

# LGBTQ Human Rights in Egypt



ISSUE



EGYPT

## SUMMARY:

During the rule of former president Hosni Mubarak and under current President Abdel-Fattah El Sisi, the Egyptian government has appealed to its conservative base by positioning itself as a moral authority, instituting laws and upholding social norms that arbitrate what may be accepted as the “nation’s values.”

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This approach is at the expense of various communities that fall outside of these state-sanctioned norms, including LGBTQ individuals. LGBTQ individuals are targeted in crackdowns by security forces and subject to maltreatment in prison because of their sexuality; in some circumstances, this treatment amounts to torture. Although not explicitly criminalized in Egypt, same-sex relations and perceived support for LGBTQ issues can be prosecuted under the country’s debauchery and pros-

titution laws. Transgender individuals are subject to rules and regulations regarding gender-affirming medicine and surgeries. When it comes to issues like employment and access to housing, LGBTQ persons face discrimination by nongovernment actors as well. This systematic violation of the human rights of Egypt’s LGBTQ persons under the watch of the Egyptian government occurs in deliberate disregard for the country’s constitution and international legal obligations.

## TREND ANALYSIS:

While systematic violations of the human rights of Egypt’s LGBTQ persons have occurred for years (see Political Context section), these violations have intensified more recently, with the largest wave of arrests occurring in 2017. The crackdown on Egypt’s LGBTQ persons occurs amid widespread trends of severe human rights violations, a constricted public sphere, and a deteriorating rule of law that affects all individuals expressing independent ideas that do not align with the government’s narrow conception of the way that Egyptian society should look like from a moral, political, and social perspective; as a marginalized group, LGBTQ individuals are at compounded risk of being targeted. As Egypt’s trend toward authoritarianism continues, it is likely that indiscriminate arrests of LGBTQ individuals will continue.

## IMPLICATIONS:

The continued violation of the human rights of LGBTQ persons signifies an unwillingness, incapacity, or deliberate disregard, on the part of the Egyptian government to adhere to constitutional and inter-

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national legal obligations to provide adequate protection for all of individuals within its jurisdiction. LGBTQ individuals face additional obstacles as a socially and legally marginalized group, and by minimizing spaces for discussions surrounding gender and sexual orientation, the government effectively ensures that these concepts remain taboo within Egyptian society. These efforts are part and parcel of the government positioning itself as the guardian of morality by designating which behavior is or is not considered acceptable, and treating anyone who falls outside such designations as a threat to the state's authority.

## LEGAL CONTEXT:

Law 10 of 1951, which prohibits debauchery, was initially issued to criminalize sex work. Although it does not explicitly criminalize same-sex relations, it was used to justify the arrest and subsequent imprisonment of gay men beginning in the 1990s and other LGBTQ persons later on. Various articles of the Penal Code have also been used to target LGBTQ individuals. Article 178 of the Penal Code punishes anyone who distributes or trades materials that violate public morals; Article 269 criminalizes catcalling or any signals or words that incite debauchery; and Article 278 punishes anyone who commits “a scandalous act in public.” In the wake of the Mashrou' Leila concert in 2017, members of Egypt's parliament **proposed** a draft law that would have criminalized acts of homosexuality more explicitly, as well as acts of support for the LGBTQ community; the law was never passed.

Under Egypt's **domestic** and international legal commitments, including the International Covenant on Civil and Political Rights (**ICCPR**), the International Covenant on Economic, Social, and Cultural Rights (**ICESCR**), and the African Charter on Human and Peoples Rights (**ACHPR**), Egypt is obligated to ensure equal opportunity to all of its persons without discrimination, to treat its persons equally before the law, and not to discriminate against its persons. Subjecting LGBTQ individuals to arbitrary arrest, torture, and state-sponsored and state-enabled discrimination occurs in clear violation of these commitments.

## POLITICAL CONTEXT:

Persecution of Egypt's LGBTQ persons is not a new phenomenon. In 2001, Egypt saw what as at that time its largest crackdown on the LGBTQ individuals under Mubarak during the “Queen Boat” incident, in which 52 men were **arrested**. Nearly half of the men arrested were convicted of habitual debauchery.

After the “Queen Boat” incident, Mubarak continued to use security forces to crack down on LGBTQ individuals and in 2008, arrested a dozen men for contracting HIV and **convicted** a few of them.

