



Egypt: Query response on the situation and treatment of the LGBTQI+ community

August 2023 (COI between 1st January 2020 and 31st July 2023)

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A. Explanatory Note

Background

This report presents Country of Origin Information (COI) on Egypt focusing on issues identified to be of relevance in refugee status determination for Egyptian nationals of the LGBTQI+ community.

The COI presented in this report is illustrative but not exhaustive of the information available in the public domain, nor is it determinative of any individual human rights or asylum claim. All sources are publicly available and a direct hyperlink has been provided.

A list of sources and databases consulted is also provided in this report, to enable users to conduct further research and source assessments. Research concentrated on events that took place between 1st January 2020 and 31st July 2023. All sources included in this report were accessed between May and mid-August 2023.

Disclaimer

This document is intended to be used as a tool to help to identify relevant COI and the COI referred to in this report can be considered by decision makers in assessing asylum applications and appeals. While we strive to be as comprehensive as possible, no amount of research can ever provide an exhaustive picture of the situation. It is therefore important to note that the absence of information should not be taken as evidence that an issue, incident or violation does not exist. **This report is also not a substitute for individualised case-specific research and therefore this document should not be submitted in isolation as evidence to refugee decision-making authorities.** Whilst every attempt has been made to ensure accuracy, the authors accept no responsibility for any errors included in this report.

B. List of Sources

Not all of the sources listed here have been consulted for each issue addressed in the report. Additional sources to those individually listed were consulted via database searches. This non-exhaustive list is intended to assist in further case-specific research. To find out more about an organisation, view the 'About us' tab of a source's website.

Databases

[Asylos's Research Notes](#) [subscription only]

[EUAA COI Portal](#)

[European Country of Origin Information Network \(ECOI\)](#)

[Immigration and Refugee Board of Canada – Responses to Information Requests](#)

[Relief Web](#)

[UNHCR Refworld](#)

Media

[African Arguments](#)

[All Africa](#)

[Al Jazeera](#)

[Edge Media Network](#)

[Equal Eyes](#)

[Global Gayz](#)

[The Guardian](#)

[Inter Press Service](#)

[The New Humanitarian](#) (Africa)

[Reuters](#)

[Pink News](#)

Sources

[76 Crimes](#)

[Afro Barometer](#)

[African Centre for International Law and Accountability](#)

[Africa Center for Strategic Studies](#)

[African Human Rights Coalition](#)

[African Studies Centre Leiden](#)

[Amnesty International](#) (Egypt)

[The Alliance of Queer Egyptian Organizations](#)

[The Arabic Network for Human Rights Information \(ANHRI\)](#)

[Article 19](#)

[Bedayaa](#)

[Bertelsmann Stiftung – BTI Transformation Index](#)

[Cairo Institute for Human Rights](#)

CIVICUS

Civil Rights Defenders

EASO's list of sources in its report 'Researching the situation of lesbian, gay, and bisexual persons (LGBT) in countries of origin'

Egyptian Commission for Rights and Freedoms

Egyptian Forum for Human Rights (EFHR)

Egyptian Initiative for Personal Rights

Equal Rights Trust

EuroMed Rights

Freedom House (Egypt)

Frontline Defenders

Global Action for Trans Equality (GATE)

Human Dignity Trust (Egypt)

Human Rights Watch (Egypt)

Institute for Human Rights and Development in Africa

International Bar Association

International Centre for Prison Studies

International Commission of Jurists

International Federation for Human Rights (Africa)

International Lesbian, Gay, Bisexual and Trans and Intersex Association (ILGA)

ILGA Database

International Service for Human Rights

InterPride

Kaleidoscope Trust

Middle East Institute (MEI)

The National Council for Human Rights (NCHR)

Organization for Refuge, Asylum & Migration (ORAM)

Out Right International

Project on Middle East Democracy (Pomed) (Egypt)

Sexual Rights Initiative

United Nations Committee Against Torture

United Nations Committee on Economic, Social and Cultural Rights

United Nations Committee on the Elimination of Discrimination Against Women

United Nations Independent Expert on sexual orientation and gender identity

United Nations News Centre

United Nations Office of the High Commissioner for Human Rights (OHCHR) (Egypt)

United Nations Secretary General reports

United Nations Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context

United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions

United Nations Special Rapporteur on extreme poverty and human rights

[United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression](#)

[United Nations Special Rapporteur on the right to education](#)

[United Nations Special Rapporteur on the situation of human rights defenders](#)

[United Nations Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment](#)

[United Nations Special Rapporteur on violence against women, its causes and consequences](#)

[United Nations Women](#)

[United States Department of State \(Annual human rights reports\)](#)

I. Background Information

In a dispatch released by Human Rights Watch in March 2020, it was reported that: “The Egyptian government is refusing to recognize the existence of lesbian, gay, bisexual, and transgender (LGBT) people, flouting its responsibility to protect the rights of everyone”.¹

The article elaborated that: “On March 12, during its third Universal Periodic Review (UPR), where members of the United Nations Human Rights Council weigh in on countries’ human rights records, Egypt rejected recommendations by several states to end arrests and discrimination based on sexual orientation and gender identity. Additionally, Egypt responded that it “does not recognize the terms mentioned in this recommendation,” denying the existence of sexual orientation and gender identity”.²

In December 2020, the European Parliament published a resolution on the deteriorating human rights situation in Egypt, noting that it: “[...] deplores once again and in the strongest possible terms the continuing and intensifying crackdown on fundamental rights and on [...] lesbian, gay, bisexual, transgender and intersex (LGBTI) people, political opponents, including their family members, civil society organisations and minorities, solely in response to their exercise of their fundamental freedoms or their expression of dissent, by state authorities and security forces in Egypt”.³

The latest edition of The International Lesbian, Gay, Bisexual, Trans and Intersex Association’s (ILGA World) “Our Identities under Arrest” report, released in December 2021, stated that:

[...] a clear State-backed policy of targeting of persons based on their SOGIE [sexual orientation, gender identity, and gender expression] through provisions against public indecency, sex work, adultery, rape and others is at play, though social attitudes, a vocal religious sector, the need for political scapegoating during times of instability and a hostile media landscape all interact in myriad ways.²⁹ [...]

29 EIPR, *The Trap: Punishing sexual difference in Egypt* (2017); OHCHR, *UA EGY 17/2017* (2017); “The Policies of Suppressing Sexual Rights in Egypt”, *The Legal Agenda*, 2 February 2018; “Rights of LGBTQ People in Egypt: Between State, Society, and de facto Criminalisation”, in: ILGA World, *State-Sponsored Homophobia 13th edition* (2019), 520-522; ““Clean the Streets of Faggots” Digital Targeting of LGBT People by Middle East/North Africa Governments”, *Human Rights Watch*, 4 August 2021.⁴

¹ Human Rights Watch, [Egypt’s Denial of Sexual Orientation and Gender Identity: Ignoring LGBT Rights Endangers People in Time of COVID-19](#), 20 March 2020

² Human Rights Watch, [Egypt’s Denial of Sexual Orientation and Gender Identity: Ignoring LGBT Rights Endangers People in Time of COVID-19](#), 20 March 2020

³ European Parliament, [Joint motion for a resolution on the deteriorating situation of human rights in Egypt, in particular the case of the activists of the Egyptian Initiative for Personal Rights \(EIPR\)](#), 16 December 2020

⁴ International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA World), [Our Identities Under Arrest: A global overview on the enforcement of laws criminalising consensual same-sex sexual acts between adults and diverse gender expressions](#), 15 December 2021, p. 126

In March 2022, Afsaneh Rigot, a senior researcher on technology and human rights at ARTICLE 19, with the support of ARTICLE 19 and the Berkman Klein Center for Internet and Society and the Cyberlaw Clinic at Harvard University, released a report on the role of digital evidence in the persecution of LGBTQ people in Egypt, as well as Lebanon and Tunisia. The findings are based on case file analysis and interviews conducted between March 2020 and November 2020 with attorneys/lawyers and a case worker, all of whom had worked on LGBTQ issues as a prominent aspect of their professional careers. On Egypt, the report stated:

In Egypt, the criminalisation of queerness is framed as a campaign against sex work. Broadly interpreted laws and extensive judicial support have allowed for continuous and targeted prosecution of LGBTQ individuals, as well as those suspected of engaging in gender nonconformist behaviors.¹¹⁷ Colonial-era criminal laws have been retained, but have been reframed and further evolved in recent years, creating a catch-all framework which is used in prosecution”.

The primary law used to prosecute queer people is Law No. 10/1961 on Combating of Prostitution, which repeatedly uses the phrase “debauchery or prostitution” to describe perceived criminal behavior. Egyptian judges have routinely interpreted the term “debauchery” in this statute—in Arabic, *fujur* (ال فجور)—to be a synonym for homosexuality, or, more generally, queerness.¹¹⁸ As one interviewee put it, “The prostitution law was made for fighting sex workers, including men and women... The Egyptian government translates this legislation [to apply only to] male ‘sex workers’”¹¹⁹. [...]

¹¹⁷ Sexuality, Development and Non-Conformist Desire in the Arab World: Case of Lebanon and Egypt

¹¹⁸ Long, S., 2004. IN A TIME OF TORTURE - The Assault on Justice in Egypt's Crackdown on Homosexual Conduct. [ebook] Human Rights Watch,. Available at: <<https://www.hrw.org/report/2004/02/29/time-torture/assault-justice-egypts-crackdown-homosexual-conduct>> [Accessed 30 October 2021]. Text of law available here: https://eipr.org/sites/default/files/reports/pdf/law_no.101961_.pdf

¹¹⁹ EL3⁵

The same report wrote that: “The Egyptian interviewees affirmed that the most targeted persons in the LGBTQ community are trans people and queer cis men”.⁶

In April 2022, the Freedom Initiative and the Egyptian Front for Human Rights released a report on sexual violence in detention in Egypt between 2015 and 2022, based on information provided by victims, their families, case documents, witnesses to instances of victimisation, and on documentations with lawyers and human rights organisations. The report highlighted that that LGBTQ+ individuals experience sexual abuse and violence in police stations and that: “Officers, according to an interview conducted with a human rights lawyer, call on the detainees to perform a variety of daily tasks, referring to them only as ‘khawalat’, faggots”.⁷

⁵ Afsaneh Rigot, [Digital Crime Scenes: The Role of Digital Evidence in the Persecution of LGBTQ People in Egypt, Lebanon, and Tunisia](#), 7 March 2022, pp. 36-37

⁶ Afsaneh Rigot, [Digital Crime Scenes: The Role of Digital Evidence in the Persecution of LGBTQ People in Egypt, Lebanon, and Tunisia](#), 7 March 2022, p. 48

⁷ The Freedom Initiative and Egyptian Front for Human Rights, [No One is Safe: Sexual Violence Throughout the Life Cycle of Detention in Egypt: 2015-2022](#), 7 April 2022, p. 18

In October 2022, the Cairo Institute for Human Rights Studies (CIHRS), in the run up to COP27, stated that “the severity of repression in the country is arguably unrivaled in Egypt’s modern history, with all democratic gains of the 2011 revolution rolled back. Vulnerable groups, including the LGBTQI+ community, continue to be targeted by state authorities”.⁸

II. Legal Framework

a. Legislation

i. Constitution

The 2022 Bertelsmann Stiftung’s Transformation Index (BTI) country report on Egypt, published in February 2022, stated that: “The 2014 constitution in theory grants equal rights to all citizens without discrimination (Art. 9). In reality, however, civil liberties are systematically repressed. Women continue to struggle to be granted equal rights, as do citizens who in one way or the other do not comply with the image of the “normal Egyptian,” such as “homosexuals, transgender persons, atheists, Shi’ite Muslims or Bahai”.⁹

Amnesty International reported on Egypt’s National Human Rights Strategy (NHRS) in a report published in September 2022. It stated that:

The NHRS claims that the “right to personal freedom” and “right to privacy” are safeguarded in the Constitution and the national laws¹⁸⁵, and that the state guarantees fair compensation for those who have been assaulted.¹⁸⁶ But in practice, violations of the rights to privacy continue unabated against LGBTI individuals. [...]

¹⁸⁵ SSCHR, NHRS - The Republic of Egypt 2021-2026 (previously cited), p21-22; p42-43

¹⁸⁶ SSCHR, NHRS - The Republic of Egypt 2021-2026 (previously cited), p24; p42¹⁰

ii. Criminal code

An article by the African Human Rights Media Network in March 2020 on the repression and arrests of LGBTQI+ persons in Egypt, speaking of a report produced by the Legal Aid Project for Bedayaa Organization [Note that most data appears to be from 2019], wrote the following with regards to relevant legislation:

Egypt prosecutes LGBTQI+ persons despite the absence of an explicit law against same-sex intimacy. The Legal Aid Project explained:

⁸ The Cairo Institute for Human Rights Studies (CIHRS), [Egypt: Germany should press Sisi government to desist in authoritarian practices at odds with country’s role as COP27 host](#), 21 October 2022

⁹ Bertelsmann Stiftung, [BTI 2022 Country Report: Egypt](#), 23 February 2022, p. 12

¹⁰ Amnesty International, [Egypt: “Disconnected from reality”: Egypt’s National Human Rights Strategy covers up human rights crisis](#), 21 September 2022, p. 35

“In most trials, Law 10/1961 on combating prostitution is used, particularly Article 9(c). The main charges used in trials based on this law are debauchery, which it refers to habitual practice of debauchery, publicizing an invitation to induce debauchery, and incitement to debauchery.

