight body Dar el-Ifta) has made decisions about whether an individual can obtain a sex change or a sex reassignment procedure and whether they can obtain legal gender recognition at all. In 2003, the medical code of ethics was amended resulting in doctors being banned from performing surgery on transgender patients. Since then, individuals who want to receive legal recognition of their new sex from the state have been continuously denied, because there is the mentioned distinction between sex change and sex reassignment. There have been a few cases where transgender individuals could obtain a legal gender recognition, but it was based on proclaiming a sex reassignment surgery and not a sex change surgery.
19. There is a lack of LGBT related health care services, which encourages the underground medical business. There has been no reform on legal gender recognition.
20. In 2020 the head of the Sex Reassignment Committee at the National Doctors Syndicate indicated that between 2014 and 2017, 87 cases had been approved for “physical reasons” but cases based on “gender identity disorder” - which is how transgender people usually get diagnosed, before they are referred to legal gender recognition - were all denied. There has not been more recent statistics on how many transgender individuals were able to change their name or gender, based on the gender identity disorder diagnosis.

### *Treatment of LGBT people by society*

21. Many LGBT people live a low-key life by practicing self-censorship, however it is becoming increasingly difficult to maintain privacy, and the risk of being outed or revealed may come from many directions, including private individuals. LGBT people may also risk being monitored, extorted and blackmailed by gangs, primarily working in Cairo, who sometimes themselves are LGBT persons. There have been incidents in recent years where expressing anything related to sexual identity, e.g. support of LGBT rights, has been enough to be targeted by either private individuals or the authorities.

22. Individuals coming from higher income backgrounds who have access to class power can live a relatively normal life if the authorities do not target them. They have to maintain a low profile and avoid any interactions with security forces, for instance at a checkpoint, at a café or at a police station, which may lead to their phones being searched and their LGBT identity disclosed.
23. There is a disproportionate favouring of transgender identity over gay identity in the sense that being transgender in Egypt is more acceptable than being a gay man. Whereas transgender people are perceived as persons suffering from a “fault or error”, which needs correction, gay men are perceived as immoral individuals conducting a deviant act that is not “correctable”. Therefore, if someone comes out as transgender in an average Egyptian family, s/he may have received more public sympathy than an individual who comes out as gay.

## Annex 2 Legislation

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### Arab Republic of Egypt, *Law no. 10 of 1961 on the Combating of Prostitution, 1961*

<https://www.refworld.org/docid/5492d8784.html>

#### Article 1:

(a) Whoever incites a person, be they male or female, to engage in debauchery or in prostitution, or assists in this or facilitates it, and similarly whoever employs a person or tempts him or induces him with the intention of engaging in debauchery or prostitution, is to be sentenced to imprisonment for a period not less than one year and not more than three years and a fine between 100 and 300 LE in the Egyptian administration and between 1000 and 3000 Lira in the Syrian administration.

(b) If the person upon whom the crime is perpetrated has not reached the age of twenty-one years, the punishment is imprisonment for a period not less than one year and not more than five years and a fine between 100 and 500 LE in the Egyptian administration and between 1000 and 5000 Lira in the Syrian administration.

#### Article 2:

The punishment set down in paragraph (b) of the previous article applies to:

(a) Whoever employs, persuades or induces a person, be they male or female, with the intention of committing debauchery or prostitution and this is by means of deception, force, threats, abuse of authority or other means of coercion.

(b) Whoever detains by such means a person, male or female, against his will in a place for debauchery or prostitution.

#### Article 3:

Whoever incites a male under twenty-one (Gregorian) years of age or a female irrespective of age to leave the United Arab Republic, facilitates this for them, employs them or accompanies them abroad for the purpose of working in debauchery or prostitution and whomsoever knowingly assists in this is to be sentenced to prison for a period not less than one year and not exceeding five years and a fine between 100 LE and 500 LE in the Egyptian administration and between 1000 and 5000 Lira in the Syrian administration.

The maximum term of imprisonment is seven years if the crime is perpetrated against two or more persons or if it is committed by one of the means indicated in the first paragraph of article 2 besides the decreed fine.

#### Article 6:

The following are sentenced to prison for a period not less than six months and not exceeding three years:

(a) Whoever assists a female to carry on prostitution, even if only by way of monetary expenditure.

(b) Whoever exploits in any fashion the prostitution or debauchery of a person. ...

#### Article 8:

Whoever opens or manages premises for the purpose of debauchery or prostitution or cooperates in any way whatsoever in their management, is to be punished by imprisonment for a period not less than one year and not exceeding three years and a fine not less than 100 LE and not exceeding 300 LE in the Egyptian

administration and not less than 1000 Lira and not exceeding 3000 Lira in the Syrian administration. Closure of the premises and confiscation of goods and furnishings found therein is directed.

