

I. Violations by state legislative and judicial institutions

A. Legal prosecution based on SOGIESC

1. The Egyptian state criminalizes consensual same-sex relations despite the absence of an explicit legal statute. At trial, Law 10/1961 on Combating prostitution¹ is largely used, particularly Article 9(c).²

- a) The first charge used in trials against homosexuals is “**Debauchery**” as the courts have defined it refers to male prostitution, which is in turn defined as engaging in acts to directly and indiscriminately satisfy the desires of another person. The term “indiscriminately” refers to engaging in debauchery with any person at all solely with the purpose of satisfying desires. As is clear from the statute, debauchery is only punishable if it is habitual. As such, proving the habitual nature of debauchery is the principal method of proving the crime. An act of prostitution such as debauchery is held to be habitual if it is committed twice or more, but habitualness differs from simple recurrence. Habitualness is a personal characteristic that applies if the act is committed at least twice on different occasions and repeated circumstances. If the act is repeated on a single occasion, this is not considered habitual, whether it is done on the same occasion with different people or a single person.
- b) A second charge may be brought as well, particularly to prosecute in the case of entrapment through online dating applications or when LGBTIQ+ people are arrested in public places and a search of their mobile phones reveals messages or images related to sexual practices. This charge is to **publicize an invitation to induce debauchery** under Article 14 of Law 10/1961. Printed text messages between the application user (the defendant) and the fake police profile or images stored on the defendant’s telephone are typically introduced as the sole piece of evidence proving this crime.
- c) A third charge, **incitement to debauchery**, may be brought if two people are arrested together, insofar as one person is considered to be engaging in debauchery while the other has incited to it. The charge is based on Article 1(a) of Law 10/1961.³ The Court of Cassation has ruled that this crime only applies to a person who incites another to engage in indecent acts with people, or facilitates or assists such an act; it is not committed if a person offers himself to another, but only applies to the person inciting to or facilitating such an act. The criminal element of this charge therefore is not consistent with the way the Public Prosecution uses it in trials.

2. Since 2015, numerous LGBTIQ+ people have been sentenced after being arrested as **suspected** gay or trans- persons. Security campaigns led by the Interior Ministry typically target gay men

¹ See **Annex 1** for Law 10/1961 on the Combating prosecution. The law was issued on March 8, 1961 by President Gamal Abd al-Nasser.

² Article 9 states, “A term of imprisonment no less than three months and no more than three years and a fine no less than LE25 and no more than LE300, or either penalty separately, shall be levied against... (c) anyone who habitually engages in debauchery or prostitution.”

³ The article states, “Anyone who incites a person, male or female, to commit debauchery or prostitution, or assists him in this or facilitates it, and anyone who uses, induces, or solicits him with intent to commit debauchery or prostitution shall be sentenced to a term of imprisonment no less than one year and no more than three years and a fine or LE100 to LE300.”

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and trans-women, who are charged with habitual debauchery. According to reports from the Egyptian Initiative for Personal Rights,⁴ through the last four years the number of people annually arrested and referred to trial in such cases increased five-fold on previous years. This culminated in the most violent security campaign in terms of the number of people arrested and the political and media uproar: after a rainbow flag was raised at Mashrou' Leila concert in New Cairo **in September 2017, police forces arrested some 75 people**. Most of them were fined by the Cairo and Giza Misdemeanor Courts on charges of habitual debauchery, incitement to debauchery, and public indecency, and many were sentenced to one–six years in prison. **According to the latest statistics from the Alliance of Queer Egyptian Organizations⁵, 71 cases were heard in first- and second-instance courts in 2018.**⁶ Most defendants in these cases were sentenced to one–three years in prison, while a smaller number were given sentences of three–six months. The majority of arrests were made in public places or using social media and dating applications; a small percentage were arrested in hotels and homes.

3. A reading of the case files in so-called debauchery cases heard by Egyptian courts in the recent period reveals two principal types of ways used by police to arrest the overwhelming majority of suspects in these cases. In addition to the arrest and criminal prosecution of gay people, the Interior Ministry also deports foreigners it suspects of being gay⁷ even if the charge of habitual debauchery is not proven, as well as fomenting major sex scandals that receive exceptional media coverage. The two main types of police operations are as follows:

- a) In the first type, **individuals working with police create fake profiles on online dating applications with the purpose of initiating contact with users by falsely claiming to be gay people looking for sex**. A reading of many of these conversations—included in the case files—shows that the police plant often expresses a willingness to pay foreign currency to entice app users and then sets an appointment to meet, typically in a public place. When the user reaches the agreed upon meeting point, he is arrested and his phone is searched. The text messages between the parties on the dating apps are then printed and submitted as the sole piece of (**only**) evidence to prosecute the arrested app user.

