

Ask Avocato¹

Answers for Legal Questions
for our Communities² in Egypt



Legal Aid Department
Bedayaa Organization

1. A term in Egyptian slang that refers to lawyers

2. LGBTQ+ and different Sexual Orientations, Gender Identities, Gender Expressions and Sex Characteristics

I have a video of my father saying that he wants to kill me, can I legally claim this? What if he claims that I am gay, does this expose me to arrest?

Homosexuality is not a crime in the Egyptian law; the accusation of being a homosexual guy by your father does not affect the process of your claim against him. Your legal claim should state that you do not want to be exposed to his threat as a protective method by the authority. The prosecution process in such cases varies based on the severity of the threat. Unlikely, in such cases of family conflict, the authorities are biased against us.

If I cannot claim my rights and protect myself, should I wait until they -my family- kill me?

The Egyptian law and its articles are limited when it comes to family issues and conflict; similarly, the executive institutions and State actors in Egypt, they prefer not to interfere in such cases. However, if you insist on filing a case, the prosecution process will be inevitably conducted. If you are under 18, you can call the child protection hotline, they conduct immediate investigations.

If you need any help in filing case/lawsuit you can email us on legal.aid@bedayaa.org

I know that I can be arrested on the grounds of the debauchery law; are there any other laws that criminalize us? Do they send us to a normal prosecution or the State Security Prosecution?

Other than debauchery law, there are some vague articles that can be used against LGBTIQ+ community in Egypt, such as the immoral behaviors in public spheres, and incitements of debauchery.

Additionally, in 2018 Egypt passed the electronic crimes law, which includes vague articles concerning the protection of public values; these articles can be used against dating apps' users or those who are out on their social media platforms. Prosecutions of such crimes are assigned to normal prosecutors; there were only two incidents investigated by the State Security Prosecutor, the 'Queen Boat' and 'Mashrou' Leila' incidents.

Two years ago I was charged on the grounds of debauchery for a one-year sentence that decreased to six months after appeal, I already spent the charge period. If I apply for a job, shall this record appear in my criminal paper issued by the authority? What should I do to clear this criminal record?

From a legal standpoint, you can file a reconsideration case that will be handled by the criminal court that is affiliated with the police station your ID is assigned to. After that, another case should be filed and directed to the Council of State to erase the previous criminal record of your debauchery charge. By these actions, your criminal record will be cleared.

If you would like us to help with this case, please email us at legal.aid@bedayaa.org.

I am an 18-year-old lesbian girl whose parents knew my sexuality and beat me, I managed to escape, and I want to claim any legal action so I can protect myself from them. Please advise.

From a legal perspective, there are no laws in Egypt that claim domestic violence; however, it is possible to file a case against your family supported by a medical proof of any physical injuries or harm as a further protective method. Please take into account the masculinity perspective of the State actors when it comes to such incidents.

You can also contact the child protection hotline if you are under 18 or the women protection hotline if you are over 18.

Are there any potential problems that would affect my family if I decided to proceed with asylum outside Egypt? Can I return back to Egypt after asylum?

Asylum process does not affect your status or your family in Egypt. Egyptian Authorities will not be informed by your asylum process by any means. In some countries, it would be hard to return back to Egypt. This is temporarily until your citizenship process is finalized as your Egyptian passport would be kept with the authorities of these countries. You should carefully read each country's regulations and make sure that these regulations fit your case.



I am a trans person and I have to register in the compulsory military service, can you help me on this? Can you help me change my ID and my paper documents?

If you would like to get a medical exemption from the military, you should register yourself normally, then ask them to transfer your case to a psychiatric examination. You should say that you have a gender identity disorder. They will transfer your case to the high medical committee, it consists of three doctors, who will validate your case. This committee is located in Helmiet Al-Zaytoon or the Military Medical Centre in Quba. If your case is validated, they will give you an exemption from the military service justified as medically ineligible or psychologically ineligible.

Unfortunately, applying in the army and the process of exemption is something that everyone must conduct himself/herself; delegations are not allowed on such processes. As for your official paper documents, please email us on Legal.aid@bedayaa.org with your progress in the conversion process so we can advise.

Are my chatting conversations considered as evidence the court can use to prove the debauchery charge?

The content of your chatting conversation can be used as evidence against you; even though it is considered weak evidence that could be argued. Simply, it is a private conversation between two parties and does not include an incitement or the essential elements of crimes; chat is not a public advertisement though. Also, if chatting conversations do not include any sex-working/prostitution phrases, which is prohibited by the law, then nothing against you.



