

Annexes

Annex 1

Law 10/1961 on combating prostitution.

Article 1

(a) 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 of LE100–300 in the Egyptian region and 1,000–3,000 in the Syrian region.

(b) If the person against whom the crime was committed is under the age of 21, the penalty shall be imprisonment of no less than one year and no more than five years and a fine of LE100–500 in the Egyptian region and 1,000–5,000 lira in the Syrian region.

Article 2

The penalty enumerated in paragraph (b) of the previous article shall be levied against:

(a) Anyone who uses, induces, or solicits a person, male or female, with intent to commit debauchery or prostitution, by way of deception, force, threat, abuse of power, or other means of coercion.

(b) Anyone who holds by a one of these means a person, male or female, against his will in a place of debauchery or prostitution.

Article 3

Anyone who incites a male under the age of 21 or a female of any age to leave the United Arab Republic, or facilitates this or employs him or accompanies him abroad, for the purposes of debauchery or prostitution, and anyone who knowingly assists in this, shall be punished with a term of imprisonment no less than one year and no more than five years and a fine of LE100–500 in the Egyptian region and 1,000–5,000 lira in the Syrian region.

The maximum penalty shall be a seven years' imprisonment if the crime is committed against two or more people or if it is committed by any of the means set forth in paragraph (a) of Article 2, in addition to the stipulated fine.

Article 4

In the cases set forth in the foregoing three articles, the punishment shall be a term of imprisonment of three–seven years if the crime is committed against a person under the age of 16 or if the offender is an antecedent of the victim, a person tasked with his

upbringing or supervision, a person with authority over him, or a paid domestic servant for him or the other parties mentioned.

Article 5

Anyone who brings a person into the United Arab Republic or facilitates his entry for the purposes of debauchery or prostitution shall be punished with a term of imprisonment no less than one year and no more than five years and a fine of LE100–500 in the Egyptian region and 1,000–5,000 in the Syrian region.

Article 6

A term of imprisonment no less than one year and no more than three years shall be levied against:

(a) Anyone who assists a female in the practice of prostitution even by material expenditure.

(b) Anyone who exploits by any means the prostituting or debauchery of a person. The penalty shall be a term of imprisonment of one–five years if the crime involves any of the aggravating circumstances enumerated in Article 4 of this law.

Article 7

The attempt to commit the crimes set forth in the foregoing articles shall be punished with the same penalty as the completed crime.

Article 8

Anyone who opens or operates a place of debauchery or prostitution, or assists in its operation by any means, shall be punished with a term of imprisonment no less than one year and no more than three years and a fine of no less than LE100 and no more than LE300 in the Egyptian region and no less than 1,000 lira and no more than 3,000 lira in the Syrian region. The place shall be ordered closed and furnishings and items within confiscated. If the offender is an antecedent of the person engaging in debauchery or prostitution or a person tasked with his upbringing or with authority over him, the penalty shall be a term of imprisonment of no less than two years and no more than four years in addition to the stipulated fine.

Article 9

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 in the Egyptian region and no less than 250 lira and no more than 1,000 lira, or either penalty separately, shall be levied against:

(a) Anyone who knowingly rents or provides in any capacity a residence or place operated for debauchery or prostitution or housing to one or more persons who engage in debauchery or prostitution.

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(b) Anyone who owns or operates a furnished residence or rooms or a place open to the public who facilitates habitual debauchery or prostitution, whether by accepting people who engage in this or allowing incitement to debauchery or prostitution in his place.

(c) Anyone who habitually engages in debauchery or prostitution.

When a person is apprehended in the latter case he may be sent for a medical exam. If it is determined that he has a contagious reproductive disease, he shall be confined in a treatment facility until recuperation.

After serving his sentence, the convicted person may be placed in a special reformatory until the administrative body orders his release. This sentence is mandatory in the case of a repeat offense. He may not be held in the reformatory for more than three years.

In the cases set forth in paragraphs (a) and (b), the place shall be ordered closed for a period no more than three months. The closure shall be executed regardless of another party's opposition, even if he is the holder under a valid, dated contract.