Testimony by LGBTIQ+ community member:

‘One of my friends contacted a person through the “Manjam” website. I was on the balcony when the person came to the apartment at 11 pm. He looked around the apartment as if examining it then he asked to go to his car to get some drinks. But I saw him talking on his mobile next to the house. He then came up to the apartment with a large black sack and asked for the bathroom. I saw police cars heading toward the building and more than ten officers got out. They broke down the door and took three

⁴ The Trap: Punishing Sexual Difference in Egypt, <https://eipr.org/en/publications/trap-punishing-sexual-difference-egypt>.

⁵ See **Annex 2** Statistics taken from the latest Alliance report from *the legal Aid project 2018*.

⁶ Of 71 cases in 2018, the legal aid project saw 50 cases through first- and second-instances proceedings; 4 cases are pending in first-instance courts and 17 cases are awaiting appeal proceedings. This is in addition to 3 cases from 2016 and 2017 currently before the Court of Cassation.

⁷ See the story in which the Administrative Court upholds the Interior Ministry’s right to deport gay foreigners. Youm7, April 14, 2015. Hazem Adel. <https://tinyurl.com/y2r66qfv>
<https://tinyurl.com/y6elq932>

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laptops from us, eight mobile phones, and all the money in our possession, all for evidence’.

Another says:

‘I’m a 26-year-old gay man. I live in Giza. I used a fake account to contact a person on WhosHere application. He asked if we could meet in Tahrir Square on September 20, 2016, near the Omar Makram Mosque at 8 pm. While there my phone started ringing, then it stopped ringing, then rang and stopped. Suddenly a passerby standing next to me handcuffed me and a group of policemen surrounded me, some in uniform and some in civilian clothes.’

- b) The second type of police way to ensnare LGBTIQ+ individuals **involve nighttime security sweeps of known hangouts of LGBTIQ+ individuals**, such as Ramses Square and certain cafes and public places downtown. When a person is stopped, his mobile is searched for personal photos of a sexual photos or text messages on dating apps or social media that suspect sexual relationships. People arrested in these circumstances are prosecuted on charges of offering themselves to another for the purpose of satisfying homosexual desires or making movements and gestures on a public road inciting to debauchery.

One of the survivors said:

‘It happened at night sometime in May 2018. It was me, a trans-girl who has not yet turned 18, with a friend, also a transwoman, aged 24, and another gay friend, aged 22. While we were walking in Ramses Square near Al-Alfi Street, we were stopped by a group of policemen who asked us for IDs. We showed them then they asked for our mobile phones. We asked them why. One of them made a signal with his finger and suddenly there were nine people surrounding us. They slapped us on the face and took our mobiles by force. One of them said, “Wasn’t it you who was dancing in a nightgown? The arrest was accompanied by obscene words” Then he grabbed my pants so hard he almost ripped them, saying, “What’s going on, pussycat? Are you the one who gets obscene words? Come here, girl.” They all forced us into the police truck, where we found three other gay people they had arrested. The police officers then moved from one area to another—all areas known to be frequented by gay people—until they had arrested another four people. In the end, we were ten people in the truck. They took us to the Abdin police station.’

4. During the consideration of reports of debauchery suspects, **prosecutors commit various violations. In most cases, the prosecutor officially questions the suspect before his attorney arrives**. He may order him to expose his upper body to determine if the suspect has removed his body hair and examine his body to determine whether he is gay or not. If the suspect denies the charge and there is no evidence to support the arrest, some prosecutors feign sympathy with suspects, telling them they want to help them and they will be released if they make a full confession. Once the suspect confesses, he is remanded to custody and his case referred to trial.

5. Regarding remand orders, as a general rule, **defendants in debauchery cases are held in pretrial detention and only occasionally released on bail, although suspects often meet the**

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standards for release. This is entirely understandable once one understands how prosecutors treat such suspects and the prosecutors' personal opinions, which they often state to the suspect and lawyers off the record. Prosecutors generally have no sympathy for a suspect who has been beaten and only enter the signs of such beatings into the record at the insistence of defense counsel.