“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, LGBTIQ+ people are treated as a ‘cult’ or a ‘group’ that threatens the stability of the country; this has also been treated as a matter of national security at times.

“According to this law, defendants receive sentences not less than three months and up to three years, but in reality, some cases could receive up to six years. Allies who support to the queer movement in Egypt can also be charged under the provisions of this law.”

Trans people are often swept up in “debauchery” prosecutions. The Legal Aid Project reported:

“As for gender/sexual reassignment process in Egypt, there is no official law that criminalizes nor allows it; however, trans individuals often get arrested under the debauchery law.

“Although the existence of bylaws in the Egyptian Medical Syndicate with a special committee to review/approve transitioning cases, code of ethics in the syndicate the committee only allows sex reassignment surgeries for those who were born as both sexes, known as intersex.

“Furthermore the system that was put by the medical syndicate is often not functional which leaves trans individuals without any legal or medical recognition.”¹¹

In May 2020, BBC News published an article on the Egyptian actor, Hisham Selim, speaking out in support of his transgender son. The article wrote that: “Although homosexuality is not explicitly criminalised under Egyptian law, LGBT people are periodically subjected to crackdowns and arrests on the grounds of “debauchery””.¹²

Bedayaa, an LGBTIQ+ rights organization, released a statement in June 2020 after the death by suicide of activist Sarah Hegazy, noting that: “Despite the lack of an explicit statute, the Egyptian state criminalizes consensual same-sex relations; courts usually use Law 10/1961 on combating prostitution and debauchery”.¹³

Human Rights Watch noted in a September 2020 article that: “While Egyptian law does not explicitly criminalize consensual same-sex conduct, authorities routinely resort to vague “debauchery” and “morality” laws to prosecute people suspected of same-sex conduct or for being gay or transgender”.¹⁴

The ILGA World’s December 2020 update to its state-sponsored homophobia global overview noted that “countries such as Egypt [...] have no legislation explicitly criminalising same-sex acts, but are listed here due to the widespread use of other laws in targeting LGBT individuals”.¹⁵ The report further stated the following:

¹¹ The African Human Rights Media Network, [“Repression in Egypt: 92 LGBTIQ+ arrests last year,”](#) 8 March 2020

¹² BBC News, [Hisham Selim, famed Egyptian actor, praised over transgender son](#), 10 May 2020

¹³ Bedayaa Organization, [Tons of Oppressions Resulted in PRIDE](#), 18 June 2020

¹⁴ Human Rights Watch, [Egypt: Gang Rape Witnesses Arrested, Smeared: Personal Data Used in Abusive Prosecutions](#), 11 September 2020

¹⁵ International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA World), [State-Sponsored Homophobia:](#)

There is no law that explicitly criminalises same-sex sexual activity in Egypt. However, Law No. 10/1961 on the Combating of Prostitution is selectively used to target individuals of diverse sexual orientations and gender identities. The main charges brought include “habitual practice of debauchery” (Article 9-c), “publicising an invitation to induce debauchery” (Article 14), and “incitement to debauchery” (Article 1). While these articles provide for a maximum of three years imprisonment, Bedayaa, a local NGO, noted that some cases could receive up to six years.¹³

A draft law to increase the minimum prison sentence for these offences to seven years has advanced to the Parliament’s Legislative and Constitutional Committee.¹⁴ [...]

¹³ “Repression in Egypt: 92 LGBTQ+ arrests last year”, *Rights Africa*, 8 March 2020.

¹⁴ ILGA World: Lucas Ramón Mendos, *State Sponsored Homophobia 2019* (Geneva; ILGA, March 2019), 522.¹⁶

An article in Slate by Afsaneh Rigot in December 2020 noted the following:

Egypt has a long history of prosecuting the LGBTQ community. Though Egyptian law does not directly prohibit “homosexuality,” a complex legal infrastructure of interpretations and precedents has allowed for continuous and targeted prosecution of LGBTQ individuals. [...]

Egyptian authorities use a number of laws to prosecute LGBTQ individuals for activities online and offline. Up until about March 2020, the main article of law used has been Article 9(c) of the 1961 law on Combating of Prostitution, which calls for the sentencing of “Whoever habitually engages in debauchery or prostitution.” As a habitual act is hard to prove, courts have often relied on digital evidence from dating apps, chats, and photos or videos found on individuals’ devices. In these cases, the charges were generally of the crime of incitement or publicity of debauchery, according to Article 14(a). These cases were tried in the misdemeanor courts, and convictions carried sentences of around three months to three years with a maximum fine of 300 Egyptian pounds (about U.S.\$19).¹⁷

A report by EuroMed in May 2021 on women’s rights in the digital world in the MENA stated that:

Egypt [...] does not have a law regulating sexual conduct or gender expression. However, the regime routinely criminalises and persecutes LGBTQ+ people using several Penal Code provisions, such as Article 178,²⁴ which punishes anyone who distributes materials, including photographs, which violate ‘public morals’, or provisions from the 2018 cybercrime law pertaining to public morality, family values, and decency. A prosecution using Article 178 could result in imprisonment for up to two years and a fine of up to 10,000 Egyptian pounds (US \$566). [...]

24. An English translation of the penal code is available here:

https://www.unodc.org/res/cld/document/criminal_code_of_egypt_english_html/Egypt_Criminal_Code_English.pdf¹⁸

[Global Legislation Overview Update – 2020 Updated Edition](#), December 2020, p. 113

¹⁶ International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA World), [State-Sponsored Homophobia: Global Legislation Overview Update – 2020 Updated Edition](#), December 2020, p. 115

¹⁷ Slate, [Egypt’s Dangerous New Strategy for Criminalizing Queerness](#), 30 December 2020

¹⁸ EuroMed Rights, [Spaces of Violence and Resistance: Women’s Rights in the Digital World: The Scenario in the MENA Region](#), May 2021, p. 11

In the July 2021 Egyptian state's response to the UN Committee on the Elimination of Discrimination against Women's (CEDAW) list of issues and questions in relation to its combined eighth to tenth periodic reports, it was stated that:

100. Under Egyptian criminal law, there are no places of detention specific to transgender persons. In accordance with the applicable international guidelines, there is a complete separation between men and women. If an inmate claims to be transgender, or if a doctor is unable to determine their gender, the Office of the Public Prosecutor is contacted for a forensic examination to ascertain the person's gender and accordingly have them sent to a men's or women's prison. An appropriate independent location is identified in view of their circumstances so that they can be protected from harassment.¹⁹

The Sexual Rights Database by the Sexual Rights Initiative had the following relevant information with regards to sexual rights in Egypt, last updated in November 2021:

Article 2 of the 2014 Constitution declares the principles of Islamic Sharia to be the main source of legislation. [...]

The law in Egypt criminalizes the acts of selling and buying sex, as well as many other offences surrounding those acts. There is a distinction between 'simple' and 'habitual' crimes in Egyptian law. In order to be established as 'habitual,' a crime must have been committed at least twice within a three year period. Prostitution is a 'habitual crime,' pointing to the fact that is the *person* that the law seeks to criminalize as opposed to the acts (Human Rights Watch, *Laws Affecting Male Homosexual Conduct in Egypt*). [...]

Whilst consenting sex between people of the same sex in private is not illegal under Egyptian law, various provisions of the Penal Code and the Law on the Combating of Prostitution in relation to indecency, corruption of morals and debauchery are used to arrest and charge men suspected of engaging in sex with other men (International Gay and Lesbian Association, *State-Sponsored Homophobia 2020*).²⁰

In 2021, Bedayaa Organization released a report answering FAQs on the situation for LGBTQI people in Egypt. It wrote that:

Security campaigns led by the Interior Ministry typically target gay men and trans-women, whose arrest is later followed by charging them with habitual debauchery. [...]

In practice the criminal charges that can be brought up against a person under the law 10/1961 are:

- Inciting debauchery.
- Practicing habitual debauchery in exchange for money.
- Promoting and advertising debauchery online using social media.
- Practicing debauchery in exchange for money.
- Running a brothel and pimping out individuals to commit debauchery.
- Public advertising for debauchery using "suspicious" body language and signs.

¹⁹ UN Committee on the Elimination of Discrimination against Women, [Eightieth session - 18 October–12 November 2021 - Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women - Replies of Egypt to the list of issues and questions in relation to its combined eighth to tenth periodic reports](#), 7 July 2021, p. 22

²⁰ Sexual Rights Initiative, [Sexual Rights Database: Egypt](#), last updated 11 November 2021

The arrested person/s can be sentenced for each charge separately and receive an accumulative sentence for each criminal offense. Generally, the minimum jail time is 3 months, and the maximum is 3 years, but in practice under the criminal procedure law articles 02/304, which states that if the accused is facing multiple crimes that are all connected, it will all count as only one crime.

The judges give out only one sentence in most of the cases. [...]

With this fact, the Egyptian authorities does not only target gay men and trans women, but also bisexual men, intersex, and gender non-conforming individuals. To put it plainly, it persecutes what appears as contradicting to social norms.

There are no legal articles that criminalize same sex act between women, although they are under the risk of facing law 10/1961 [...]. Even though lesbian, bisexual, and queer women do not face the same legal discrimination other groups face, they face different forms of social and family violence e.g., corrective therapy, forced marriage, marital rape, forced confinement inside homes and deprivation from education, work and travel. [...]

The Egyptian state prosecutes LGBTI persons despite the absence of an explicit legal statute. In most trials, law 10/1961 9 on the Combating of Prostitution and Debauchery is used, that sentenced the defendants to imprisonment for a period not less than one year and not more than three years, and a fine between 100 and 300 LE in the Egyptian administration and between 1000 and 3000 Lira in the Syrian administration. Even though this law was issued during the Syrian-Egyptian unity period (22nd of February 1958 and amended on 28th of September 1961) to only combat “sex working” among men and women, and it does not have any clear articles that criminalize homosexuality nor promoting of homosexuality. In Later judicial implementation of the law, the judges started interpreting the word (Debauchery) in the law as a synonym to male homosexuality. [...]

In February 2019, the Speaker of the House of Representatives “Ali Abdel Aal” passed a new proposal to the legislative committee in the Egyptian Parliament to be discussed, this proposal contained new legal definition for prostitution and debauchery, as well as setting new punishments under the law, from one to five years¹³ and a fine of 5000 EGP to 50000 EGP. Even though the on- going discussion about the law 10/1961 and the new law proposals, it is yet to be amended or replaced, the trials continue to use law 10/1961. [...]

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

10 <https://egyptianstreets.com/2017/09/26/seven-arrested-for-raising-rainbow-flag-during-mashrou-leila-concert/>

11 <https://tinyurl.com/usc7ya6> (Arabic content) [...]

²¹ 13 2019 ل عام ١٤٤١ ال جد ل ١٤٤١ ال رذ وممارسة وال فجور ال فسق أعمال مكافحة قاذون و ١٣ م نص

In January 2022, Malak El-Kashif, an LGBT+ human rights defender, wrote an article on transgender policy in Egypt for the Tahrir Institute for Middle East Policy. The article stated that: “As an Egyptian transgender woman, I can make it clear that we do not have the protections that the media claims that we have. [...] Furthermore, with a legislative vacuum regarding the civil rights of transgender people, we cannot file lawsuits against anyone who commits crimes against us. Instead, we can be detained under the counter-debauchery articles of law No. 10 of 1961, which is used to punish homosexual men and transgender women”.²²

²¹ Bedayaa Organization, [10 FAQs about LGBTIQs situation in Egypt](#), 2021, pp. 3-5

²² The Tahrir Institute for Middle East Policy, [Transgender Policy in Egypt: Murder by Medical Bureaucracy](#), 18 January 2022

Afsaneh Rigot's March 2022 report on the role of digital evidence in the persecution of LGBTQ people in Egypt, as well as Lebanon and Tunisia, gave the following summary on the legal framework in Egypt:

Currently in Egypt, the main provision used to prosecute those deemed as LGBTQ is Article 9(c) of *Law No. 10/1961, on the Combating of Prostitution*. It provides for up to three years in prison and/or fines for anyone who "habitually engages in debauchery or prostitution." The statute does not offer a definition for debauchery. As noted, Egyptian courts typically equate debauchery with same-sex practice among men. This is based on prior decisions of the Court of Cassation which established the definition of debauchery as "a man offering himself sexually to other men."¹²² Lower courts have adopted this definition without scrutiny or additional further analysis.