The judge validates each case; if there is any other evidence rather than chatting conversations, which prove the common habitual practice of debauchery with monetary compensation. Chatting is an extra evidence especially if they found a clear evidence of a debauchery incitement or your account clearly disclaims sex-working practice. Chatting alone is weak evidence.

How can I secure myself when it comes to offline dating, when I go meeting someone? How can I verify persons to make sure they are not police officers nor thieves?

You should pay attention to the approach of other persons on dating applications; if the person you are dating is trying to offer money, mentions monetary compensation or insists on sending nudes pictures that include your face, this should be an alarm. You will need to verify this person if you decide to meet him/her. To do so, look for his/her social media accounts, and if you tend to proceed chatting, use secure applications such as Wire and Signal or at least WhatsApp number that is not registered. When it comes to offline meetings, make sure to do this in a closed public sphere, which is not the street, like cafes or restaurants. If you still do not trust the person, leave your smart phone at home and meet the person with another handset, which is not a smart phone. If you cannot do so, erase any suspected content from your mobile that would expose you to debauchery (nudes, videos, dating apps, etc.). It is recommended to inform one of your close friends that you are going to meet someone; ask your friend to keep checking on you so s/he can reach you if any help is needed.

I was a volunteer in a charity organization, someone there knew that I am gay. He reported that to the organization; there was a chatting conversation stating my sexual orientation between me and someone else. The organization investigated this incident with me. I am afraid that he might report this to the police.

Homosexuality is not considered a criminal act in the Egyptian law; the criminal act based on law is prostitution or sex working. Therefore, no one can file a legal case against you on the grounds of being gay. If you need any support on this, please contact us on legal.aid@bedayaa.org.

My sexuality has been exposed to family, what can I do to travel abroad and avoid such threat? Can you help me with this?

Unfortunately, Bedayaa Organization cannot help with relocation outside Egypt. However, we can provide legal support inside Egypt that can help you with your

issue. For more information, you can contact us on legal.aid@bedayaa.org.

what are the legal consequences of debauchery cases in military trials? What is the position of the delegated lawyer, what are the charges and sentences?

First of all, the law criminalizes habitual practice of debauchery; habitual means the repetitive act of practice on two different occasions. On such note, habitual debauchery also is interpreted as an unconditional sexual practice to satisfy others in return for monetary compensation. It is worth noting that the conservative background of legal actors and judges affects their decisions and understanding of these cases.

Secondly, with regards to the punishment imposed in law in debauchery cases, imprisonment charge should not be less than three months and not more than three years, and a fine of an amount that is not less than EGP 25 and not more than EGP 3000, or one of these charges.

Thirdly, the affiliation of the person with the military service complicates the prosecution process as the person will be exposed to debauchery charges in addition to other criminal and disciplinary charges in the military justice law. We cannot determine the period of imprisonment in these cases.

Lastly, the charges of soldiers and military persons are conducted in military prisons not in civil ones.

I have been through a blackmailing experience; the perpetrator photographed our sex encounters; I was a minor at this stage, and I am afraid of scandal.

Please try to get over this bad experience, if there is not any recent communication between you and the perpetrator. Also, please seek psychological support to get rid of the impact of this bad incident.

If this person still threatens you, please send your details on legal.aid@bedayaa.org so one of our lawyers can assist with your case.

I am a 16-year-old guy and my family recently has known my sexuality. I am afraid of their reaction, what can I do to protect myself?

In case you are physically assaulted or detained by your family, please contact the child protection helpline and report such abuse. Also, you can file a legal case against them at the police station. For more information you can contact us on legal.aid@bedayaa.org.

Does the law prohibit or criminalize trans' conversion therapy? If not, why has this been suspended for two years?

There are not any specific articles for sexual transitioning in the Egyptian law. Yet, there are some internal regulations in the medical syndicate and the Ministry of health; these regulations generally handle transitioning in Egypt.

The committee is suspended, it works intermittently due to the absence of its members and/or the intransigence of Al-Azhar in approving paper documents of transition.

In the circumstances of arrest, I want to know what should I say and what should not be said so the lawyer can help?

Under any circumstances, in case of arrest you should not admit or confess that you are an LGBTIQ+ person. Insist on the existence of your lawyer as your civic right within the investigation process. It is better to get rid of any content on your phone that reveals your sexual orientation. Always remember the magic of three: 1) I don't know, 2) this didn't happen, and 3) It is not my stuff.

These questions were raised by our community members in Egypt and our legal aid team answered them. We still can receive your questions at any time, and answers will be published each Wednesday at 8 PM. Questions can be sent to our Facebook page, ask.fm account or via email.

www.facebook.com/bedayaa1

www.ask.fm/ucareem05

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