One victim said:

'During questioning, the prosecutor yelled at us, "accompanied by obscene words'. Go, get out of here." Then he ejected us from the interrogation room. Each of us was questioned alone. I denied all the false charges against me and I told the prosecutor how police officers had beaten and tortured us inside the Mogamma in Tahrir and had dressed us up in women's clothes. But the prosecutor refused to listen, telling me, "obscene words'. Nothing like what you're saying happened.'" In the end, I realized that the police and the prosecutor were definitely going to put me in prison and none of them would listen to what I was saying. He also refused to allow any lawyer to enter to defend us... Then he asked me to sign the interrogation report, about which I knew nothing. I signed the report without reading what I was signing, in fear of the continuous torture and degradation I had been subjected to.'

6. Although articles 94, 96, 97, 98, 100 and 100 of the Egyptian Constitution⁸, part four on the rule of law which states the independence of the judiciary, the right to a fair trial, the right to appeal judicial decisions and protection against excesses of administrative procedures, **most judges are unable to hide their contempt and hatred for defendants in these cases. This not only influences the defendant's faith in a fair trial, it also denies defense counsel the opportunity to present an adequate defense.** Given judges' extreme discomfort with this type of case, particularly those that include personal sexual images of the defendants, they at times issue a single sentence for all defendants in debauchery cases that appear before them on the same day, regardless of the differing arrest circumstances, evidence, or defenses by attorneys.⁹ Some judges hand down the maximum penalty with sentences of up to six years imprisonment for one misdemeanor case, three years on the charge of habitual debauchery and three year for declaring an invitation to induce debauchery. Regarding certain legal defenses mounted during the trial, such as unconstitutionality¹⁰, no court has taken these seriously or granted defense counsel's motions in this regard. In addition, **children under the age of 18 year old continue to be held in custody with adults** even after notifying the court of their age, largely due to contempt for the defendant and a desire to discipline him. The conduct of judges in such type of trials is a clear violation of articles 51 and 53 of the Egyptian Constitution, part three on rights, freedoms and general duties.

⁸ https://www.constituteproject.org/constitution/Egypt_2014.pdf

⁹ "The Struggle of the LGBTIQ Community in Egypt," a pamphlet issued by Bedayaa that contains testimonies of LGBTIQ+ individuals in Egypt about violence and violations by the state and society, documentation of house raids on gay people, and testimony of an LGBTIQ+ person on the arbitrary judicial process and the circumstances of a trial. See <https://docdro.id/CIG9ACR>

¹⁰ <https://eipr.org/file/5783/download?token=Wh4Ld4pQ>

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B. Forced anal examinations

7. It is routine procedure for defendants and victims in sexual crimes defined in the Egyptian Penal Code and laws to be examined by the Forensic Medical Authority, but the mechanisms for implementing such procedures differ depending on the crime. **For crimes set forth in Law 10/1961, defendants accused of debauchery are subjected to anal examinations.**¹¹ The judicial authorities claim that this procedure aims to determine whether the defendants have engaged in homosexual sex acts. Although the use of anal exams to establish guilt has recently declined, the procedure nevertheless continues to be used in some cases and is considered a form of cruel and degrading treatment and approaches torture. The UN Committee against Torture considers anal exams to be “medically worthless for the determination of whether or not a person has engaged in same-sex sexual conduct.”¹² It should be noted that convictions do not necessarily require these exams or for the result to be positive. In several debauchery cases, defendants were found guilty without being referred to the forensic authority. Dr. Maged Louis, the deputy director of the Justice Ministry's Forensic Medical Authority, said in 2015 that these examinations are necessary to determine if the person is gay or not.¹³ “A normal man's anus can't take more than one joint of the small finger,” he said.¹⁴

8. Typically the Forensic Medical Authority, which is subordinate to the Justice Ministry, conducts anal exams at the order of the Public Prosecution. This is the conventional procedure, but according to testimonies of some people arrested in debauchery cases by the public morals police both in Cairo and Giza, policemen often randomly stop youth individuals they suspect of being gay based on social or personal considerations related to their exterior appearance. If any gay dating apps or gender non-conforming photos are found on their phones, the young men are usually taken to a closed location to examine the type and color of their underwear.