The statute also fails to offer any definition of "habitually," leaving interpretation to the courts.¹²³¹²⁴ The Court of Cassation subsequently required that, to meet the element of habituality, the accused must have engaged in "indiscriminate" sexual acts for three years preceding arrest, in addition to the incident that triggered the arrest.¹²⁵ Judges in Misdemeanors and Appeal courts have relied on this precedent to acquit defendants from debauchery charges or reduce their sentences. However, the requirement of habituality has also failed to protect many LGBTQ defendants, as even when the threshold of three years' activity can be shown, the definition of "indiscriminate" is left to the discretion of the presiding judge and is often interpreted so broadly as to be meaningless. [...]

LGBTQ people in Egypt are also prosecuted under other provisions of Law No. 10/1961, another aspect of the Combating of Prostitution framework, including for accessory crimes like incitement to or publicizing of debauchery. Article (1)(a) provides for prison terms of up to three years and/or fines for "*Whoever incites a person, be they male or female, to engage in debauchery or in prostitution, or assists in this or facilitates it,*" and Article 14 provides similar penalties for publicizing or drawing attention to debauchery. [...]

¹²² Long, S., 2004. IN A TIME OF TORTURE - The Assault on Justice in Egypt's Crackdown on Homosexual Conduct. [ebook] Human Rights Watch,. Available at: <<https://www.hrw.org/report/2004/02/29/time-torture/assault-justice-egypts-crackdown-homosexual-conduct>> [Accessed 30 October 2021].

¹²³ Sexuality, Development and Non-conforming Desire in the Arab World: The Case of Lebanon and Egypt

¹²⁴ There is some insight into the limits of discretion on the notion of "habituality" based on prominent definitions of these offences as laid out throughout different judgements of the Egyptian Court of Cassation. On this, EIPR's analysis shows that: EIPR page 37

¹²⁵ Ibid²³

A March 2022 research piece on sodomy laws in Iran, Lebanon, Egypt, and Tunisia in the Contemporary Review of Genocide and Political Violence (CRG Review) stated that: "The Egyptian law is not based on Islamic jurisprudence, but rather civil law passed in 2017 that bans "scandalous acts," "debauchery or "prostitution" (Raghavan 2020) to persecute sexual minorities, enforcing the law to highlight the control of the state".²⁴

²³ Afsaneh Rigot, [Digital Crime Scenes: The Role of Digital Evidence in the Persecution of LGBTQ People in Egypt, Lebanon, and Tunisia](#), 7 March 2022, pp. 37-39

²⁴ Contemporary Review of Genocide and Political Violence (CRG Review), [Persecution and Control: A Comparative Look at the Sodomy Laws in Iran, Lebanon, Egypt, and Tunisia](#), 19 March 2022

In July 2022, the Guardian reported on calls for the UN to move COP27 from Egypt due to concerns for LGBTQ+ persons in the country, writing that: “While same-sex relationships aren’t explicitly banned in Egypt, the country’s security forces have used laws designed to protect against public “debauchery” to harass, arrest, imprison and even torture LGBTQ people, according to human rights groups”.²⁵

A joint NGO submission for the review of Egypt by the Human Rights Committee in January 2023, published by Committee for Justice (CFJ), DIGNITY, the Egyptian Front for Human Rights (EFHR), the Egyptian Initiative for Personal Rights (EIPR), EgyptWide for Human Rights, EuroMed Rights, the International Service for Human Rights (ISHR), REDRESS, and Women’s International League for Peace and Freedom (WILPF), stated that:

In 2002, the [CEDAW] Committee noted “the criminalization of some behaviours such as those characterized as “debauchery”. It recommended “the State party should ensure that articles 17 and 26 of the Covenant are strictly upheld, and should refrain from penalizing private sexual relations between consenting adults.”

The State response [in November 2020] referred to article 167 of its fifth national report which denied the criminalization of consensual same-sex relations and stated that the legislative structure to combat prostitution, sexual exploitation and trafficking did not criminalize same sex sexual relations. Contrary to the State’s response, cases of targeting LGBTQ+ individuals are still taking place in Egypt especially by using the internet to entrap and arrest them. [...]

Egyptian police, prosecution and courts persecute homosexuality, transgender women’s identities and consensual same-sex acts between men or men and trans women under provisions of Egypt’s Law no. 10/1961 on Combating Prostitution (most notably, the vague and overbroad crime of “habitual debauchery”, among others).²⁶

At the end of January 2023, BBC News published an article on its research into online entrapment of LGBT persons in Egypt by police, part of its work towards an investigative documentary, stating that: “There is no explicit law against homosexuality in Egypt, but our investigation has found that the crime of “debauchery” - a sex work law - is being used to criminalise the LGBT community”.²⁷

In February 2023, Human Rights Watch published a research report into digital targeting and its offline consequences for LGBT people in the Middle East and North Africa, based overall on 120 interviews, including with LGBT people affected by digital targeting, and expert representatives, including lawyers and digital rights professionals. On the Egyptian legal context, the report stated the following:

Egypt does not explicitly criminalize same-sex relations. However, several Egyptian laws restrict the rights to freedom of expression and privacy. These overbroad laws that target LGBT people in discriminatory and disproportionate ways include several penal code provisions that criminalize acts of “public indecency,” “inciting debauchery,” and the possession or distribution of materials deemed to violate

²⁵ The Guardian, [UN urged to move Cop27 from Egypt over ‘LGBTQ+ torture’](#), 15 July 2022

²⁶ Committee for Justice (CFJ) et al., [Joint NGO submission for the review of Egypt by the Human Rights Committee: 137th session \(27 February to 24 March 2023\)](#), 30 January 2023, p. 7

²⁷ BBC News, [How Egyptian police hunt LGBT people on dating apps](#), 30 January 2023

“public decency.” The law does not define “public decency” or “debauchery,” and it does not specify what acts are punishable.²³⁰

The Penal Code provisions commonly used to target LGBT people and their supporters are:

- Article 178, which punishes anyone who trades or distributes materials, including photos, that violate “public morals” with up to two years in prison and a fine up to 10,000 Egyptian pounds (US\$566).²³¹
- Article 269 *bis*, which punishes anyone found to incite a passerby with “signals or words to commit indecency” with imprisonment for up to one month and heightened penalties for repeat offenders.²³²
- Article 278, which punishes anyone who publicly commits “a scandalous act against virtue” with detention for up to one year or a fine of up to 300 pounds (US\$17).²³³

Article 9 of the Law 10/1961 on the Combating of Prostitution punishes anyone who “habitually engages in debauchery or prostitution” or who offers, owns, or manages establishments for the purpose of such activities, with up to three years in prison and a fine of up to 300 pounds (US\$17). Article 14 of the same law punishes “incitement to debauchery” with up to three years in prison and a fine of 100 pounds (US\$5).²³⁴ Since the late 1990s, law enforcement authorities and courts have generally broadly interpreted the “debauchery” law to apply to consensual same-sex conduct between men.²³⁵ [...]

230 “Egypt: Spate of ‘Morality’ Prosecutions of Women,” Human Rights Watch news release.

231 An English translation of the penal code is available here: chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://sherloc.unodc.org/cld/uploads/res/document/criminal_code_of_egypt_english_html/Egypt_Criminal_Code_English.pdf, p. 76 (accessed July 4, 2022).

232 *Ibid.*, p. 139.

233 *Ibid.*, p. 140.

234 Law 10/1961 on the Combating of Prostitution, <http://www.refworld.org/docid/5492d8784.html> (accessed July 4, 2022).

235 Human Rights Watch, *In a Time of Torture: The Assault on Justice in Egypt’s Crackdown on Homosexual Conduct*, (New York: Human Rights Watch, 2004), <https://www.hrw.org/reports/2004/egypt0304/egypt0304.pdf>.²⁸

In early March 2023, the UN Human Rights Committee published a summary record of the 3958th meeting, held in February 2023, in which the fifth periodic report of Egypt was considered. In response to concerns voiced that “Act No. 10 of 1961 was used criminalize homosexual and transgender persons and that people were subject to stigmatization, harassment, violence and discrimination because of their sexual orientation or gender identity by private individuals and State agents, including law enforcement personnel,”²⁹ a representative from Egypt stated that “[r]egarding homosexuality, relations between consenting adults in private were not criminalized”.³⁰

²⁸ Human Rights Watch, [“All This Terror Because of a Photo”: Digital Targeting and Its Offline Consequences for LGBT People in the Middle East and North Africa](#), 21 February 2023, pp. 96-97

²⁹ UN Human Rights Committee, [137th session, Summary record of the 3958th meeting*: Held at the Palais Wilson, Geneva, on Tuesday, 28 February 2023, at 3 p.m. - Consideration of reports submitted by States parties under article 40 of the Covenant - Fifth periodic report of Egypt](#), 6 March 2023, p. 4

³⁰ UN Human Rights Committee, [137th session, Summary record of the 3958th meeting*: Held at the Palais Wilson, Geneva, on Tuesday, 28 February 2023, at 3 p.m. - Consideration of reports submitted by States parties under article 40 of the Covenant - Fifth periodic report of Egypt](#), 6 March 2023, p. 5

The US Department of State (USDOS) published its annual report on human rights practices in Egypt in March 2023, covering developments in 2022. It wrote that: “While the law does not explicitly criminalize consensual same-sex sexual activity, lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons were arrested and prosecuted on charges including ‘debauchery’, prostitution, and ‘violating family values,’ for which the law imposes prison sentences of up to 10 years in prison, significant fines, or both. This results in de facto criminalization of same-sex conduct and identity”.³¹

In March 2023, Freedom House released its annual Freedom in the World 2023 report, covering developments in 2022. For Egypt, it similarly stated that: “While same-sex sexual conduct is not explicitly banned, people suspected of such activity can be charged with prostitution or “debauchery”.³² The same statement was written in the 2022 and 2021 annual reports.³³

In April 2023, the UN Human Rights Committee published its concluding observations on the fifth periodic report of Egypt, in which it stated that: “The Committee is concerned that vague provisions on “habitual debauchery” under Act No. 10 of 1961 on combating prostitution are used to prosecute persons due to their sexual orientation or gender identity, and in some cases to subject them to forced anal examinations (arts. 2, 3, 7, 17 and 26)”.³⁴

The ILGA World’s Database page for Egypt stated that: “In January 2022, a member of the Constitutional and Legislative Affairs Committee in the Senate reportedly submitted to a proposal to the legislative council to add a number of articles to the Penal Code to “prohibit and criminalize homosexuality”. A month later, it was reported that another MP had drafted a bill for consideration which would explicitly criminalise consensual same-sex activity, as well as the “promotion of homosexuality””.³⁵

iii. Other relevant legislation affecting LGBTQI+ persons

The May 2020 BBC News article about the Egyptian actor, Hisham Selim, speaking out in support of his transgender son, stated that: “Although transitioning is legal in Egypt, the process is long and complex. It involves medical tests, psychological treatment and approval from both doctors and religious clerics”.³⁶

An article in Slate by Afsaneh Rigot in December 2020 on the increasing persecution of LGBTQI+ people in Egypt using cybercrime and online morality laws noted the following information on the changing use of courts to prosecute LGBTQ-related cases:

³¹ USDOS, [2022 Country Report on Human Rights Practices: Egypt](#), 20 March 2023

³² Freedom House, [Freedom in the World 2023: Egypt](#), March 2023

³³ Freedom House, [Freedom in the World 2022: Egypt](#), 24 February 2022; Freedom House, [Freedom in the World 2021: Egypt](#), 3 March 2021

³⁴ UN Human Rights Committee, [Concluding observations on the fifth periodic report of Egypt](#), 14 April 2023, p. 2

³⁵ International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA World), [ILGA World Database: Egypt page](#), undated [last accessed 30 June 2023]

³⁶ BBC News, [Hisham Selim, famed Egyptian actor, praised over transgender son](#), 10 May 2020

Over the past few years, Egyptian prosecutors have started increasingly relying on the gathering of digital evidence to prosecute LGBTQ people through online dating app entrapments or evidence from people's devices. However, as of this year, prosecutors are moving LGBTQ cases to the economic courts of Egypt, which are known for prosecuting online "moral" crimes. The result is that sentences, charges, and fines are being doubled. [...]

Starting in March, LGBTQ-prosecuting cases started being tried in the economic courts. The courts are optimizing how to turn private interactions and communication, deemed queer, into a certified sentence. The shift for these cases seems to be linked to challenges prosecutors faced from meticulous NGOs and defense attorneys. Thanks to their efforts, crimes of "advertising," "publicising," or "habitually practicing" debauchery have become harder to prove. Sharif (a pseudonym I'm using for his protection), one of the main defense lawyers working on these cases, told me, "The accused get acquitted often simply because according to the debauchery law, you have to add a sense of *publicity* into a conversation." But these conversations are clearly private—there is no "publicity." With challenges to clumsily gathered digital evidence, defense lawyers have garnered more reduced sentences and acquittals in recent years.

"The public prosecutor started take note that if [they] lose debauchery cases because of lack of 'publicity,' they may be able to use articles from the new laws, to mix it with the debauchery law. [Then] they can prosecute people and actually win the case or get a [higher] sentence out of the court," Sharif explained. By trying these cases in the economic courts, they not only increase chances of convictions but are bringing more charges and with higher sentences. [...]