If the one committing the crime is related to the one carrying on debauchery or prostitution, is charged with his upbringing or has authority over him, the prison sentence is for not less than two years and not exceeding four years besides the decreed fine.

Article 9:

Punishment by imprisonment for a period not less than three months and not exceeding three years and a fine not less than 25 LE and not exceeding 300 LE in the Egyptian administration and not less than 250 Lira and not exceeding 3000 Lira in the Syrian administration or one of these two punishments applies in the following cases:

(a) Whoever lets or offers in whatever fashion a residence or place run for the purpose of debauchery or prostitution, or for the purpose of housing one or more persons, if they are to his knowledge practicing debauchery or prostitution.

(b) Whoever owns or manages a furnished residence or furnished rooms or premises open to the public and who facilitates the practice of debauchery or prostitution, either by admitting persons so engaged or by allowing on his premises incitement to debauchery or prostitution.

(c) Whoever habitually engages in debauchery or prostitution.

Upon the apprehension of a person in the last category, it is permitted to send him for a medical examination. If it is discovered that he is carrying an infectious venereal disease, it is permitted to detain him in a therapeutic institute until his cure is completed.

It is permitted to determine that the convicted person be placed, upon completion of his sentence, in a special reformatory until the administrative agency orders his release. This judgment is obligatory in cases of recidivism, and the period spent in the reformatory is not allowed to be more than three years. ...

Article 11:

Anyone who profits from or manages public premises or a public nightclub or other premises open to the public and employs persons who are engaged in debauchery or prostitution with the intention of facilitating this for them or with the intention of taking advantage of them to promote his premises is to be punished with a prison term not exceeding two years and a fine not exceeding 200 LE in the Egyptian administration and 2000 Lira in the Syrian administration.

The punishment is imprisonment for a term not less than two years and not exceeding four years and a fine from 200 LE to 400 LE in the Egyptian administration and 2000 Lira to 4000 Lira in the Syrian administration if the perpetrator falls into the category of persons mentioned in the last paragraph of article 8.

The closure of the premises for a period not exceeding three months or permanently in the case of a repeat offence is imposed.

Article 13:

Any person who habitually works or resides in premises used for debauchery or prostitution and is aware of this is to be punished by imprisonment for a period not exceeding one year.

Article 14:

Whoever publicizes by any form of publicity an invitation which includes inducement to debauchery or prostitution, or draws attention to this, is to be punished by imprisonment for a period not exceeding three

years and a fine not exceeding 100 LE in the Egyptian administration and 1000 Lira in the Syrian administration, or one of the two punishments.

Article 15:

As a consequence of a judgment of guilty in one of the crimes stipulated in this law, the convicted person may be placed under observation by the police for a period equivalent to the length of the sentence. This is without infringement of the special laws regarding homelessness

**Arab Republic of Egypt, Law No. 175 of 2018 on Anti-Cybercrimes and Information Technology Crimes Chapter 3, article 25 (translated by the Danish immigration Service)**

<http://ilo.org/dyn/natlex/docs/ELECTRONIC/108464/134088/F1331903941/175-2018.pdf>

*Crimes on Infringement of Privacy and Unlawful Information Content*

Anyone who infringes family principles or values of the Egyptian society, violates the sanctity of private life, sends many emails to a certain person without obtaining his/her consent, gives personal data to an electronic system or website for promoting commodities or services without approval, or publishes, via the information network or by any means of information technology, information, news, images or the like, which infringes the privacy of any person involuntarily, whether the published information is true or false, is to be punished with imprisonment for no less than six months and a fine of no less than fifty thousand Egyptian Pounds and no more than one hundred thousand Egyptian Pounds, or by one of these two penalties.

**Arab Republic of Egypt, Law No. 10 of 2003 of the Telecommunication Regulation Law article 76 (translated by the Danish Immigration Service)**

<https://cyrilla.org/en/document/ql4lxs8zszgyave2tyundygb9?page=27>

Without disrupting the right for appropriate compensation, a penalty of confinement to prison and a fine, not less than five hundred Egyptian pounds and not exceeding twenty thousand Egyptian pounds or either penalty shall be inflicted on whoever:

1. Uses or assists in using illegitimate means to conduct telecommunication correspondence.
2. Premeditatedly disturbs or harasses a third party by misusing telecommunication equipment.

## Annex 3: Terms of Reference

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### 1. Legislation on LGBT issues and its implementation

#### 1.1. Treatment of LGBT people by the state

##### 1.1.1. Treatment of LGBT people by society