C. Violations in detention places and prisons

9. A primary reason for the widespread violations in Egyptian prisons and the ongoing deterioration of prison conditions is **the lack of any oversight of prison employees.** Prison staff has become wholly immunized from punishment or accountability for violations of prisoners' rights.¹⁵ Conditions for LGBTIQ+ individuals are poor; they are subject to mistreatment, torture,

¹¹ The Forensic Medical Authority employs the cruel and demeaning term “used” if it is proven that the defendant has engaged in homosexual relations. Such a finding typically results in a conviction, even though it relies on outdated and medically unsound theories about the possibility of proving whether a person has engaged in male same sex relations. The authorities do not obtain the consent of suspects and defendants before conducting these anal exams.

¹² “Born Free and Equal: Sexual Orientation and Gender Identity in International Human Rights Law,” UN Office of the High Commissioner for Human Rights, 2012, New York and Geneva, page 25
<https://www.ohchr.org/Documents/Publications/BornFreeAndEqualLowRes.pdf>

¹³ <https://www.hrw.org/report/2016/07/12/dignity-debased/forced-anal-examinations-homosexuality-prosecutions>

¹⁴ <https://www.buzzfeednews.com/article/lesterfeder/egyptian-doctors-think-this-torturous-exam-can-detect-chroni>

¹⁵ See the statement on violations in Egyptian prisons from the Egyptian Initiative for Personal Rights,
<https://tinyurl.com/y55mgnjn>

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harassment, and rape, and in some cases, transwomen are imprisoned in male detention facilities. LGBTIQ+ individuals are also not afforded protection from harassment, beating, and rape by other prisoners, in disregarding of articles 52, 54 and 55 of the Egyptian Constitution, part three on rights, freedoms and general duties which refer to the prohibition of cruel treatment and enshrines the protection of human dignity.

One individual says:

‘We spent three months in Wadi al-Natroun Prison. As soon as we arrived, the prisoners greeted us with a beating using large, thick sticks. One prisoner grabbed a friend and forced him to have sex. We never saw the sun. The food we were given consisted of leftovers and the remnants of spoiled, expired food. The prisoners all share shaving razors and as a result of sanitary neglect, we got rashes. We noticed that we lost a lot of weight. We were treated brutally. Because of the systematic persecution by officers and prisoners, I decided to hurt myself. I cut my hamstrings with pieces of a sharpened lighter. My friends screamed out in fear for them to save me, but when the officers learned of the incident, instead of saving and helping me, they beat me again and tortured me. After that, I couldn’t speak. I couldn’t talk with anyone. The looks of the prisoners filled me with fear.’

D. Bill to criminalize homosexuality

10. After a rainbow flag was raised at a Mashrou’ Leila concert in New Cairo in 2017, several MPs submitted bills to criminalize homosexuality. Of the three bills submitted, the most significant one¹⁶ prescribes a prison term of one–three years for violators, and five years in the case of a repeat offense. The bill contravenes international conventions ratified by Egypt and violates major provisions of the constitution itself.¹⁷ In February 2019, Speaker of the House Abd al-Aal referred a new bill for the suppression of acts of debauchery, indecency, and vice to the parliament’s legislative committee. The bill defines prostitution, indecency, debauchery, and places in which such acts are committed and prescribes penalties of one–five years in prison and fines of LE5,000–50,000.¹⁸

E. Freedom of association and Assembly

11. In 1982, Egypt ratified on the International Covenant on Civil and Political Rights, and in 2000 the Supreme Constitutional Court estimated the right to association is one of the most

¹⁶ The text of the bill is available in Arabic at Masrawy, October 25, 2017. Mahmoud Ramzi <https://tinyurl.com/y6loevb6>

¹⁷ For further analysis of the bill, see <https://www.docdroid.net/gbOhODW/overview-of-the-new-anti-lgbt-law-in-egypt.pdf#page=4> for a copy of the bill, see <https://www.loc.gov/law/foreign-news/article/egypt-draft-law-criminalizes-homosexuality/>

¹⁸ The text of the bill is available in Arabic at <https://www.masress.com/elmogaz/532450>, and in **English annex 3**

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fundamental freedoms guaranteed by the Constitution¹⁹. Freedom of association is constitutionally guaranteed under Article 75 of the Egyptian Constitution; however, **the means of association are limited by Act No. 70 of 2017**²⁰.