The laws under which these cases are tried in the economic courts are vague and broadly applied: Article 76 of the Telecommunication Regulation Law criminalises the "misuse of telecommunications," and Article 25 of the cybercrime law criminalizes the use of technology to "infringe on any family principles or values in Egyptian society."

The most dangerous of the laws is that "family values" law. "An article like [that is] so flexible and open to interpretation that no individual will have an understanding of it to prevent doing that crime," Sharif told me. These laws are not only very broad—they lack interpretations from higher courts. This has allowed for judicial power to not just apply the laws but also to define them.

Starting in March, police, prosecutors, and courts aligned for this new pattern of arrests and prosecutions. "[Before March] the police didn't really know to note that the person had violated the cybercrime law. ... They would just follow the same old rhythm. They would just write debauchery [charges]," Sharif told me. "But, after March, police officers took note of the change and started writing that the person also violated the cybercrime law *in [the] police report*. ... It is much easier for the prosecutor to send it to the economic courts because ... there's more guarantee to get a sentence that he wants." [...]

The sentences that accompany these new convictions are significant. "While debauchery law cases usually had around a 400 Egyptian pound fine [about one week's worth of groceries for an average family], and three to six months imprisonment if they were sentenced ... the new law has a minimum fine of 50,000 EGP and maximum 100,000 EGP, and the minimum sentences are usually two years ... so it's a very big jump," Sharif pointed out. This is echoed by the other caseworkers and lawyers I've spoken to as well as by court files: same interrogations, same investigations, higher charges and higher fines.

And things are getting worse. On Sept. 1, the Egyptian government released the executive list for the cybercrime law. Prior to this, lawyers had been able to use a lack of a definitions and procedures as part of their defense. However, the executive list now codifies a broad range of elements that are chargeable digital offenses. It also provides the courts with power to bring in technical experts to certify the digital evidence presented.

In the misdemeanor courts, challenging unverified and clumsy evidence-gathering was a possibility. This will be very difficult now for defense lawyers. Sharif said the court brings in a "specialized cyber person,

an engineer sometimes, that comes and checks the phone, checks the conversation, checks the data and checks the IP [addresses], checks everything, and gives a detailed technical report to the court.” They are very serious about confirming convictions and standardizing their methods.

The picture is dire. Right now, increased digital reliance is unavoidable, and the courts are adapting. In my time researching arrests and prosecutions of LGBTQ groups, I have never seen another country with such a robust system of prosecutions—and now it’s being further optimized.³⁷

At the beginning of 2021, Bedayaa Organization produced its annual report covering events relevant to its legal aid programme from January to December 2020. It reported on the cybercrime law and the economic courts in Egypt:

I. Cybercrime Law and Economic Courts

Early on in 2020, and in light of the COVID-19 pandemic, the Egyptian General Prosecutor announced that the Cybercrime Law (no. 175 for the year 2018) will be intensively employed starting March 2020. Prosecutors also started to use another new charge in SOGIESC-based prosecutions which is “the misuse of communication devices” that is present in the Telecommunication Regulation Law (no. 10 for the year 2010).

Due to these vague charges that are used in the Cybercrime Law such as “violating family values and principles in the Egyptian society”, there is an uncertainty status with regards to the extent to which the application of that law will affect SOGIESC-based prosecutions.

That could practically be used to prosecute persons who commit any online behaviour that the State deems as a violation of “Egyptian family values” such as the famous case of the TikTok girls.

As a result of these developments, cases started to get redirected to economic courts—the courts with exclusive jurisdiction over cases that are based on these charges.

This presented a dramatic shift from the traditional use of the debauchery article in prosecutions of LGBTQ+ individuals in criminal courts.

The early signs of the employment of these new charges in SOGIESC-based prosecutions are very mixed.

Two different cases in front of economic courts received acquittals in the first degree however, in an unexpected turn of events, one of these cases received a two-year sentence after the prosecution appealed the first-degree sentence.

A third case, in which four gay men were arrested from a coHee shop in Alexandria, is currently pending trial in an economic court.

The Cybercrime Law has significantly higher fines as convicted persons can receive fines as high as 300,000 Egyptian pounds.

In addition to the high fine, LGBTQ+ individuals who are prosecuted in this new setting can also receive up to a 3-year prison sentence.

The courts themselves are still trying to adapt to this new and very broad jurisdiction, especially as the executive regulations for the Cybercrime Law have been just released in September 2020.³⁸

Similarly, in February 2021, ILGA World stated that: “A report has highlighted how the introduction of the new Cybercrime Law in Egypt has “introduced a dramatic shift from the traditional use of the debauchery article in prosecutions of LGBTQ+ individuals in criminal courts””.³⁹

³⁷ Slate, [Egypt’s Dangerous New Strategy for Criminalizing Queerness](#), 30 December 2020

³⁸ Bedayaa Organization, [Legal Aid – Annual Report: 2020](#), 2021, p. 2

In March 2021, a joint statement from Kirsti Kauppi, Ambassador of Finland to the UN, on behalf of thirty-one UN member states at the 46th session of the UN Human Rights Council denouncing the human rights situation in Egypt, stated that “we are deeply concerned about the application of terrorism legislation against human rights activists, LGBTI persons, journalists, politicians and lawyers”.⁴⁰

A June 2021 France 24 article on the challenges of a transgender woman in Egypt wrote that: “Egyptian law “does not recognise transgender people”, said one of the founding members of rights group Bedayaa, which advocates for the LGBTQ+ community”.⁴¹

The Sexual Rights Database by the Sexual Rights Initiative, last updated in November 2021, noted the following: “Article 24 of the Medical Code of Conduct & Ethics states that doctors have the right to refuse medical services to any patient from the beginning or stop treatment based on personal or professionals reasons, so long as it is not an emergency (Independent SRHR expert, Egypt)”.⁴²

In November 2021, Nora Noralla, an Egyptian human rights researcher, published an article for OpenGlobalRights on the discriminatory system for transgender people in Egypt and the death of Ezz Eldin, a 26-year-old transgender man, in August of that year. The article also gave an overview and timeline of the complexly connected legal, medical, and religious framework around gender recognition and gender affirmation surgery:

August 26 should have been a day of celebration for Ezz Eldin, a 26-year-old transgender man, but it ended in tragedy. He bled to death after he was prematurely discharged following a gender-affirmation surgery in an underground clinic, transgender activists told Human Rights Watch.

Ezz Eldin, who also went by Ahmed Fares, need not have died, and what should have been a life-affirming surgery instead became a life-threatening procedure in an unauthorized clinic. A dysfunctional, discriminatory system left him with no surgical alternative. This is the situation for transgender people in Egypt who are denied access to appropriate health care under a government that discriminates against them and withholds legal gender recognition.

His desperate attempts to get the care he needed arose, in part, due to discord between religious and medical authorities. The impasse originated almost two decades ago and revolves around the extent at which religious authorities should have a say in medical matters. It is based on a fatwa, or religious edict, that permitted medical intervention only for intersex people, who are born with characteristics that vary from what is considered typical for female or male bodies.

Transgender individuals, whose gender differs from the sex they were assigned at birth, were disqualified. This confusing, contradictory, and discriminatory policy has left transgender people in Egypt with very few choices—if they want surgery, unregulated and often unsafe clinics are the only options.

³⁹ International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA World), [The week in LGBTI news: 19-25 February 2021](#), 26 February 2021

⁴⁰ Ambassador Kirsti Kauppi, Finland, et al., [46th session of the United Nations Human Rights Council: General Debate Item 4: Human Rights Situations that require the Council’s attention - Joint Statement on Egypt](#), 12 March 2021, p. 1

⁴¹ France 24, [Transgender woman battles for 'dignity' in conservative Egypt](#), 2 June 2021

⁴² Sexual Rights Initiative, [Sexual Rights Database: Egypt](#), last updated 11 November 2021

In 2003, Egypt's Health Ministry established a review committee within the Medical Syndicate for people wanting "sex reassignment surgery." However, the volunteer committee met irregularly, had no legal authority, and was required to include a representative from Egypt's Islamic oversight body, Dar Al Ifta.

This led to the anomalous situation of a religious authority participating in medical policy, based on their understanding of religion, not science. In accordance with the fatwa, Dar Al Ifta drew a distinction between "sex change," referring to gender affirming surgery for transgender people, and "sex reassignment," referring to surgery for people with intersex characteristics.

Medical authorities were reluctant to refer transgender patients to surgery, out of deference for their religious counterparts. In 2003, the Medical Syndicate amended the Medical Code of Ethics to ban doctors from performing surgery on transgender patients to further please the religious authorities, who believed that sex reassignment surgeries should only be allowed for intersex individuals [sic].

Doctors who perform such surgery risk a professional liability, and legal repercussions under article 244 of Egypt's Penal Code. In several documented cases, prosecutors and judges punished doctors who had performed these operations under the guise of causing a "permanent disability" to transgender patients. This caused a spike in the cost of gender-affirming care, as fewer doctors were willing to take this risk. According to several transgender people we talked to, gender-affirming surgeries could cost anywhere from 7,000 EGP (445 USD) to 25,000 EGP (1,560 USD).

Notwithstanding these barriers, the Medical Syndicate indicated in 2013 that it was willing to consider individual transgender applicants under certain onerous conditions, including two years of psychiatric observation. This was to demonstrate to the religious authorities that the applicant tried to resolve the issue through psychiatric treatment but to no effect. But even this narrow window was closed under pressure from Dar Al Ifta in 2014.

In 2017, religious and medical representatives appeared to have resolved their differences by agreeing that the religious authorities would have the final say. However, the committee remained so dysfunctional that it asked the government to dissolve it and transfer responsibility for handling cases to the Health Ministry or Justice Ministry.

In a landmark 2016 case, a transgender man requested legal gender recognition from the state, but an administrative court denied his request, based on the aforementioned fatwa, and after the Forensic Medical Authority said that "the plaintiff underwent a sex change operation and not a sex reassignment one." Thus, the plaintiff violated the Shari'a principles, which only allows surgeries for intersex individuals.

The court added that parliament should "issue laws to regulate the matter and to clear the confusion about the process, on the condition that the new laws would be compatible with Islamic Shari'a." and that "the medical syndicate is a body only responsible to look after the welfare of its members and is not in a position to review requests for sex reassignment surgeries."

This ruling highlighted the negative impact of having religious authorities determine the health care needs of transgender people, a task for which they are wholly unqualified. [...]

Egypt's legislative and executive branches should carry out urgent reforms to create a legal gender recognition system recognized by all government departments.⁴³

The latest edition of ILGA World's "Our Identities under Arrest" report, released in December 2021, stated that:

⁴³ OpenGlobalRights, [A discriminatory system killed a transgender man in Egypt](#), 10 November 2021

There is no law that explicitly criminalises consensual same-sex sexual activity in Egypt. However, Law No. 10/1961 on the Combating of Prostitution is selectively used to target individuals of diverse sexual orientations and gender identities. The main charges brought against suspects include “habitual practice of debauchery” (Article 9-c), “publicising an invitation to induce debauchery” (Article 14), and “incitement to debauchery” (Article 1). While these articles provide for a maximum of three years imprisonment, Bedayaa, a local NGO, noted that some cases could receive up to six years.²⁶

A draft law to increase the minimum prison sentence for these offences to seven years has advanced to the Parliament’s Legislative and Constitutional Committee.²⁷ Further, the Egyptian *Dar Al Iftaa* (Islamic advisory body to the government) issued a series of *fatwas* (legal opinions) in 2020, including one condemning homosexuality and outlining the need for medical intervention (i.e., “conversion therapies”).²⁸ [...]

26 “Repression in Egypt: 92 LGBTIQ+ arrests last year”, *Rights Africa*, 8 March 2020.

27 ILGA World: Lucas Ramón Mendos, Kellyn Botha, Rafael Carrano Lelis, Enrique López de la Peña, Ilia Savelev and Daron Tan, *State-Sponsored Homophobia: Global Legislation Overview Update* (2020), 522.

28 “الجدل أثارت وإلغى فرمان والشدوذ الان تحار عن الم صري ل لإف ناء م ت تالا بة ف تاوى ث لاث الوطن ذ ما دل ع المزيد” [More on Dunya Al-Watan Three consecutive fatwas of the Egyptian fatwa on suicide, homosexuality, and forgiveness sparked controversy], *Alwatan Voice*, 22 June 2020.]⁴⁴

Bedayaa Organization’s 2021 report answering FAQs on the situation for LGBTIQ people in Egypt wrote that:

In 2018 the Egyptian Parliament passed the new cybercrime law number 175/2018 14 this law contained several vague articles that lacks a clear legal definition, which open room to use against LGBTI persons, for example, article 25 of the law states that anyone who violate the principles and values of the Egyptian family and the Egyptian society is to be punished by jail time of at least six months and a fine of minimum 50000 EGP and maximum 100000 EGP. This kind of vague language is a huge risk for any member of the LGBTI community who tries to have any kind of activity on the social media and the internet in Egypt.