Article 10

A place of prostitution or debauchery in Articles 8 and 9 shall be considered any place habitually used for another person to engage in prostitution or debauchery, even if only one person is engaging in prostitution or debauchery.

Article 11

Any beneficiary or director of a public place of business, a public entertainment place, or another place open to the public who employs persons who engage in debauchery or prostitution with intent to facilitate this or with intent to exploit them to promote his place of business shall be punished with a term of imprisonment no more than two years and a fine of no more than LE200 in the Egyptian region and 2,000 lira in the Syrian region. The penalty shall be a term of imprisonment no less than two years and no more than four years and a fine of LE200–400 in the Egyptian region and 2,000–4,000 lira in the Syrian region if the offender is one of the persons enumerated in the final paragraph of Article 8. The place of business shall be ordered closed for no more than three months; it shall be closed permanently in the case of a repeat offense.

Article 12

The Public Prosecution, upon apprehending one of the cases set forth in Article 8, 9, and 11, may issue an order closing the place of business or residence operated for prostitution or debauchery.

The furnishings and items seized in the cases set forth in Article 8, 9, and 11 shall be ruled to be under administrative impoundment upon seizure pending adjudication of the case. After being inventoried and catalogued they shall be turned over to a caretaker assigned to maintain custody of them at no cost from among the following people:

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The person who opened, managed, assisted in managing, or owned the place or the leaser or a resident or employee; their refusal shall not be accepted. If no such person exists, custody shall be temporarily assigned to a paid person the police deem qualified pending the arrival of another person to assume custody.

The caretaker of the impounded items shall be tasked with protecting the seals placed on the closed place; if there are no impounded items, one of the persons set forth in the foregoing paragraph shall be tasked with protecting the seals in the same method. In all cases, the court shall adjudicate the case in an expedited fashion within no more than three weeks; in the case of an acquittal, the closure order shall be invalidated.

Article 13

Anyone who habitually and knowingly works or resides in a place of debauchery or prostitution shall be punished with a term of imprisonment no more than one year.

Article 14

Anyone who declares by any means of declaration an invitation that includes inducement to debauchery or prostitution or draws attention to such shall be punished with a term of imprisonment no more than three years and a fine of no more than LE100 in the Egyptian region and 1,000 lira in the Syria region, or either of the penalties separately.

Article 15

A conviction for one of the crimes set forth in this law shall be followed by a period of police supervision for the convicted person equal in duration to the sentence, without prejudice to vagrancy provisions.

Article 16

The penalties set forth in this law shall not prejudice the application of harsher penalties set forth in other laws.

Article 17

The law on prostitution issued on June 24, 1933 and its amendments, Law 68/1951, and any provisions that contravene this law are hereby repealed.

Article 18

The minister of social affairs and labor in the Syrian region may place licensed prostitutes, from the date of enactment of this law, in a special institution for a period he deems suitable in order to rehabilitate them for a dignified life and train them in an honorable livelihood. Anyone who contravenes this shall be punished with a term of imprisonment no more than three months.

Article 19

This law by decree shall be published in the Official Gazette. It shall enter into force in the Egyptian region on the date of publication and in the Syrian region six months after publication.

Annex 2

Alliance of Queer Egyptian Organizations, Annual overview of the legal aid project, 2018

Introduction

The Egyptian common court system works on three levels¹:

1. Courts of first instance (first-degree court) where the case is heard by the judge for the first time.
2. Courts of appeal (second-degree court): both the defendant and the Public Prosecution Office have the right to appeal the first-degree sentence.
3. Court of Cassation (the supreme court of Egypt's common court system): only the defendant sentenced to prison time and his lawyer have the right to apply for a review of the case before this court, where it may take three–five years to receive a hearing. (Most defendants decline to appeal to the Court of Cassation due to the long waiting period, as they will have been released from prison by the time a hearing is set.)
 - Although homosexuality is not considered a crime per se in Egypt, it is de facto illegal under Law 10/1961 on combating prostitution. In addition to debauchery, LGBTIQ+ people may be accused of joining groups that directly undermine the Egyptian government. In these cases, presumed LGBTIQ+ people are considered a threat to the Egyptian government and are treated as a ‘cult’ or a ‘group’ that threatens the stability of the country; in some cases, this has been treated as a matter of national security. Although Law 10/1961 does not specify sodomy or homosexuality as crimes, they are often deemed as such under subjective interpretations and implementation of the law. Under the law, defendants are subject to prison sentences of three months to three years. Allies who have the desire to express their support to the community may also be charged under provisions of this law.²
 - The legal aid project is specialized in handling all cases related to discrimination based on gender identity or sexual orientation (legal representation in courts, legal consulting, and filing police reports).

¹ <https://egyptjustice.com/common-courts>.

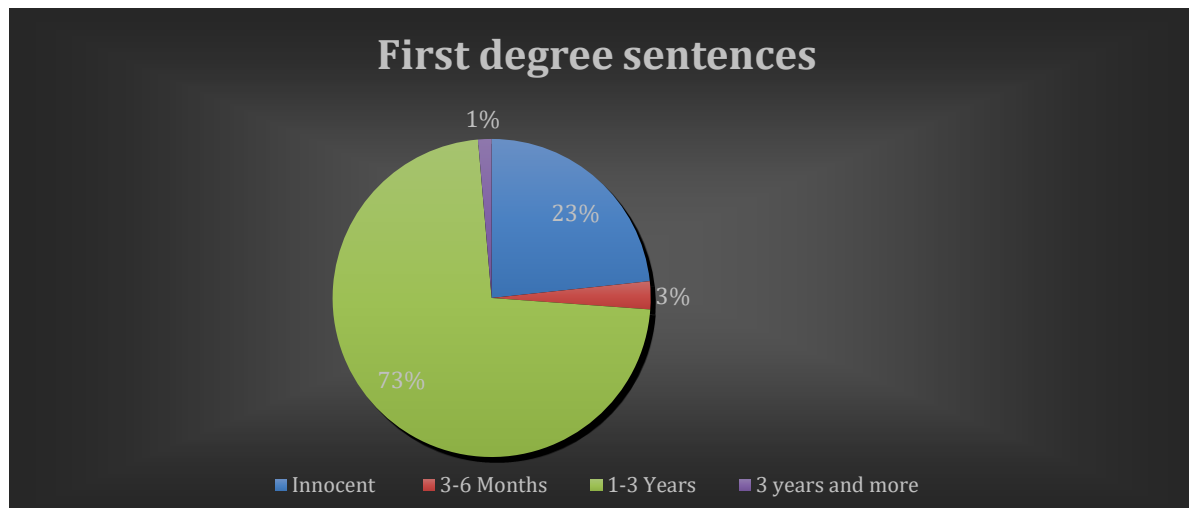
² <https://www.refworld.org/docid/5492d8784.html>.

- The legal aid project has provided legal representation in 71 cases involving 76 LGBTIQ+ individuals. In addition, the legal aid project has provided legal consultations and filed police reports for 16 LGBTIQ+ individuals.³

Analysis of 2018 data

1. Sentences

- Of the 71 cases, 50 have been adjudicated in the first- and second-degree courts, while 4 cases are still awaiting their first hearing in first-instance courts and 17 cases are awaiting their second hearing at the appellate level.
- In addition to these 71 cases from 2018, we are also working on 3 older cases dating to 2016 and 2017 in the Court of Cassation.