The establishment of an association in Egypt depends on virtue of a notice submitted to the competent administrative authority, but the authority may reject the constituent declaration of the association; not only for administrative reasons like providing an in-completed file, but also for other political reasons; such as mismatching by "public interest", "national constants and values", "general regime" or "good morals". This opens the room for decisions that refuse to register any association, which can be arbitrary.

This situation is burdensome for associations working on SOGIESC issues, and thus this promoted members of the LGBTIQ+ community and other several human rights defenders to organize and to establish associations and groups and act as virtual platforms. With such laws, it is considered an obstacle to establish associations or organize gatherings in public spaces for groups and organizations working on SOGIESC, which breaks the constitutional provision of freedom of association and gathering.

II. Violations by state medical and religion institutions

12. The Egyptian State guarantees the right to health care, article 18 of the Egyptian Constitution on the second chapter, 'The Basic Elements of Society; in its first chapter: Social Characteristics, but **Trans-men and trans-women face bureaucratic hurdles in completing official documents** and permissions that enable them to access necessary medical services such as medications and gender reassignment surgery. Also, the representative of the Fatwa Authority on the Doctors' Syndicate committee that approves gender reassignment surgery has been intransigent, as a result of which the committee was inoperative for nearly three years; it recently resumed proceedings following an agreement with the chief mufti.²¹ There have also been difficulties in obtaining hormone therapy (Cyclo-Progynova and Folone) from pharmaceutical supply outlets and with the unavailability of medical alternatives. Even if they are available, pharmacies may refuse to dispense these alternatives.

¹⁹ EuroMed Rights, 2007: La liberté d'association dans la région euro-méditerranéenne - Auteurs : Khémaïs Chamhari, Marie Ghantous, Thibaut Guillet, Ghassan Moukheiber - Auteur collectif : Réseau euro-méditerranéen des droits de l'Homme (REMDH) - Publication : Réseau euro-méditerranéen des droits de l'Homme (REMDH) - Date de première publication : Décembre 2007 - 112 pages - ISBN : 87-91224-16-0 Langues d'origine : français - Egypte, page 27

²⁰ <https://pomed.org/fact-sheet-the-dangers-of-egypts-ngo-law/>

²¹ The following documents must be submitted to the committee in full: blood, hormone, and chromosome analysis (the latter of at least 50 cells), three years of psychiatric evaluation, and pelvic and abdominal xrays for both sexes, Youm7, March 31, 2016. Waleed Abd AlSalam and Aya Daa'bas <https://tinyurl.com/yxsggx5g> <https://www.almasryalyoum.com/news/details/1183931>, The head of «correcting the sex doctors»: We reached an agreement with the Mufti of the Republic to return the work of the Committee and warned against conducting operations without our consent. AlMasry Alyoum, August 28, 2018. Ehab Barkat and Ibtisam Mahmoud.

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13. Sexual transition procedures take two to six years and even then, might end in failure, especially if the competent state institutions refuse to change official documents. The transition is also extremely costly, meaning that it is not equally available to all citizens despite its genuinely urgent necessity for people's lives.²² This contravenes provisions in the International Covenant on Economic and Social Rights on the right of a person to have the state recognize the legal personhood of the individual as he sees himself.²³

14. Although there is no law that criminalizes gender transition, **trans-women are subject to arrest on charges of spreading debauchery**. Such campaigns target trans-women in particular, perhaps because they are easily identifiable by the fact that they are undergoing hormone therapy while their identity documents still list them as men. The police raided the apartment of one trans-woman, who was with her friends, also trans-women, at the time. They were asked about weapons and other illegal items, and immediately upon denying knowledge of such matters, they were asked for their identity cards, which still listed them as male. They were taken to the police station, where they were questioned about working as prostitutes. They were beaten and charged and ultimately sentenced to three years in prison; they were released after serving six months due to an irregularity in the arrest procedures.²⁴

One trans-man in Egypt says:

*'I went before the gender reassignment committee in the Medical Syndicate. There were more than six doctors on the committee, including psychiatrists, an endocrinologist, andrologist, and dermatologist, as well as a representative of the Egyptian Fatwa Authority. In 2015, I filed suit against the Interior Ministry and the Civil Registry. At the time, the court ruled that I appear before a tripartite forensic medical committee to determine whether I was male or female. At the time, I had undergone the final stage of gender reassignment surgery, but I had suffered a hemorrhage during the operation. Just one day later, the doctor kicked me out of the hospital in fear of the Medical Syndicate and legal accountability. I was severely anemic and had a fever for more than a month. Because of the pain, I stayed at home more than two months during which I dealt with the pain of the surgery and the psychological pain of the state refusing to change my name and gender on my personal ID. In 2016, the court issued its final ruling denying my case and in March 2017, the physical pain increased due to surgeries I had undergone. The doctor discovered a 2.5-cm chronic abscess, which explained the constant fever I had for three years. He also told me I had an infection as a result of medical neglect.'*²⁵

²² "The Struggle of the LGBTIQ Community in Egypt," a pamphlet issued by Bedayaa that contains testimonies of LGBTIQ+ individuals in Egypt about violence and violations by the state and society, documentation of house raids on gay people, and testimony of an LGBTIQ+ person on the arbitrary judicial process and the circumstances of a trial. See <https://docdro.id/C1G9ACR> Medical institutions' violations.

²³ Chapter Three of the professional regulations of the Medical Syndicate, special medical interventions, Article 43: "The doctor is prohibited from performing sex change operations. As for gender corrective surgery, it requires the approval of the competent syndicate committee. The corrective surgery shall be undertaken following hormone analysis, chromosome mapping, and a parallel course of psychiatric and hormonal therapy for at least two years."

²⁴ See <https://tinyurl.com/y2m9z37k>

²⁵ <https://docdro.id/C1G9ACR> , The suffering of a transsexual man.

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15. As to healthcare for LGBTIQ+ people living with HIV, officials at state-run testing and counseling centers discriminate based on SOGIESC and homophobia practice have been noticed, which affect the physical integrity and wellbeing of one of the main key population (gay men) that have been estimated by 2018 Global AIDS Monitoring as 126000 individuals living in Egypt between 2014-2017²⁶. According to UNAIDS which declare that there are 16,000 cases of people living with HIV in Egypt with 2300 new cases in 2017 only²⁶ which represents % 14. This great percentage reflects limitation of the Egyptian state in the field of awareness, testing, counseling, prevention and treatment.

One person living with HIV says:

Not all doctors understand our condition. I'm often asked strange questions and they insist on knowing how I got the virus. The service at the Imbaba Fever Hospital, for example, is extremely poor and the doctors act with violence and contempt. One day I went to do a PCR test and CD4 count and a doctor asked me how I got the infection.

The doctor: How'd you get it?

Me: None of your business.

The doctor: You probably slept with a foreigner who gave it to you. I know how Egyptians slobber after money!

I actually left and decided not to take the meds or go to that place again.'

16. Regarding psychological treatment, numerous professional and pedagogical violations were documented in relation to SOGIESC. Some doctors and psychiatrists treat the LGBTIQ+ community in ways that diverge from international standards.²⁷ Some 52 members of the LGBTIQ+ community said they experienced various unorthodox practices from well-known psychiatrists in the past four years. These include behavioral modification techniques, intimidation, and forcing patients to read the treating physician's book on how to "cure" homosexuality. **Some adults were also involuntarily committed to psychiatric institutions** based solely on the consent of their family, ostensibly to correct their sexual orientation. All these practices run counter to the World Health Organization's International Classification of Diseases (ICD) and the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders (DSM), which affirm that homosexuality is not a mental disorder.²⁸

17. In reference to pedagogy, although there is no uniform definition of homosexuality and transsexuality in training references for university medical students, most Egyptian doctors and psychiatrists concur that homosexuality is a mental disorder.

One lesbian woman said:

I was held in a well-known private psychiatric facility in Egypt. It's owned and run by my treating physician who heads the Egyptian Psychiatric Association and is the former president of the World Psychiatric Association. He is also a professor of psychiatry at

²⁶ http://www.unaids.org/sites/default/files/media_asset/unaids-data-2018_en.pdf

See page 244 & 254

²⁷ Many advocate treating homosexuality with behavioral therapy and drugs such as sedatives, hormone suppressants, and anti-depressants.

²⁸ See the ICD from WHO and the DSM from the APA.