It is worth mentioning that article 178 from the penal code (4)¹⁵ is used in some cases. This article states that whoever publishes, or shows, or prints advertising material or symbolic signs or brochures or photographs that violate public morals is to be punished with a maximum of two years jail time and with a fine of minimum 5000 EGP and maximum 10000 EGP. [...]

14 <https://www.loc.gov/law/foreign-news/article/egypt-president-ratifies-anti-cybercrime-law/>

15 <https://www.refworld.org/docid/3f827fc44.html>⁴⁵

Afsaneh Rigot’s March 2022 report on the role of digital evidence in the persecution of LGBTQ people in Egypt, as well as Lebanon and Tunisia, wrote in detail on the increased use of cyber laws affecting LGBTIQ+ persons:

⁴⁴ International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA World), [Our Identities Under Arrest: A global overview on the enforcement of laws criminalising consensual same-sex sexual acts between adults and diverse gender expressions](#), 15 December 2021, pp. 125-126

⁴⁵ Bedayaa Organization, [10 FAQs about LGBTIQs situation in Egypt](#), 2021, p. 6

Due to increased reliance on digital evidence as a component of prosecution, there is a corresponding increase in the use of cyber laws to persecute queerness. Among the three countries, Egypt is the most accustomed to using cyber laws in cases involving LGBTQ persons and groups, and infrastructure to support the use of cyber laws for these purposes is in place. [...]

While this research was underway, there was a pronounced increase in the use of cyber laws in the type of cases being studied. Specifically, Article 76 of the Telecommunication Regulation Law, which criminalizes the “misuse of telecommunications,”¹⁶⁸ and Article 25 of the cybercrime law, which criminalizes the use of technology to “infringe on any family principles or values in Egyptian society.”¹⁶⁹ [...]

When the Egyptian Economic Courts were created in 2008, they were endowed with jurisdiction over financial laws, including the 2003 Telecommunication Regulation Law; in 2019, jurisdiction over Egypt’s 2018 Anti-Cyber and Information Technology Crimes Law (known as the “cybercrime law”)¹⁷¹ was added by decree.¹⁷² With this addition, the economic courts began exercising influence over public life by policing online “morality” and reinforcing digital surveillance. Advocates for the queer community predicted this law would be weaponized against them, with one interviewee noting that: *“cybercrime legislation authorities have the tools and ability to watch the internet; they can search and haunt the gays through dating apps like Grindr, WhosHere, and even on Facebook.”*¹⁷³ Another said in respect to cybercrime legislation that, *“I think that [this] new security approach, or policing approach, is going to sort of erase the previous approach that was used in Egypt against LGBT groups.”*¹⁷⁴ [...]

By September of 2020, a significant percentage of LGBTQ cases involving digital evidence were being transferred to the economic courts. Transfers were generally accomplished through the addition of charges under Article 76 of the Telecommunication Regulation Law, criminalizing the “misuse of telecommunications,”¹⁷⁷ and Article 25 of the cybercrime law, criminalizing the use of technology to “infringe on any family principles or values in Egyptian society.”¹⁷⁸ This shift enabled police and prosecutors to optimize their use of digital evidence in the pursuit of more stringent sentences. Based on the comments of the lawyer interviewed, it is possible to bring debauchery and prostitution law charges before the Economic court and therefore combined charges. [...]

Lawyers working on these cases outline the complexity that comes with the breadth and vagueness of the cybercrime charges. There is consensus that the most dangerous of the laws is Article 25 of the cybercrimes law:

*“[this law] doesn’t have any elements to it. Every crime has an element, like the elements that are understood, elements that are clear, not only for the lawyer but for the person because if you want to criminalize something you need to make it clear for the individual so they wouldn’t commit the crime, but an article like violating family values and social traditions and so on, it’s so vague and so flexible and open to interpretation that no individual will have an understanding of it to prevent doing that crime. And this is an issue even for the defendant because how do you defend something that doesn’t have an interpretation?”*¹⁸⁷

The lack of specificity in these laws amounts to a delegation of authority from the legislature to the courts, and affords the courts and prosecutors *tabula rasa* to avoid pro-defendant precedent on debauchery laws put before the Court of Cessation. [...]

In particular, the interviewee observed that there is “a very big jump” on the severity of sentences, as the cybercrime law provides higher fines and longer prison terms:

“If we look at the Law No 10/1961 we’ll see that article number 9-c that is related to practice and habitual debauchery says that the person is to be punished for a minimum of 3 months and the maximum of 3 years or a fine does not go over 300 Egyptian pounds and probation of the same time that person receives. The new law, Law No. 175, Article 25 [of the cybercrime law], the punishment is at least 6 months—here

we see a 3-month increase in the jail time punishment—and the fine does not go lower than 50 thousand Egyptian pounds and maximum of 100 [thousand] Egyptian pounds...”¹⁹⁰

Furthermore, the overall structure of these laws is not just defined by longer prison terms, but by the overall lack of options for punishment except for those of prison terms, where *“under the new law there is no probation, so it is just jail time.”¹⁹¹ [...]*

168 Article19.org. 2021. [online] Available at: <<https://www.article19.org/data/files/medialibrary/37966/Egypt-telecoms-report---English.pdf>> [Accessed 22 December 2021]. (In this English translation it is translated as “illegitimate means to conduct telecommunication correspondence”

<http://hrlibrary.umn.edu/research/Egypt/Egypt%20Telecommunication%20Regulation%20Law.pdf> yet holds the same interpretation)

169 Cyrilla.org. 2021. Law No. 175 of 2018 on Anti-Cybercrimes and Information Technology Crimes • Page 2 • CYRILLA: Global Digital Rights Law. [online] Available at: <<https://cyrilla.org/en/document/eonsr41300kx0jqeipsvbcSor?page=2>> [Accessed 22 December 2021]. [...]

171 Ibid

اليوم - الرسمية بالجريدة الرسمية ون الرئيس ت صديق ب عد ت صادية الاق المحاكم فازون نص ش زن. 2021. ال سابع ال يوم ال سابع 172 [online] Available at: <<https://www.youm7.com/story/2019/8/13/%D9%86%D9%86%D8%B4%D8%B1-%D9%86%D8%B5-%D9%82%D8%A7%D9%86%D9%88%D9%86-%D8%A7%D9%84%D9%85%D8%AD%D8%A7%D9%83%D9%85-%D8%A7%D9%84%D8%A7%D9%82%D8%AA%D8%B5%D8%A7%D8%AF%D9%8A%D8%A9-%D8%A8%D8%B9%D8%AF-%D8%AA%D8%B5%D8%AF%D9%8A%D9%82-%D8%A7%D9%84%D8%B1%D8%A6%D9%8A%D8%B3-%D9%88%D9%86%D8%B4%D8%B1%D9%87-%D8%A8%D8%A7%D9%84%D8%AC%D8%B1%D9%8A%D8%AF%D8%A9/4374050>> [Accessed 22 December 2021].

173 EL3

174 EL4 [...]

176 EL4

177 Article19.org. 2021. [online] Available at: <<https://www.article19.org/data/files/medialibrary/37966/Egypt-telecoms-report---English.pdf>> [Accessed 22 December 2021]. (In this English translation it is translated as “illegitimate means to conduct telecommunication correspondence”

<http://hrlibrary.umn.edu/research/Egypt/Egypt%20Telecommunication%20Regulation%20Law.pdf> yet holds the same interpretation)

178 Cyrilla.org. 2021. Law No. 175 of 2018 on Anti-Cybercrimes and Information Technology Crimes • Page 2 • CYRILLA: Global Digital Rights Law. [online] Available at: <<https://cyrilla.org/en/document/eonsr41300kx0jqeipsvbcSor?page=2>> [Accessed 22 December 2021]. [...]

187 EL2 [...]

190 EL6

191 EL6⁴⁶

The USDOS annual report on human rights practices in Egypt in 2021, published in April 2022, wrote that: “The law allows for conducting forced anal exams in cases of “debauchery”.⁴⁷

The New Arab published an article in July 2022 on the lack of gender-affirming health care in Middle East nations, including Egypt. It wrote that:

⁴⁶ Afsaneh Rigot, [Digital Crime Scenes: The Role of Digital Evidence in the Persecution of LGBTQ People in Egypt, Lebanon, and Tunisia](#), 7 March 2022, pp. 50-52, 54-55

⁴⁷ USDOS, [2021 Country Report on Human Rights Practices: Egypt](#), 12 April 2022

The already marginalised transgender communities of the Middle East have seen their rights dwindle even further in the past several years, as an alarming number of Arab Middle Eastern countries have passed laws restricting or banning their access to gender-affirming health care and legal gender recognition. [...] Egypt led the region in cracking down on transgender people: In 2003, the country's medical syndicate amended its code of ethics and added article 43, which banned doctors from providing any sex-change treatments.

These legal changes are often driven by conservative religious narratives and the façade of protecting the values of society –and resisting the West. [...]

In Egypt, article 43 stipulated that sex-change medical interventions shall only be allowed after a full chromosome map to ensure that the person has a “biological need” to receive that medical treatment.

It also mandates that gender-affirming health care will be made available only after receiving approval from a sex reassignment committee.

The committee was established in 2003 to review applications from those who wish to receive gender-affirming health care and included a representative of Al-Azhar – Egypt's highest religious authority – to ensure that every case is medically compatible with Sharia.

Violation of this amendment placed doctors under professional and criminal liability [...]. [...]

Furthermore, legal gender recognition is out of the question, as courts often rely on Sharia to make their judgment on the matter and employ medical opinions to verify whether the person truly has intersex characteristics or not. [...]

"The mismatch between their gender identity and their ID papers makes them an easy target for vice police," says Maryam Chaine, a Cairo-based lawyer. [...]

Currently, the Egyptian parliament, together with the medical syndicate, is discussing new medical liability law. One can be hopeful that this new law will remove the discriminatory ban that the current code of ethics has enacted on transgender bodies since 2003.⁴⁸

For a COI brief report on the situation of LGBT persons in Egypt by the Danish Immigration Service, published in September 2022, an online meeting was conducted with an analyst at Human Rights Watch in July of the same year. The meeting minutes, listed in the annex of the report, noted the following with regards to the law:

1. Several Egyptian laws restrict the right to privacy and freedom of expression. Among these vague and broad laws, which are also used to target LGBT people in discriminatory and disproportionate ways, are penal code provisions that criminalize public indecency, inciting debauchery and the possession or distribution of material violating public decency. The law does not clearly define public decency, debauchery or the acts that are punished.

2. Article 9 of Law 10 of 1961 on the Combating of Prostitution punishes anyone who habitually engages in debauchery or prostitution or who offers, owns or manages establishments for the purposes of such activities with up to three years of prison and a fine of 300 Egyptian pounds. Article 14 of the same law punishes the incitement to debauchery. Those are the laws primarily used by law enforcement authorities and courts against LGBT people and they have generally stretched the interpretation of the incitement to debauchery and debauchery to apply to consensual same sex conduct between men.

3. Other penal code provisions that are used are article 178 of Law No. 58 of 1937, which punishes anyone who trades or distributes material including photographs that violate public morals with imprisonment of

⁴⁸ The New Arab, [The Middle East has an anti-transgender bills problem](#), 22 July 2022

up to two years and a fine of 10.000 Egyptian pounds. Additionally, article 269 punishes anyone who is found to incite others to commit indecency or adultery with imprisonment of up to one month. Article 278 of the same law punishes anyone who publicly commits a scandalous act against pudency with detention of up to one year and a fine of 300 Egyptian pounds.

4. Recently the cybercrimes law has been used as well in LGBT cases. Law No. 175 of 2018 restricts online content undermining public morals or family values in articles 26 and 25, and article 27, which criminalizes the use of the internet to commit any other criminalized offense such as those mentioned in the penal code. Those articles punish individuals by up to six months in prison and a fine between 50.000 and 100.000 pounds. Those crimes are primarily punished in economic courts, which were established in Egypt in 2008. The jurisdiction includes violations of the 2018 cybercrime laws. Thus, a combination of, the penal code laws and laws on cybercrime are used to target LGBT people. [...]

6. Usually the laws are combined. In the first instance, individuals are referred to court based on penal code provisions such as the debauchery laws. If the case has any online content, it can be transferred to the economic court where the cybercrime law is invoked.⁴⁹

The same meeting minutes recorded the following on legal gender recognition:

17. In Egypt, there is a distinction between ‘sex change’ referring to gender affirming surgery for transgender people and ‘sex reassignment’ for intersex individuals. An individual who undergoes a sex change operation is not qualified for legal gender recognition, while individuals who undergo a sex reassignment surgery are allowed to change their name and gender.

18. Since 2003, a review committee under Egypt’s Ministry of Health comprising medical authorities and religious leaders (a representative from Egypt’s Islamic oversight body Dar el-Ifta) has made decisions about whether an individual can obtain a sex change or a sex reassignment procedure and whether they can obtain legal gender recognition at all. In 2003, the medical code of ethics was amended resulting in doctors being banned from performing surgery on transgender patients. Since then, individuals who want to receive legal recognition of their new sex from the state have been continuously denied, because there is the mentioned distinction between sex change and sex reassignment. There have been a few cases where transgender individuals could obtain a legal gender recognition, but it was based on proclaiming a sex reassignment surgery and not a sex change surgery.