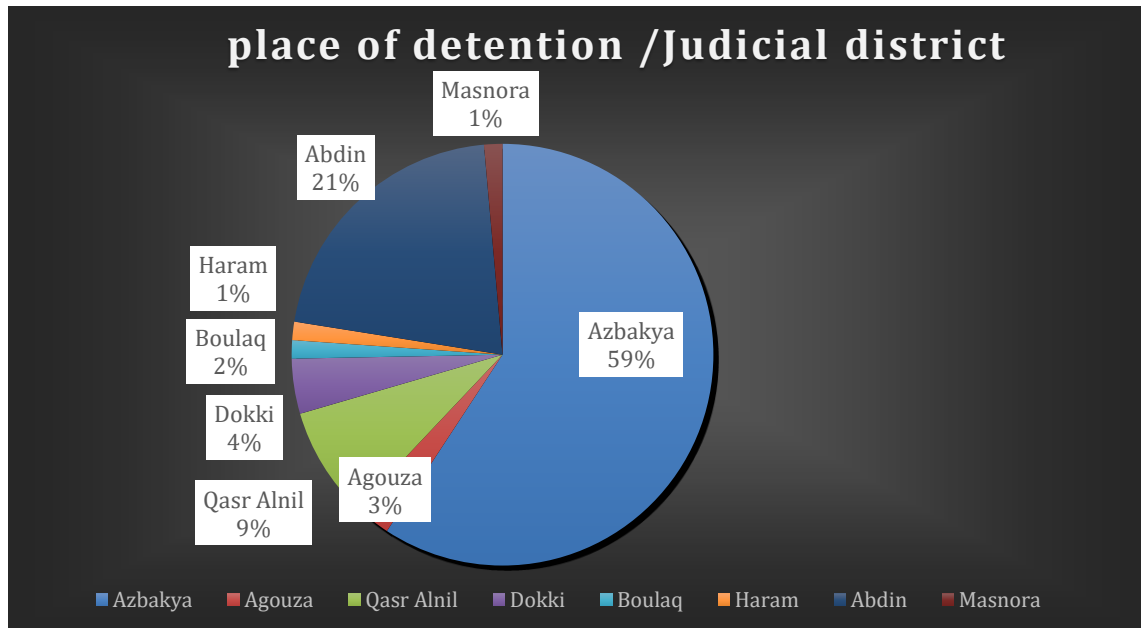
Sentence	First degree	Second degree
Innocent	16	27
3-6 months	2	5
1-3 years	48	2
3 years and more	1	—

2. Cases by the place of detention

The place of detention is typically located in the same geographical area (the local police station) in which the detainee was arrested. The detainee is typically held in the police jail pending the final sentence (the appeal). In some very rare cases, the detainee may be transferred to prison directly after being sentenced in the first-degree court.

³ <https://docs.google.com/spreadsheets/d/1Ts8moQPco6BIY7eFq5J7cPSHXvkTDaK3a0xKavfz62w>.

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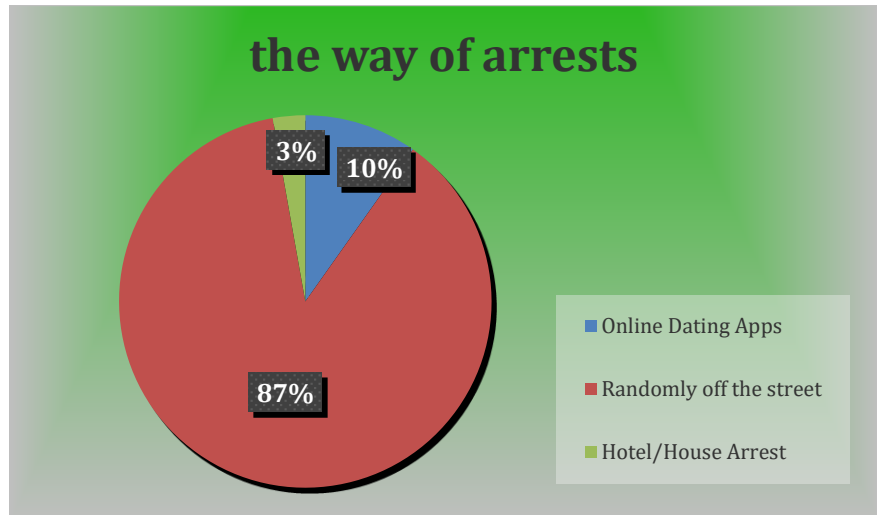
Place of detention	Total number
Dokki	3
Abdin	15
Qasr Elnil	6
Boulaq	1
El-Azbakya	42
Haram	1
Mansora	1
Agouza	2