Increasingly since 2013, the crackdown on LGBTQ individuals has escalated and garnered public attention. According to a **report** from the Egyptian Initiative for Personal Rights (EIPR) on the crackdown directed against LGBTQ individuals, more than 230 people were arrested and prosecuted on debauchery charges between October 2013 and March 2017. In 2014, Egyptian security forces **raided** a bath house after receiving information from a local television station that “gay orgies” were reportedly taking place inside the business; the television station **filmed** the raid. Twenty-six men were arrested and charged with debauchery but were later **acquitted** of all charges. Later that year, eight men were **arrested** after appearing in a video that purportedly captured a gay wedding. They were sentenced to three years in prison on charges of debauchery, but **upon** appeal, their sentences were reduced to one year in prison. During this time, security forces also **began** using dating apps such as Grindr and Hornet to set up fake profiles, enticing young men to meet before subsequently arresting them.

One of the largest crackdowns on LGBTQ individuals in Egyptian history occurred after a September 2017 concert by Lebanese rock band Mashrou’ Leila. After images of individuals waving a rainbow flag during the concert surfaced, over 100 Egyptians were arrested. Although some were ordered released, others **were sentenced** to various verdicts of up to six years. Rainbow flags continue to be of concern to Egyptian authorities; on March 18, 2019, fans attending a Red Hot Chili Peppers concert in Egypt were **searched** by security for rainbow flags.

When arrested, LGBTQ persons face harassment, abuse, sexual assault, and other forms of mistreatment. At times, they are forced to undergo anal exams—a practice that amounts to **torture**. Transgender men and women face further mistreatment while in prison, as they are denied access to necessary medication for hormone therapy and detained in prisons that do not align with their preferred gender. The case of Malak al-Kashif, a 19 year-old trans woman who was arrested for speaking out against the Egyptian government in the lead up to the April 2019 constitutional amendments, is one such example of the injustices faced by LGBTQ individuals in prison. While in detention, she was held in solitary confinement in an all-male prison, was subject to a forced anal exam, faced harassment by inmates and prison officials, and was denied access to necessary medical treatment. She was ultimately released after spending over 130 days in pretrial detention.

LGBTQ persons, or those who may be involved in cases associated with LGBTQ issues, face discrimination by fellow Egyptians when it comes to matters like employment and housing. After visiting Egypt in October 2018, U.N. Special Rapporteur for the Right to Housing Leilani Farha **reported** that LGBTQ individuals were being evicted, denied housing, and harassed because of their gender identity and sexual orientation. Farha also reported that transgender individuals she spoke with did not feel safe living openly as their preferred gender because of the possibility of being denied housing or evicted.

The violation of the human rights of LGBTQ individuals is further compounded by treating non-normative gender and sexual identities pathologically. In 2013, the Egyptian Medical Syndicate **released** a code of ethics recognizing “gender identity disorder” as a medical condition that allows for gender reassignment surgery. However, a medical transition and gender reassignment surgery is subject to **unanimous approval** by a special committee at the syndicate. The special committee consists of seven members, among them, a geneticist, endocrinologist, two psychiatrists, and one representative from al-Azhar. Despite what seems to be a clear cut process, barriers exist. The special committee that approves sexual reassignment surgeries has not convened to review cases since 2016. Despite a 1988 fatwa by al-Azhar Sheikh Mohamed Tantawi **approving** gender reassignment surgery, the representative from al-Azhar has

reportedly blocked the committee from meeting to review cases, leaving those wishing to transition in uncertainty. Those who **have undergone** the process inside Egypt have faced difficulty changing the gender listed on their identity card; those who undergo the process outside Egypt are not allowed to make this change at all.

The Egyptian government has sought to constrain expression involving LGBTQ issues and support for LGBTQ human rights. **According** to international LGBTQ-rights organization “All Out,” Egypt is one of 55 countries that creates legal and administrative barriers that prevent LGBTQ rights groups from formal registration, thus impeding outreach efforts and providing health and legal services and safe havens. For those organizations that do work on LGBTQ issues, they must do so without making their work known to the general public or, in some cases, their peers. In late 2017, the Supreme Council for Media Regulation **banned** any media mentions or coverage of LGBTQ issues unless the coverage detailed the “danger” of homosexuality and sexual deviancy. Under the ban, TV host Mohammed al-Gheiti was **sentenced** to one year in jail in January 2019 after interviewing an openly gay man on his television show.

## ➔ TIMEP COVERAGE:

- “Social Stigma Enables Egypt’s Attack on LGBT Community” (Commentary for TIMEP by Muhammed Fadel)
- “TIMEP Condemns Escalation of Egyptian Authorities’ Crackdown on LGBT Community” (TIMEP Statement)
- “LGBTQ Equality in the Middle East” (External Event)