19. [...] There has been no reform on legal gender recognition.⁵⁰

In February 2023, Human Rights Watch’s research report into digital targeting and its offline consequences for LGBT people in the Middle East and North Africa, stated the following in reference to the Egyptian legal context:

The 2018 cybercrime law (Law No. 175/2018)²³⁶ restricts online content deemed to undermine “family values” (article 25) or “public morals” (article 26). Article 27 criminalizes the use of the internet to “commit any other criminalized offense,” including those in the Penal Code.²³⁷ Content that conflicts with the principles or family values of Egyptian society or the sanctity of private life is criminalized and punishable by up to six months in prison and a fine of between 50,000 (US\$1600) and 100,000 pounds

⁴⁹ The Danish Immigration Service, [Country of Origin \(COI\) Brief Report – Egypt: Situation of LGBT persons](#), September 2022, pp. 19-20

⁵⁰ The Danish Immigration Service, [Country of Origin \(COI\) Brief Report – Egypt: Situation of LGBT persons](#), September 2022, p. 22

(\$US3200).²³⁸ Economic courts, which were established in Egypt in 2008 and consist of appeals courts judges, have jurisdiction over violations of the 2018 cybercrime law.²³⁹

Egypt's cybercrime law requires internet service providers to collect and store customer usage data for 180 days. That includes data that enables user identification, and data related to all user activities, including phone calls and text messages, websites visited, and applications used on smartphones and computers. The National Telecommunications Regulatory Authority can also issue an administrative decision obliging telecommunications companies to save "other data" without specifying what kind.²⁴⁰ [...]

236 Law No. 175 of 2018 Regarding Anti-Cyber and Information Technology Crimes, <http://ilo.org/dyn/natlex/docs/ELECTRONIC/108464/134088/F1331903941/175-2018.pdf> (accessed July 1, 2022).

237 Ibid.

238 Ibid.

239 "Egypt: Spate of 'Morality' Prosecutions of Women," Human Rights Watch news release.

240 "Abuse of Cybercrime Measures Taints UN Talks," Human Rights Watch news release, May 5, 2021, <https://www.hrw.org/news/2021/05/05/abuse-cybercrime-measures-taints-un-talks>.⁵¹

In February 2023, a report on banning the LGBT community from appearing in the Egyptian media was published by the Association for Freedom of Thought and Expression (AFTE). It stated the following:

The Press and Media Regulation Law No. 180 of 2018 gives the SCMR [Supreme Council for Media Regulation] the right to regulate the media in order to guarantee the protection of press and media freedom by ensuring that media outlets and press institutions adhere to the standards, principles and ethics of the profession, as well as the requirements of national security. This allows the SCMR to ban the publication or the broadcast of any content that it may deem violating the profession and its ethics or threatening the national security. [...]

The decisions issued by the SCMR are administrative^[8] and can be appealed in accordance with Article 97 of the constitution, which states: "Litigation is a safeguarded right guaranteed to all. The state shall bring together the litigating parties, and work towards speedy judgment in cases. It is forbidden to grant any act or administrative decision immunity from judicial oversight." So, the constitution allows persons who have the capacity and the interest to challenge administrative decisions before the State Council.

Although the litigation process may appear to be a solution, it requires time and physical, mental and material effort, and may pose a security risk to the appellant, given that the disclosure of affiliation to the LGBT community is a crime punishable by the Egyptian authorities. [...]

8 Mostafa Shawqy, Q&A on the SCMR's gag order in the 57357 Hospital case, AFTE, published in 2018, last visited in August 2022; <https://afteegypt.org/advocacy/position-papers/2018/07/16/15556-afteegypt.html>⁵²

The USDOS annual report on human rights practices in Egypt in 2022, published in March 2023, stated that: "The government has the authority to deport LGBTQI+ foreigners or bar their entry to the country".⁵³

⁵¹ Human Rights Watch, ["All This Terror Because of a Photo": Digital Targeting and Its Offline Consequences for LGBT People in the Middle East and North Africa](#), 21 February 2023, pp. 97-98

⁵² Association for Freedom of Thought and Expression (AFTE), ["They have no presence!" - On banning the LGBT community from appearing in the Egyptian media](#), 23 February 2023

⁵³ USDOS, [2022 Country Report on Human Rights Practices: Egypt](#), 20 March 2023

b. Implementation

i. Arrests

2020

Human Rights Watch released an article in September 2020 on the August 2020 arrest of witnesses to a gang rape in 2014. The article wrote that:

Egyptian security agencies in late August 2020 arbitrarily arrested a man and three women who were witnesses to a high-profile gang rape case from 2014 that recently came to light, Human Rights Watch said today. Security also arrested two of the witnesses' acquaintances.

The prosecutor general ordered the release of three of the six on August 31 but is pressing charges against all of them for violating laws on "morality" and "debauchery" that are vague, discriminatory, and open to abuse. Pro-government media have subjected them to a coordinated smear campaign [...].

The authorities had encouraged witnesses of the rape to come forward, which they did in early August. They now stand accused of consensual same-sex sexual conduct, "inciting debauchery," personal drug use, and "misuse of social media," a charge frequently used against peaceful government critics. [...]

Activists connected to feminist and LGBT communities in Egypt said they fear a wider crackdown as security forces use content that they obtain from the confiscated devices to identify others. [...]

Four activists said that the authorities arbitrarily arrested at least two other people, who are acquaintances of the witnesses. One was allegedly a man who was visiting one of the American-Egyptian woman witnesses when security officials came to arrest her. Security forces unlawfully searched the man's phone and used photos they found to allege that he has engaged in same-sex conduct as a basis to keep him in custody. Prosecutors renewed his detention, and he could face charges under Egypt's "debauchery" laws. [...]

Security forces also arrested a well-known party organizer who was involved in organizing the 2014 party at the Fairmont Hotel during which the gang rape occurred, although the person with knowledge of the case said the rape survivor did not accuse him of any wrongdoing. Pro-government websites said he was arrested on August 28 in a North Coast resort village. Several websites published his name and private information in the smear campaign based on his perceived sexual orientation.

Security forces have been holding the two men in al-Tagamoa First Police Station, east of Cairo. [...]

As of September 2, at least three of those arbitrarily detained remain in custody, including a woman witness, the party organizer, and the man whom the authorities are alleging has engaged in same-sex conduct.⁵⁴

At the beginning of October 2020, Human Rights Watch released a report on the arrest, abuse, and torture of LGBT people in Egypt by security forces. The report found:

⁵⁴ Human Rights Watch, [Egypt: Gang Rape Witnesses Arrested, Smeared: Personal Data Used in Abusive Prosecutions](#), 11 September 2020

Egyptian police and National Security Agency officers arbitrarily arrest lesbian, gay, bisexual, and transgender (LGBT) people and detain them in inhuman conditions, systematically subject them to ill-treatment including torture, and often incite fellow inmates to abuse them, Human Rights Watch said today. [...]

In late August, Egyptian security forces, likely from the National Security Agency, arrested two men who witnessed a high-profile gang rape in Cairo's Fairmont Nile City Hotel in 2014 and were to give evidence about the case. Officers unlawfully searched the men's phones while holding them incommunicado at al-Tagamoa First Police Station, east of Cairo, for several days, and used photos they found to allege that they had engaged in same-sex conduct, to keep them in custody. Judges renewed their detention several times [...]. The two men could face charges under Egypt's "debauchery" laws. [...].⁵⁵

The ILGA World December 2020 update to its state-sponsored homophobia global overview noted the following:

In recent years there have been numerous cases of arrests and detention for "debauchery" or other charges widely understood to target LGBT individuals.¹⁶ [...] In September 2020, there were reports of investigations being carried out on two women who announced that they had married each other.²⁰ [...]

16 "دولار 300 مقابل الجندسي الشذوذ لممارسته ته شاب ح بس.. الدقي ل. المحملة من" 16
"4 ب العجوزة مالة مبالغ مقابل الجندسي الشذوذ لممارسته ته شاب
المحملة من", 2019 Al-Khaleej News, 18 October; "4 ب العجوزة مالة مبالغ مقابل الجندسي الشذوذ لممارسته ته شاب ح بس
1000 ب كغالة", 2019 Al-Khaleej 365, 14 November; "دولار 300 مقابل الجندسي الشذوذ لممارسته ته شاب ح بس.. الدقي ل.
"Repression in Egypt: 92 LGBTIQ+ arrests last year", Rights Africa, 8 March 2020; "ب الجيزة الشذوذ بممارسة متهم شاب س بيل إخلاء.. جنديه
الشذوذ لممارسته ته شاب ح بس.. العجوزة في", 2019 Al-Khaleej News, 30 September 2019; "مالة مبالغ مقابل الجندسي
الشذوذ لممارسته ب الترويج المتهمة إحالة", Youm7, 13 October 2020. [...]
20 Shasha, 10 September 2020; "مصر في م ثلما الزواج ف تاتين إعلان ب شأن جديد طور", 2020 Khaberni, 8
September, "صور - م ثلما ف تاتين الزواج ب عقد ضائي إجراء.. مصر",⁵⁶

2021

The annual report of Bedayaa Organization, published in 2021 and covering events relevant to its legal aid programme for LGBTIQ+ persons in Egypt from January to December 2020, reported that in this timeframe, it had documented 21 cases, 25 arrested persons, 20 adjudicated cases, and 1 case awaiting.⁵⁷ It also stated the following with regards to the arrest of foreigners on the grounds of sexual orientation and gender identity:

II. Targeting of Foreigners

Out of the 25 people that were arrested in 2020, a staggering 16% were foreigners. Despite the restrictions imposed by the Egyptian government due to the COVID-19 pandemic which led to a significant

⁵⁵ Human Rights Watch, [Egypt: Security Forces Abuse, Torture LGBT People - Arbitrary Arrests, Discrimination, Entrapment, Privacy Violations](#), 1 October 2020

⁵⁶ International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA World), [State-Sponsored Homophobia: Global Legislation Overview Update – 2020 Updated Edition](#), December 2020, p. 115

⁵⁷ Bedayaa Organization, [Legal Aid – Annual Report: 2020](#), 2021, p. 1

decrease in the total number of arrested persons in 2020, four people of different nationalities were arrested during the year. Three out of the four were entrapped by the police which is an alarming indicator which shows that police officials are intentionally targeting foreigners visiting or living in Egypt. In a year that witnessed a huge drop in tourism revenues due to the global pandemic, the arrest and prosecution of four foreigners for debauchery sends a clear message that the Egyptian government is not backing down in its crackdown on SOGIESC [sexual orientation, gender identity, gender expression and sex characteristics] rights even it is going to affect the country's interest in boosting tourism. It also shows the extent to which the government is not being held accountable for its violations of SOGIESC rights, not just with Egyptian nationals but also with foreigners in Egypt.

In January, a transgender Cypriot tourist was entrapped and arrested from the hotel she was staying in. [...]

Later in April, a Chilean man was arrested after being entrapped by the police. He received a fine and was deported. A US citizen was also entrapped and arrested in April. [...] In September, a British citizen was arrested and charged with debauchery, but the charges were later dropped.⁵⁸

The 2021 Human Rights Watch World Report, covering events of 2020 and published in January 2021, wrote on Egypt that: "Egypt continued to arbitrarily arrest and detain people based on their sexual orientation or gender identity and subjected them to torture and ill-treatment in detention, including forced anal examinations. [...] In March, during its third Universal Periodic Review at the UN Human Rights Council, Egypt rejected recommendations by several states to end arrests and discrimination based on sexual orientation and gender identity. Egypt responded that it "does not recognize the terms mentioned in this recommendation"".⁵⁹

A Human Rights Watch update on the 'Fairmont' case in February 2021 noted that one of the witnesses who had been detained, "Nazli Karim, 28, said she was accused of "promoting homosexuality" because she had a "rainbow flag filter on her profile picture" on social media".⁶⁰

The USDOS annual report on human rights practices in Egypt in 2020, published in March 2021, wrote that: "There were reports of arrests and harassment of LGBTI individuals".⁶¹

A letter in June 2021 to the Egyptian authorities by Amnesty International and sixty-three other organisations stated that: "The authorities have also used morality and debauchery laws to arbitrarily arrest, detain and prosecute survivors and witnesses of sexual and other gender-based violence, women social media influencers, and LGBTQI+ people and activists".⁶²

The latest edition of ILGA World's "Our Identities under Arrest" report, released in December 2021, stated that:

⁵⁸ Bedayaa Organization, [Legal Aid – Annual Report: 2020](#), 2021, pp. 2-3

⁵⁹ Human Rights Watch, [World Report 2021: Events of 2020](#), 13 January 2021, p. 215

⁶⁰ Human Rights Watch, [Justice Stalled in Egypt's 'Fairmont' Rape Case](#), 8 February 2021

⁶¹ USDOS, [2020 Country Report on Human Rights Practices: Egypt](#), 30 March 2021

⁶² Amnesty International et al., [Egypt: President should act to unshackle freedoms](#), 1 June 2021, p. 2

Examples of Enforcement [...]