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3. Method of arrest

- a. The method of arrest differs from one case to another, but recently the Egyptian authorities have developed more advanced techniques to entrap LGBTIQ+ individuals, especially on online dating platforms such as Grindr. These techniques include providing foreign identities, passports, and even accents on the phone to lend credibility to the fake accounts.
- b. The new worrying trend this year is that police at times do not even bother to go places where LGBTIQ+ individuals meet and instead have begun picking up people randomly off the street.
- c. In some other cases, people are arrested from their houses or a hotel room based on a complaint filed by a neighbor or hotel employees.

The way of arrest	Total number
Online Dating Apps	7
Randomly off the street	62
Hotel/House Arrest	2



Highlights

1. Forced anal examinations: the practice continues on orders from the public prosecutor for men charged in debauchery cases. Even though anal examination has no medical or scientific merit, the Egyptian authorities’ medical and legal personnel continue to use it to provide “medical” evidence that suspects are indeed homosexuals.

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.⁴ “A normal man's anus can't take more than one joint of the small finger,” he said.⁵

⁴ <https://www.hrw.org/report/2016/07/12/dignity-debased/forced-anal-examinations-homosexuality-prosecutions>.

⁵ <https://www.buzzfeednews.com/article/lesterfeder/egyptian-doctors-think-this-torturous-exam-can-detect-chroni>.

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His view was reiterated by a number of judges during the last crackdown on the LGBTIQ+ community in Egypt (the rainbow flag incident), when judicial sources told Tahrir newspaper, “The act of anal examinations is normal in the process of investigations in debauchery cases.”

These kinds of statements demonstrate that the Egyptian authorities find no shame in admitting to such an inhuman practice in defiance of all international treaties signed by Egypt.

2. Discrimination and violations: these include verbal, physical, psychological, and even sexual violations (at times rape) in places of detention.

3. In case no...., three trans-women were arrested randomly off the street for looking “too feminine,” even though all three had medical documents issued by an official governmental hospital stating that they are transsexual male-to-female and that they had been examined by psychiatrists and doctors. The legal authorities in Egypt have consistently chosen to ignore medical documents issued by the Ministry of Health, demonstrating that although the Egyptian government acknowledges transgender/transsexual persons, Egyptian government executive agencies often contradict one another.

Although in 2003 a law was passed allowing sex reassignment surgery only to people born as both sexes, known as intersex, it was amended in 2013. The Egyptian Medical Syndicate issued a new code of ethics that allows anyone diagnosed with gender identity disorder to undergo surgery for free at Qasr al-Aini hospital, provided they have completed two years of real-life experience in their perceived gender and have followed up with a psychiatrist. After surgery, and with a paper stamped by a government hospital, they may change their national identification card information.⁶

4. People are increasingly arrested randomly off the street—this accounts for 87 percent of our cases. In these situations, there is no legal basis for the arrest other than the individual discretion of the police officers. Most of the police reports in this type of case are written in an almost identical way, further demonstrating the falsified, arbitrary nature of the arrest and subsequent detention.

5. Online surveillance and entrapment, through dating apps, Facebook, and social media in general, are used to hunt down LGBTIQ+ individuals.

⁶ <https://quod.lib.umich.edu/j/jii/4750978.0002.302/--sex-change-in-cairo-gender-and-islamic-law?rgn=main;view=fulltext>.

Annex 3

Bill on the Combating of Acts of Indecency, Debauchery, and Vice

Prof. Dr. Ali Abdelaal, Speaker of the esteemed House of Representatives

MP Hesham Wally Mo'men and others submit the following bill for a law on the combating of acts of indecency, debauchery, and vice.

After reviewing the constitution, the penal code, the criminal procedure law, Law 10/1961, and Law 68/1951, we have decreed the following law:

Article (1)

Law 10/1961 on prostitution, Law 68/1951, and any other article contrary to the provisions of this law shall be revoked. This law shall enter into effect the day following the date of its publication.

