



The Alliance of Queer Egyptian Organizations

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## Overview of the new Anti LGBT+ Law in Egypt



On October 25<sup>th</sup> 2017 the parliament member Reyad Abdulsattar Hassan the representative of the Free Egyptians Party proposed a new law<sup>(1)</sup> to the Egyptian Speaker of the House Mr. Ali Abdel Aal Sayyed to criminalized Homosexual relationships, incitement of homosexual relationship, advertising for homosexual parties or gatherings also the law went extreme to criminalize carrying symbols or signs of homosexuality, this happened after a mass crackdown on LGBT+ individuals in Egypt started on September 22<sup>nd</sup> 2017 were the Egyptian government arrested 65 Egyptian citizens alleged sexual orientation and waving a rainbow flag in concert in Cairo.

The Free Egyptians Party <sup>(2)</sup><sup>(3)</sup>, is a liberal party, founded after the Egyptian Jan 25<sup>th</sup> revolution. It supports the principles of democracy and secular political order in Egypt, the party believe in freedom of expression and that the citizens have the rights to peaceful assembly and all citizens are equal without distinction.

The new law is proposed by the representative of the Free Egyptians Party, Mr. Reyad Abdulsattar Hassan who has studied in Al Azhar with a conservative background, born and raised in Upper Egypt, this was very clear in the introduction of the proposed law <sup>(4)</sup> that started with Quran and prohibition of homosexuality by religions.

Although the Free Egyptians Party had a clear position against Islamist government in 2012, but their representative used the same approach of Islamists to criminalize homosexuality with a clear breach to the party principles.

### **Passing the proposed law**

**This is not the first attempt for proposing anti-homosexuality law to House of representative since the crackdown started on last September,**

On October 11<sup>th</sup> the Independent MP Mahmoud Faozy Khamis proposed amend the provisions of Anti-Prostitution Law No. 10 of 1961 and the Penal Code No. 37 of 1958<sup>(5)</sup>, to increase the penalty to become 2-5 years instead of 3 months-3 years, which is the penalty in the current law (No 10/1961- Prostitution law).

On October 14<sup>th</sup> another Independent MP "Shadia Mahmoud Thabit" declared that she drafted a proposal for a new law to combat prostitution and incitement of immorality<sup>(6)</sup>, and she stated that the draft law consists of 15 articles, and repeals Law No. 10 of 1961 on prostitution and Law 68 of 1951."The new drafted law introduced penalties for the use of social media sites to call for homosexuals' concerts and gatherings "any person who declares in any way by means direct or indirect invitations to soliciting sedition or prostitution on social media sites, shall be liable to imprisonment for a period not less than seven years and a fine".

According to the Egyptian constitution <sup>(7)</sup> **Article 122:** Proposing bills, The President of the Republic, the Cabinet, and every member of the House of Representatives has the right to propose laws. Every bill presented by the government or by one-tenth of the members of the

House is referred to a specialized committee of the House to study and submit a report about it to the House. The committee may seek the opinion of experts on the matter. No bill presented by a member can be referred to the special committee before being permitted by the proposals committee and approved by the House. If the proposals committee refuses a bill, it must give a reason for its decision. Any bill or proposed law rejected by the House may not be presented again during the same legislative term.

The current Egyptian parliament was elected by the end of 2015 and it was the first election after it dissolved in 2014 during the Islamists government, the parliament compose of 596 members<sup>(8)</sup>. The Egyptian free party has 65 MPs which is the largest number of a party representatives in the Egyptian Parliament (%11), this is reflect the possibilities of passing this law compared with the other two proposals presented by independent MPs, according to the new proposal draft 67 parliament members already signed (%11), giving that if (%10) of the members of the House presented a bill it will referred to a specialized committee of the House to study and submit a report about it to the House for vote, according to the Egyptian constitution.

### **The Egyptian Constitution and international conventions given the proposed law**

#### **The proposed law is unconstitutional & violate the international conventions ratified by the Egyptian state.**

The Egyptian Constitution 2014, **articles 53** clearly state that “citizens are equal before the law, possess equal rights and public duties, and may not be discriminated against on the basis of religion, belief, sex, origin, race, color, language, disability, social class, political or geographical affiliation, or for any other reason. The state shall take all necessary measures to eliminate all forms of discrimination, and the law shall regulate the establishment of an independent commission for this purpose”, **Article 57: Private life**

“Private life is inviolable, safeguarded and may not be infringed upon. Telegraph, postal, and electronic correspondence, telephone calls, and other forms of communication are inviolable, their confidentiality is guaranteed.

The state shall protect the rights of citizens to use all forms of public means of communication which may not be arbitrarily disrupted, stopped or withheld from citizens, as regulated by the law”.

**Article 65** Freedom of thought and opinion is guaranteed. “All individuals have the right to express their opinion through speech, writing, Imagery, or any other means of expression and publication”.

Moreover, Egypt has signed 1967 and ratified in 1982 the International Covenant on Civil and Political Rights, **article 19** “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice”. **Article 26** “All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”.

## Reference

- 1- <https://www.loc.gov/law/foreign-news/article/egypt-draft-law-criminalizes-homosexuality/>
- 2- <http://soutalmasreyeen.org>
- 3- <http://www.bbc.com/news/world-middle-east-15899997>
- 4- <http://docdro.id/opAFuTr>
- 5- <http://www.albawabhnews.com/2751740>
- 6- <http://www.vetogate.com/2910919>
- 7- [https://www.constituteproject.org/constitution/Egypt\\_2014.pdf](https://www.constituteproject.org/constitution/Egypt_2014.pdf)
- 8- <http://www.egyptembassy.net/media/12.16.15-Egypt-Parliamentary-Elections-Fact-Sheet1.pdf>