In August or September 2020, a young man accompanied a female friend to a police station in Cairo. She had been arrested in 2014 as part of an investigation into a party at Cairo's Fairmont hotel. It was reported that another woman was drugged and raped by several men in the hotel room that night and the young man's friend was being sought to give input as a witness. He voluntarily accompanied her to the police station and had no connection to the 2014 incident as he was only 14 at the time. However, once there, police arbitrarily detained him as well as another man who was at the party. Both were searched and their phones taken away. Police found private photos and detained both for allegedly engaging in homosexual conduct. [...]

In November 2020 a group of five gay and trans individuals in Cairo were arrested and charged with "habitual debauchery" for being vocal on social media. One of the accused was under 18 and sentenced to one year in prison in May 2021, while three others received nine years, and the fifth was given 12 years' imprisonment.⁷⁵

On 4 December 2020 an Egyptian publication shared the story of a young man who had been detained and investigated by the General Administration for the Protection of Morals in the Social Security Sector in Alexandria. He had made social media posts stating that he would participate in same-sex sexual activity in exchange for money. The Montazah Public Prosecution Office in Alexandria ordered his detention for four days during the investigation, but it is not clear what occurred thereafter.⁷⁷ [...]

In February 2021, in Alexandria, a man was charged by officials from the Protection of Morals in the Social Security Sector with "promoting the practice of immoral acts on the Internet and the practice of debauchery", with seven other men allegedly implicated in the accused's confession.⁷⁹ It is not clear if this is the same case as the one reported in December 2020.

In May 2021 a man in Cairo was detained for smoking hashish but later also charged with debauchery. He was acquitted, but at the time of publication the prosecution had appealed that decision.⁸⁰

Two other men were also arbitrarily arrested in May 2021 in Cairo, but they were acquitted of their debauchery charges the following month.⁸¹

From 8 May 2021 onward it was reported in several international news outlets that two Israeli trans men had been denied entry into Egypt where they had come to spend a holiday, on account of their passports not matching their appearance and gender expression.⁸² Border officials detained them temporarily and mocked them, but it is not clear whether this was the result of any State policy on identity documentation and legal gender recognition (either directly or indirectly), or rather a case of personal prejudice by the officials involved.

And as of 21 May 2021, a trans woman from Cyprus was being held under house arrest in Cyprus for allegedly "promoting and inciting immorality on the Internet" and "insult and scandal of the Egyptian people". Arrested and detained in Egypt in January 2020, the accused is said to have been raped and assaulted repeatedly by prison officials and the male inmates with whom she was housed, leading her to require corrective surgery back in Cyprus. In early 2021 she was deported from Egypt back to her home country, but per a bilateral agreement between both States, the sentence meted out against her by Egyptian courts must be completed, despite no such criminalising law having legal effect in Cyprus.⁸³ [...]

A group of four gay and trans individuals were arrested in July 2021 and charged with debauchery, but at the time of publication no further details have been made available on this case.⁸⁵ [...]

⁷⁵ Information supplied by Bedayaa. [...]

⁷⁷ [A young man was arrested for practicing homosexuality in Alexandria], 05A young man was imprisoned on charges of exposing himself to perversion on Facebook], *Al Masry Al Youm* ["تهمة شاب حيس ل ممارسته ذنفسه عرض بـ

مصر أهل | ب الإي سكندرية الجنسية الشذوذ لممارسته شاب ع لى ب ضالق“; December 2020]. ب وك ف يس ع لى ال شذوذ
Ahlmasr News, 24 January 2021 [...]

79 2021 Egypt: Accused of homosexuality implicates 7 businessmen in his network], *Al Madenah News*, 15 February [“ ش بكة ته فى أعمال رجال 7 ب ورت ب ال شذوذ م تههم: مصر”]

80 Information supplied by Bedayaa.

81 *Ibid.*

82 “Israeli transgender couple said refused entry to Egypt at border crossing”, *Times of Israel*, 08 May 2021; “Trans men mocked and denied entry to Egypt by border guards because they 'do not look female'”, *Pink News*, 09 May 2021.

83 “Η Τίνα Λιασή ζητά να αποφυλακιστεί: «Έχω ιατρικά θέματα λόγω των βιασμών μου» – Διαβάστε την ...” [Tina Liasi asks to be released: “I have medical issues due to my rapes”], *Politis*, 04 April 2021; “Με βραχιολάκι σπίτι της η τρανς κατάδικος” [The trans convict is at home with a bracelet], *Philenews*, 25 May 2021. [...]

85 *Ibid.*⁶³

The 2021 report by Bedayaa Organization answering FAQs on the situation for LGBTQI people in Egypt wrote that:

There is a dedicated police department (Public Morality Police) that is affiliated with the Ministry of Interior that is commissioned to arresting whoever not fitting with Egyptian society norms namely sex workers ‘females and males’, gay men, trans women and any reported non-normative sexual activities even if it is in private places, this unit investigate all cases under the law 10/1961. [...]

The cases files show the most common methods of arresting LGBTI persons are:

Entrapment through dating applications on smart phones, where the police officers create fake accounts and pretend to be gay persons who are interested to meet for a date. When the LGBTI individual shows up at the meeting point, he/she get arrested. We noticed from examining the screenshots attached with the cases files, that the people speaking on behalf of the police always express their intention to pay money in foreign currency as a temptation to the users of these apps. We also noticed that the person speaking on behalf of the police always arrange the meetings in a public location e.g., public garden or just in the streets, so it would be easier to arrest them once they show up for the meeting. Once they are arrested, the police search the phones and print out all the conversations on the dating apps to use as “solo” evidence to prosecute the case further in the criminal courts or economical courts.

Sometimes the police tries to strike a deal with the accused, as they offer him/her to not prosecute the case if he/she cooperated and hand over other LGBTI individuals.

On the other hand, the awareness campaigns conducted by the NGOs working on LGBTI issues, the warning messages that the dating apps send to its users about digital security and how to avoid online entrapment, and the new security features like the change of the application icon and not displaying notifications undermined the online entrapment method, but did not erase it, as there is still a remarkable number of the LGBTI persons who got arrested through entrapment.

Sweeping meeting spots like some squares, streets, or coffee shops that the LGBTI community members often meet at. The police raid spots and randomly arrest people and then search them for anything that will indict that they do have sex e.g., condoms, lubes, and pictures to make a case against them and if they do not find anything, they would just claim that the arrested person was using seductive acts and signs to seduce people into committing debauchery.

⁶³ International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA World), [Our Identities Under Arrest: A global overview on the enforcement of laws criminalising consensual same-sex sexual acts between adults and diverse gender expressions](#), 15 December 2021, pp. 131-132

The less common method for the police to use is to arrest from homes or hotel rooms. In the case of making an arrest from a hotel, they would move based on reporting they receive via someone who works in the hotel stating that there is a guest who looks “suspicious”. In the case of making an arrest from a home, most likely they receive a report from neighbours. [...]

[...] hotel employees and neighbours usually report to police any individuals who look, act, or announce his/her affiliation to LGBTI community.

Many cases have been documented for LGBTI persons who announced publicly his/her orientation, they have been subjected to social and family violence²⁶ or arrests in case of someone report the case to police.

On the other hand, those who are arrested from the streets—in circumstances of protests, demonstrations, and on the background of state of emergency situations—police officer inspect their handsets to validate their political identity; if the inspection results in disclosing evidence of LGBTI affiliation; he/she will be arrested based on law 10/1961. [...]

26 <https://raseef22.com/article/1072422-well-leave-you-a-nice-memento-on-your-pretty-face-how-hate-messages-and-threats-forced-a-gay-man-to-flee-egypt>⁶⁴

2022

The 2022 BTI country report on Egypt, covering the period 1 February 2019 to 31 January 2021 and published in February 2022, stated that: “During the period under review, hundreds of bloggers and social media users have been detained for comments criticizing the ruling elite, sharing atheist views or defending homosexuality, among other issues”.⁶⁵

The report further commented that: “[the regime] excludes anyone who differs from or disagrees with the propagated ideals, as reflected in the numerous detentions on grounds of morality, sexuality or religious belief during the period under review”.⁶⁶

Afsaneh Rigot’s March 2022 report on the role of digital evidence in the persecution of LGBTQ people in Egypt (as well as Lebanon and Tunisia) noted that:

Data from NGOs can be used to show that the scope of the problem is broader than the number of arrests can show. Bedayaa, a pro-LGBTQ NGO active in Egypt and Sudan, has reported and worked on 65 court cases and 92 arrests in Egypt in 2019,⁴⁴ and 21 cases in 2020 at the time of data collection in that same year.⁴⁵ Arrests have not stopped during the COVID-19 lockdowns, though they have slowed down temporarily due to restrictions and reduced movement. [...]

The Egyptian interviewees affirmed that the most targeted persons in the LGBTQ community are trans people and queer cis men [...].

In all three countries, another reason for which trans women are often highly at risk in these situations are the issues of documents and ID cards not being updated to match their gender identity. This discrepancy can lead to further harassment, and put the trans woman at greater risk of arrest. Those with

⁶⁴ Bedayaa Organization, [10 FAQs about LGBTIQs situation in Egypt](#), 2021, pp. 7-8, 12

⁶⁵ Bertelsmann Stiftung, [BTI 2022 Country Report: Egypt](#), 23 February 2022, p. 10

⁶⁶ Bertelsmann Stiftung, [BTI 2022 Country Report: Egypt](#), 23 February 2022, p. 32

updated IDs and papers to match their gender identity experience lowered risks, according to the interviewees. [...]

The Egyptian Criminal Procedure Law—in particular Article 30—allows police officers to detain or arrest individuals without a prior warrant from the Public Prosecutor Office in cases of flagrante delicto. The interviews and prior consultations with NGOs, such as Bedayaa,²¹³ provided evidence that police officers will fabricate “flagrante delicto” scenarios when writing their reports to ensure the lawfulness of the arrest procedures. These include accusations that the defendant had been trying to “seduce men” on public streets with suspicious acts and signals. [...]

Arrests haven’t stopped during the COVID-19 lockdowns, though they have slowed down temporarily due to restrictions and reduced movement: *“There were lots of cases with fake accounts that were created by the police and this still continues to this day.”*⁴⁰³ Because official numbers are not available and many cases go unreported to overworked NGOs, these numbers are unlikely to present a full overview of the problem. [...]

44 Rights Africa – Equal Rights, One Voice!. 2020. Repression in Egypt: 92 LGBTIQ+ arrests last year. [online] Available at: <[https:// rightsafrika.com/2020/03/08/repression-in-egypt-92-lgbtqi-arrests-last-year/](https://rightsafrika.com/2020/03/08/repression-in-egypt-92-lgbtqi-arrests-last-year/)> [Accessed 30 October 2021].

45 Bedayaa, Legal Aid Annual Review 2020 (privately provided to author) [...]

213 These are on-going conversations team relevant team since 2019 [...]

403 EL2⁶⁷

The USDOS annual report on human rights practices in Egypt in 2021, published in April 2022, wrote that: “According to a LGBTQI+ rights organization 2020 annual report issued in January, authorities arrested 25 LGBTQI+ individuals in 2020”.⁶⁸

The meeting minutes with a Human Rights Watch analyst, published in the September 2022 COI brief report on the situation of LGBT persons in Egypt by the Danish Immigration Service, noted that:

During the Covid-19 pandemic, HRW expected that arbitrary arrests and prosecutions would decline because LGBT people are usually rounded up on the streets, but instead the online targeting became the primary way the authorities used to prosecute LGBT people. Usually people from lower socio-economic backgrounds were targeted but there has also been cases of individuals with connections and social status being targeted.”⁶⁹

The minutes further wrote that: “Morality charges usually stay on an individual’s record for up to three years, which prohibits them from traveling and from accessing basic services, and it may subject them to additional arbitrary arrests and discrimination.”⁷⁰

⁶⁷ Afsaneh Rigot, [Digital Crime Scenes: The Role of Digital Evidence in the Persecution of LGBTQ People in Egypt, Lebanon, and Tunisia](#), 7 March 2022, pp. 21, 48, 60, 88

⁶⁸ USDOS, [2021 Country Report on Human Rights Practices: Egypt](#), 12 April 2022

⁶⁹ The Danish Immigration Service, [Country of Origin \(COI\) Brief Report – Egypt: Situation of LGBT persons](#), September 2022, p. 21

⁷⁰ The Danish Immigration Service, [Country of Origin \(COI\) Brief Report – Egypt: Situation of LGBT persons](#), September 2022, p. 21

Rainbow Egypt, a LGBTQIA+ advocacy and protection organisation in Egypt, posted on their Facebook page in November 2022 a summary of violations that had taken place between September 2021 and September 2022, noting that in January 2022 there was the “detention of a male for having gay sex for 2 years and 5000 EGP compensation”; in February 2022 there was an “arrest of a man and a woman for having gay sex with sex toys”; in May 2022 “a Drag queen [was] arrested for having gay sex”; in June 2022 a “group of people [were] arrested in a private apartment for having gay sex”; and in September 2022 a “group of 3 people [were] arrested in a private apartment for having gay sex” and “2 guys [were] arrested for having gat [sic] sex”.⁷¹

The UK Government’s Human Rights and Democracy Report for 2021, published in December 2022, stated that: “Campaigners reported that the LGBT+ community continued to be under constant risk of arrest on charges of debauchery, immorality or blasphemy”.⁷²

January – May 2023

The joint NGO submission for the review of Egypt by the Human Rights Committee, published in January 2023 by the Committee for Justice (CFJ) and eight other organisations, stated that: “This rise in prosecution of real or perceived sexual and gender differences in Egypt is characterized by periodic State and media induced moral panics surrounding group arrests on grounds of “debauchery” every few months since 2013”.⁷³

The February 2023 Human Rights Watch report into digital targeting and its offline consequences for LGBT people in the Middle East and North Africa stated the following with regards to arrests in Egypt:

In Egypt, government digital targeting has led to arbitrary arrests and prosecution of LGBT people and their custodial torture and ill-treatment. [...]