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Ain Shams University. I was placed there to treat me for homosexuality, and although I refused to sign any committal documents, they kept me there by falsely claiming I was a drug addict. At the facility I faced harassment from nurses and pressure and violence from doctors.²⁹

18. The Egyptian medical system³⁰ recognizes intersexuality as a disorder of sex development (DSD) and or others disorders such as congenital adrenal hyperplasia (CAH). Moreover, health care centers in Egyptian governorates do not provide diagnostic services for intersexuality, leaving diagnosis and management to the expertise of individual physicians in research centers and universities. Due to the lack of neonatal screening facilities, DSD and CAH go undiagnosed and unmanaged which results in a higher number of deaths, especially with male children with CAH, who usually do not show genital ambiguity and, therefore, do not come to early medical attention for management as intersex persons. An additional barrier to adequate medical care for intersex persons in Egypt is the fact that medical insurance does not usually cover the high expenses of cytogenetic, hormonal, and surgical procedures for intersex persons, especially if age at diagnosis is late. Thus, many intersex persons who choose a reassigned sex are not fully examined or are lost to follow-up and, in the absence of adequate medical care, subsequently experience both social and psychological difficulties.

III. Social violence and the state's role in protection

19. Violations from society intersect with the practices of individuals in executive and administrative agencies and state medical institutions such that private acts of violence against LGBTIQ+ people are justified and excused by systematic state violations. According to the findings of a 2018 report on violence based on SOGIESC,³¹ social ignorance fueled by multiple state agencies means that individuals face more than one type of violence living in Egypt. This has increased markedly since 2017. Specific types of violence are frequent, such as exclusion, social violence, arbitrary corrective treatment, and sexual and financial exploitation. Regarding the right to safe treatment and housing, **the UN special rapporteur on the right to adequate housing affirmed following a visit to Egypt³² that LGBTIQ+ people in Egypt experience extreme discrimination in accessing housing and as a result face the threat of homelessness and housing insecurity.** This contradicts Article 78 of the Egyptian Constitution, which indicate” the State guarantees citizens the right to adequate, safe and healthy housing, in a manner that preserves human dignity and achieves social justice”.

20. The state does not protect lesbian and bisexual women against domestic violence even if they turn to the police. On the contrary, the police cooperate with the family and return girls who

²⁹ <https://issuu.com/amroos/docs/amroos3-en>

³⁰ “Clinical management of gender in Egypt: Intersexuality and transsexualism,” Inas Mohamed Mazen, M.D. National Research Center Cairo, Egypt.

³¹ Report from the Masahat Foundation on violence based on sexual orientation and gender identity. <https://docdro.id/6GWagw3>

³² “Visit of Leilana Farha, the Special Rapporteur on the right to adequate housing to Egypt: End of mission statement,” Oct. 3, 2018, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23671&LangID=E>

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have experienced violence to them. In one case documented by the Alliance, a lesbian woman said: her family had forcibly married her off and she was raped by her husband. Another woman said her family had subjected her to female genital mutilation after discovering her sexual inclination. A third woman said that her family had conducted a virginity test on her after discovering her sexual orientation. This contradicts article 11 of the Egyptian Constitution, the second chapter, the basic elements of society, which stipulates the state's obligation to protect women from all forms of violence.

21. Transgender men and women encounter workplace discrimination and at times harassment. They are mis-gendered and denied entry to bathrooms for their gender. They may be arbitrarily fired or suspended at work and may not be re-appointed to positions after they change their official documents. The state does not intervene to protect trans-people at work when they face arbitrary dismissal, verbal and sexual harassment, bullying, and rights violations. According to one transwoman, she was barred entry to the bathroom at work, and problems were fabricated to indirectly compel her to resign and thus lose all benefits, in less than one day. All of this has a direct impact on the financial independence of trans-people.

22. After a rainbow flag was lifted at a concert in September 2017, **the Supreme Media Council**, that responsible for media in Egypt and tasked with improving and elevating media performance,³³ **banned any gay people from appearing in print or audiovisual media** unless it was to admit their sin and repent.³⁴ This year 2019, a TV presenter Mohammed al-Gheiti was sentenced to one year in prison and a fine of LE3000 on charges of promoting perversion and contempt of religion³⁵ after hosting a gay person on air on his program on the LTC channel in August 2018³⁶. The Supreme Media Council also issued a two-week broadcast ban on the channel for violating the council's ban on the appearance of gay people or the promotion of their emblems.