Penalties set forth in this law shall not prejudice the application of any harsher penalties set forth in any other law.

Article (2)

Definitions:

Prostitution: Renting, offering, or practicing sexual services for material return, and practicing vice with others indiscriminately.

Indecency and debauchery: Indecency and debauchery [are] committing prohibited sexual crimes such sodomy, incest, and *buhtan*.

Places of indecency and debauchery: Every place habitually used for the prostitution or debauchery of another person, even if it is used for the prostitution or debauchery of one person, or any place, open or closed, where acts of prostitution, indecency, and debauchery occur.

Article (3)

A penalty of imprisonment for a period not less than two years and a fine not less than five thousand pounds shall be levied against:

Whoever incites a person, be they male or female, to engage in debauchery, or solicits or induces a person, directly or indirectly or through any means of direct or electronic communication, with intent to commit debauchery or prostitution.

Whoever incites a person or a group of people, be they male or female, to engage in debauchery, or solicits or induces a person through any means of social media, or forms electronic groups for that purpose, or participates in such groups with thought or incitement with intent to commit debauchery or prostitution.

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Whoever employs, solicits, or induces a person, be they male or female, with intent to commit debauchery or prostitution with deception, force, blackmail, abuse of power, or any other form of coercion.

Whoever detains by any of these means a person, be they male or female, against their will in a place of debauchery or prostitution.

If the person upon whom the crimes set forth above are perpetrated has not reached the age of twenty-one years, the penalty shall be doubled, provided there is no a harsher penalty in another law.

Article (4)

A penalty of imprisonment for a period not less than a year and a fine not less than ten thousand pounds shall be levied against whoever brings a person into the Arab Republic of Egypt or facilitates their entry to commit prostitution or debauchery.

(Article 5)

A penalty of imprisonment for a period not less than five years and a fine not less than fifty thousand pounds shall be levied against:

Whoever assists a female to practice prostitution, even by way of financial expenditure.

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

Whoever promotes, directly or indirectly, or through electronic means or social media, or through any other means, the prostitution of a person or a group whether in public or private.

The penalty shall be doubled if the person upon whom the crime is perpetuated has not reached the age of twenty-one years.

Article (6)

Attempt of the crimes set forth in the previous articles shall be subject to the same penalty as the completed crime.

Article (7)

Whoever opens or manages a premises for debauchery or prostitution, or helps in any way whatsoever in its management, shall be punished with imprisonment for a period no less than five years and a fine not less than five hundred thousand pounds; the closure of the premises and confiscation of existing goods and furnishings shall be ordered.

If the offender is an antecedent of the person practicing debauchery or prostitution, their guardian, or has power over them, the punishment shall be imprisonment and a fine not less than one million pounds.

Article (8)

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Without prejudice to any subsidiary penalties, a penalty of imprisonment for a period not less than five years and/or a fine not less than two hundred thousand pounds shall be levied against:

Whoever knowingly offers or rents in any capacity a residence or place administered for prostitution or debauchery, or the home of one or more persons if it is used for prostitution or debauchery.

Whoever owns or manages a furnished residence or furnished rooms in a public premises who facilitates the habit of debauchery or prostitution, whether by accepting people who commit it or by allowing in his premises the incitement of debauchery or prostitution.

Whoever uses public squares or public places or calls for parties in public places to engage in debauchery or prostitution.

Article (9)

Anyone who profits from or manages a public premises or a public nightclub, or any other premises open to the public, and employs persons who engage in debauchery or prostitution with intent to facilitate this for them or with intent to exploit them to promote his premises, shall be punished by imprisonment for a period not less than five years and a fine not less than five hundred thousand pounds.

If the offender is an antecedent of the person practicing the debauchery or prostitution, or their guardian, or has power over them, the punishment shall be doubled.

The closure of the premises shall be decreed for a period not exceeding three months or permanently in the case of a repeat offence.