23. Refugees from the LGBTIQ+ community living in Egypt said they were beaten and threatened with death by unknown individuals because of their sexual orientation. When they went to the Egyptian police and reported the situation and the reason for it, **no action was taken to protect LGBTIQ+ refugees by the Egyptian police** who refuse to file a report. A Syrian trans-woman also said she was beaten next to her home and was extremely frightened of going to the police because her identity documents had not been changed since her transition³⁷.

³³ Statement from the council
<https://tinyurl.com/y9yjlfn>

³⁴ The decree states, "The Supreme Media Council prohibits the propagation or publication of emblems of homosexuals because homosexuality is a disease and a disgrace that is better concealed than promoted until it can be treated and the disgrace eliminated, and this with the purpose of preserving public morals and conduct and out of a respect for the values of society and its correct beliefs. The propagation of such emblems is a corruption of society that must be penalized."

³⁵ Al-Gheiti was sentenced to two misdemeanors by the Sixth of October Misdemeanor Court (nos. 4542/2018 and 4541/2018) on charges of libel and defamation on his program, "Wake Up." In case no. 4542/2018, the court fined him LE100,001 as well as LE10,000 as compensation for libel in suit filed by lawyer Samir Sabri, case no. 11962/2018.
<https://www.bbc.com/news/world-middle-east-46946612>

³⁶ <https://tinyurl.com/y24uhbvz>

³⁷ <https://docdro.id/CIG9ACR>

IV. Recommendations

- 24.** End the police luring and entrapment of individual's through dating apps or social media using financial inducements, and end arrests and prosecutions based on the use of Act No. 10 of 1961 against homosexuals on the basis of consensual sex, end the use of condoms, cosmetics, and feminine clothing as evidence of condemnation.
- 25.** Train all criminal justice personnel on international human rights standards, including issues of human sexuality and sexual orientation, and ensure accountability for personnel implicated in mistreatment or discrimination on the basis of sexual conduct, whether they actively participated in, encouraged, or disregarded violations.
- 26.** Designate special facilities for transgender people in prisons and detention facilities and develop clear mechanisms for dealing with trans-persons in detention places.
- 27.** End forced anal examinations in debauchery cases and other cases.
- 28.** Ban torture in detention facilities and prisons and punish offenders by bringing national legislation in line with international standards, guaranteeing full and fair investigations into all allegations of torture and mistreatment, and ending unlawful detention.
- 29.** Comply with Article 2(2) and Article 40(a) of the Convention on the Rights of the Child, specifically those provisions that require the protection of children with atypical sexual orientations from domestic violence and prohibit holding children in detention facilities for adults.
- 30.** Comply with the provisions of the Egyptian constitution that guarantee the freedom to register civic organizations and associations, and define ambiguous terms that ban activities that threaten national unity, contravene public order and morals, or involve any political activity; such terms entail the refusal to register independent human rights organizations, including associations that work on SOGIESC issues.
- 31.** Ensure smooth, timely health and legal procedures for trans-people that require changes to identity documents, ensure access to health services for all LGBTIQ+ people and especially trans-people, and guarantee hormone treatment, transition surgery, and post-surgery healthcare.
- 32.** Establish a clear, public instrument for the oversight and evaluation of health service providers in state-run HIV testing and counseling centers to guarantee non-discrimination based on SOGIESC during testing and counseling.

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33. It is an urgent priority for the Egyptian state to pass laws protecting LGBTIQ+ people from all forms of discrimination, homophobia, and transphobia and to make all efforts to uphold the equal right to housing for all LGBTIQ+ people. The National Human Rights Council could play a leading role in organizing awareness programs.

34. Enact a media code of ethics and global ethics' codes that criminalize media defamation and the publication of individuals' personal information that could entail harm to them; ban print and audiovisual media from photographing arrested LGBTIQ+ persons, violating their privacy, and publishing personal details of their lives, and punish offenders.

35. Fully implement Article 2 of the International Covenant on Civil and Political Rights, which provides for non-discrimination, and fulfill the state's obligation to end hate speech and incitement to violence as is consistent with international human rights conventions, particularly in regard to freedom of expression and opinion.

36. Develop effective instruments to deal with refugees in Egypt who face discrimination based on SOGIESC.

37. Prohibit medically unnecessary surgery and procedure on the sex characteristics of intersex children, protect their physical integrity and respect their autonomy, also provide health care personnel with training on the health needs and human rights of intersex people and appropriate advice and care to parents and intersex person's autonomy, physical integrity and sex characteristics.