Article (10)

Whoever makes or possesses, with intent to trade, distribute, rent, paste, or exhibit, publications, manuscripts, drawings, advertisements, engravings, inscribings, paintings, photographs, symbols, or any other object or image generally, if it is contrary to public morality or carries meanings of debauchery and indecency or an invitation to engage in prostitution or vice, shall be punished by imprisonment for not less than two years and/or a fine not less than twenty five thousand Egyptian pounds.

Article (11)

A penalty of imprisonment for a period not less than a year and a fine not less than three thousand pounds shall be levied against:

Whoever publicly commits an indecent act.

Whoever commits an indecent act that with a woman, even if not in public.

Article (12)

The Public Prosecution, upon apprehension of a crime as set forth in this law, is authorized to issue an order for the closure of the premises or residence used for

prostitution or debauchery. The items and furniture in such premises shall be considered in the category of administratively confiscated items upon apprehension pending final adjudication of the case. They shall be delivered, after being inventoried and recorded in a report, to a custodian with no salary according to the executive regulations of this law.

Article (13)

Any person who knowingly and habitually works or resides in premises known for debauchery or prostitution or purposes contrary to public morality shall be punished by imprisonment for a period not less than five years.

Article (14)

Upon the apprehension of any person suspected of crimes punishable under this law, he shall be sent for a medical examination. If it is discovered that he is infected with a sexually transmitted disease, he shall be detained in a therapeutic institute until his recovery.

A judgment may be issued to place the convicted person, upon completion of his sentence, in a special reformatory until the administrative body orders his release. This judgment is obligatory in cases of repeated offence. He shall not be confined in the reformatory more than three years.

Article (15)

Whoever publicizes by any form of publicity, directly or indirectly, or through electronic means or social media, or through any other means, an invitation which includes inducement to debauchery or prostitution, or the promotion or drawing of attention to this, shall be punished by imprisonment for not less than seven years and a fine.

Article (16)

As a consequence of a conviction for one of the crimes set forth in this law, the convicted person shall be placed under police probation for a period equivalent to the length of the sentence, without prejudice to vagrancy laws .

Article (17)

This law shall be promulgated in the Official Gazette and enter into effect the day following the date of publication.

Explanatory Memorandum

Morality is the badge of peoples, urged by all Abrahamic religions and advocated by all reformers as the basis of civilization. Ahmed Shawqi, the prince of poets, said: “Nations are but ethics, as long as they remain, If their morals are gone, thus are they gone.”

Morals have a big role to play in the improvement of our current life, if only they are embraced, and if we acquire good morals and avoid bad habits. That is why our beloved prophet Mohamed said, “I have been sent to perfect good morals.”

Morality has collapsed, giving rise to a mad sexual frenzy and an unbridled sexual revolution, fuelled by fashion, make up, obscene books, profane magazines, and pornographic films, all in the name of personal freedom.

Making matters worse is the material broadcast by Arab and international cable TV channels day and night, and the wonders of unthinkable sexual practices that the internet carries for youth. It is to the point where its pornographic films swamp even a person who is not searching for them. They lure him in until he falls victim to them without even knowing, for the purveyors of sex use all manner of enticement and marketing. And how could it be otherwise, when it is the most profitable, widespread business in the world?

Moral decay has become a dangerous phenomenon, especially in recent years, and it is dangerous because it casts its shadow on all individuals, society, and the state.

Recently a new phenomenon has emerged: the broadcast of sexual videos, especially those featuring public figures, without control or accountability for those who spread or broadcast those videos, or even those who commit such despicable sexual acts.

Our youth are in danger, and their morality is vulnerable to the weapons of the enemy. Taking care of them is a patriotic necessity, and their good upbringing a religious duty.

With the emergence of new phenomena like these, there is a need for new legislation that can keep pace with what is being planned for Egypt and its youth, and keep pace with the era. We were compelled to confront these phenomena with an amendment of the law, especially since the law on prostitution is more than half a century old, and Law/10 1961 on prostitution and Law 68/1951 are not up to the challenge of what Egyptian youth are facing.