On January 15, 2020, Tina, a 34-year-old trans woman sex worker from Cyprus, was in Egypt for work when police arrested her after her client told the police that he found her on the internet. She was detained for 13 months at the Nasr City police station and convicted for “inciting debauchery” based on photos and chats that police found when they searched her phone.¹⁷⁴ Human Rights Watch’s review of the police report and court files in Tina’s case confirmed that this private information was the only evidence presented in her case. Tina said:

At 10:30 p.m., on the last night before my flight back to Cyprus, I had an appointment with a diplomat who was my client. He arrived with his driver to the hotel. The police outside the hotel stopped us because of the car’s tinted windows. They asked for our passports and the diplomat refused. I had to give them mine, which was a passport I do not currently use, because it says I am male. The police asked the diplomat if I was his girlfriend or his wife. He said that he found

⁷¹ Rainbow Egypt, [Facebook post - Highlights of 1 year \(from September 2021 to September 2022\)](#), 30 November 2022

⁷² UK Government and UK Foreign, Commonwealth & Development Office, [Human Rights & Democracy: The 2021 Foreign, Commonwealth & Development Office Report](#), 9 December 2022, p. 50

⁷³ Committee for Justice (CFJ) et al., [Joint NGO submission for the review of Egypt by the Human Rights Committee: 137th session \(27 February to 24 March 2023\)](#), 30 January 2023, p. 7

me on the internet. Then they put us both in a minibus and took us to the Giza police station.¹⁷⁵ [...]

Martin, a 39-year-old gay man from Chile, was working in Egypt as a Spanish teacher when he was arrested in February 2020.

My only problem is that I had Grindr on my phone. It was a Sunday, and I was at the supermarket in Dokki, where I was living. Suddenly, a man I did not know approached me, called me by my name, and said, “We are going to the police station.” He forcibly took my phone and demanded I opened it. He asked for my passport, which I did not have, so they handcuffed me, put me in a minibus, and drove to my apartment. I got my passport, and I was surprised that police officers took everything valuable from my apartment: iPad, TV, and laptop. They also never returned my phone.¹⁷⁸

At the Dokki police station, Martin said no one spoke English and he did not know the reason for his arrest. He stayed at the police station overnight, until his court hearing the next morning, at which he was convicted of “inciting debauchery” and sentenced to a fine of 400 pounds (US\$25) and deportation to Chile.

Human Rights Watch reviewed the police report and court files in Martin’s case, which indicated that the presence of the Grindr app on his phone was the basis for his conviction. The police report also highlighted that Egypt’s Intelligence Agency received information that he was meeting men on Grindr to have sex with them, which Martin denied. Martin told Human Rights Watch that he believed the Chilean embassy’s intervention was the only reason he was released.¹⁷⁹ [...]

In August 2020, the Egyptian National Security Agency arrested four witnesses to a high-profile 2014 gang rape in Cairo’s Fairmont Hotel (known as the Fairmont case), along with two of their acquaintances, weeks after independent women’s rights activists exposed the incident online. The authorities accused two of the witnesses, Seif Bedour and Ahmed Ganzoury, of consensual same-sex sexual conduct and “inciting debauchery,” based solely on private photos from their phones.¹⁸⁰ [...]

Nour, the 31-year-old gender non-binary person from Zagazig, Egypt, [...] who uses they/them pronouns, was arrested by police on the street, due to their gender expression, on September 18, 2021. At the Abdeen police station, officers searched Nour’s phone, found a photo of them wearing women’s clothing and makeup, and detained them for 10 days on the basis of this photo. [...]

75 Human Rights Watch phone interview with Ayman, December 8, 2021. [...]

174 Human Rights Watch phone interview with Tina, September 15, 2021.

175 Ibid. [...]

178 Human Rights Watch interview with Martin, October 2, 2021.

179 Ibid.

180 “Egypt: Gang Rape Witnesses Arrested, Smeared,” Human Rights Watch news release.

181 Rasha Younes, “Egypt Detains Men for Alleged Sexual Orientation, Alongside Alleged Rapists,” Human Rights Watch dispatch.

182 Ibid.

183 “Egypt: Gang Rape Witnesses Arrested, Smeared,” Human Rights Watch news release.

184 Rasha Younes, “Justice Stalled in Egypt’s ‘Fairmont’ Rape Case,” Human Rights Watch dispatch.⁷⁴

In early March 2023, the UN Human Rights Committee published a summary record of the 3958th meeting, held in February 2023, in which the fifth periodic report of Egypt was considered. Concerns

⁷⁴ Human Rights Watch, [“All This Terror Because of a Photo”: Digital Targeting and Its Offline Consequences for LGBT People in the Middle East and North Africa](#), 21 February 2023, pp. 13, 25-26, 28, 73, 75, 81

were raised that: “The Committee had been informed of cases in which homosexual and transgender persons had been arbitrarily detained and subjected to invasive, unjustified medical examinations that could amount to torture or inhuman or degrading treatment under article 7 of the Covenant”.⁷⁵

A couple of days later, the UN Human Rights Committee published a summary record of the 3959th meeting, held in March 2023, in which the fifth periodic report of Egypt was further considered. Concerns were raised that referred to the following incident: “The case involving the arrest of the 28 men – reportedly solely on grounds of debauchery rather than the possession of drugs or pornography – constituted the biggest mass arrest linked to sexual orientation in Egypt in the last 20 years. The Committee had received information that those persons had been subjected to forced anal examinations, which constituted torture and was therefore banned under the Covenant,”⁷⁶ in response to an Egyptian state representative stating that “the case that had been reported concerning the alleged harassment of 28 persons because of their sexual orientation had actually involved a group of persons who had gathered to sell drugs. The police had been called to the scene and the disturbance had later escalated when some of the suspects had begun brandishing bladed weapons”.⁷⁷

The USDOS annual report on human rights practices in Egypt in 2022, published in March 2023, wrote that: “While the law does not explicitly criminalize consensual same-sex sexual activity, lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons were arrested and prosecuted on charges including “debauchery,” prostitution, and “violating family values,” for which the law imposes prison sentences of up to 10 years in prison, significant fines, or both. [...] According to a local rights group, there were more than 250 reports of such arrests since 2013”.⁷⁸

Pink News reported in March 2023 on entrapment through Grindr in Egypt, stating that:

Darius (not their real name), an LGBTQ+ person from Port Said, told PinkNews they’ve stopped walking in the streets out of fear and are desperately looking for a way to escape the country.

“Me and my friends got a voice note that said 28 gay people were arrested by police and then forced to call their friends so they could get arrested too,” they explained.

“A couple of months ago, one of our friends was found dead. I’m not safe at all.”

According to Darius, police are taking people’s phones for “evidence” then calling the names in their contact lists to see if they are LGBTQ+.

They were also informed that their name was on a long list of people who were being tracked by the police.

⁷⁵ UN Human Rights Committee, [137th session, Summary record of the 3958th meeting*: Held at the Palais Wilson, Geneva, on Tuesday, 28 February 2023, at 3 p.m. - Consideration of reports submitted by States parties under article 40 of the Covenant - Fifth periodic report of Egypt](#), 6 March 2023, p. 4

⁷⁶ UN Human Rights Committee, [137th session, Summary record of the 3959th meeting: Held at the Palais Wilson, Geneva, on Wednesday, 1 March 2023, at 10 a.m. - Consideration of reports submitted by States parties under article 40 of the Covenant \(continued\) - Fifth periodic report of Egypt \(continued\)](#), 8 March 2023, pp. 8-9

⁷⁷ UN Human Rights Committee, [137th session, Summary record of the 3959th meeting: Held at the Palais Wilson, Geneva, on Wednesday, 1 March 2023, at 10 a.m. - Consideration of reports submitted by States parties under article 40 of the Covenant \(continued\) - Fifth periodic report of Egypt \(continued\)](#), 8 March 2023, p. 2

⁷⁸ USDOS, [2022 Country Report on Human Rights Practices: Egypt](#), 20 March 2023

"I don't leave my house unless someone will take me with a car," Darius adds.
"I'm really worried that if I leave the house, I'm going to get slaughtered like a chicken."⁷⁹

In March 2023, Amnesty International released its annual 2022/23 report on the state of the world's human rights, reporting on Egypt that: "Authorities continued to target individuals based on their real or perceived sexual orientation or gender identity. In April, security forces arrested four men and two transgender women at a mall in Cairo and briefly detained them solely on the grounds of their gender identity and their actual or perceived sexual orientation".⁸⁰

Freedom House's annual report for Egypt, released in March 2023, stated that: "While same-sex sexual conduct is not explicitly banned, people suspected of such activity can be charged with prostitution or "debauchery." The police regularly arrest people on such charges".⁸¹ Similar statements were written in the 2022 and 2021 annual reports.⁸²

1. Entrapment

2020

The Alliance of Queer Egyptian Organizations (AQEO) posted a statement regarding the outcome of the Universal Periodic Review (UPR) on Egypt on their Facebook page in March 2020, writing that: "Driven by patriarchal norms and personal ideologies, [Egyptian] State actors entrap gay men and trans-women, and judiciary system hands down penalties with maximum sentences".⁸³

The Human Rights Watch article in September 2020 on the August 2020 arrest of witnesses to a gang rape in 2014 wrote that:

Egyptian security agencies in late August 2020 arbitrarily arrested a man and three women who were witnesses to a high-profile gang rape case from 2014 that recently came to light, Human Rights Watch said today. Security also arrested two of the witnesses' acquaintances.

The prosecutor general ordered the release of three of the six on August 31 but is pressing charges against all of them for violating laws on "morality" and "debauchery" that are vague, discriminatory, and open to abuse. Pro-government media have subjected them to a coordinated smear campaign [...].

⁷⁹ Pink News, [Grindr sends every user in Egypt warning about police tricking and arresting queer men](#), 23 March 2023

⁸⁰ Amnesty International, [Annual Report 2022/23: The State of the World's Human Rights - Egypt 2022](#), 27 March 2023

⁸¹ Freedom House, [Freedom in the World 2023: Egypt](#), March 2023

⁸² Freedom House, [Freedom in the World 2022: Egypt](#), 24 February 2022; Freedom House, [Freedom in the World 2021: Egypt](#), 3 March 2021.

⁸³ Alliance of Queer Egyptian Organizations (AQEO), [Facebook post - Statement regarding the Universal Periodic Review Outcome – Egypt](#), 15 March 2020

The authorities had encouraged witnesses of the rape to come forward, which they did in early August. They now stand accused of consensual same-sex sexual conduct, “inciting debauchery,” personal drug use, and “misuse of social media,” a charge frequently used against peaceful government critics. [...] Activists connected to feminist and LGBT communities in Egypt said they fear a wider crackdown as security forces use content that they obtain from the confiscated devices to identify others.⁸⁴

The October 2020 Human Rights Watch report on the arrest, abuse, and torture of LGBT people in Egypt by security forces noted that: “Security forces routinely pick people off the streets based solely on their gender expression, entrap them through social networking sites and dating applications, and unlawfully search their phones. Prosecutors use this content to justify prolonged detentions as they rubber-stamp police reports and bring unjustified prosecutions against them”.⁸⁵

The article in Slate by Afsaneh Rigot in December 2020 on the increasing persecution of LGBTQI+ people in Egypt using cybercrime and online morality laws recounted the following entrapment arrest:

Earlier this year, Adel went on Grindr to surf and meet other queer people in town. (Adel is a pseudonym I’m using for his protection.) Adel eventually set a date with someone he had been talking to. The date arrived at his house—but it wasn’t whom he had been talking to. This wasn’t a date; it was entrapment. Adel was met by officers who arrested him for debauchery and digital crimes, using his chats on the app as reason for the arrest.

He was charged with “debauchery crimes” as well as cybercrimes and telecommunication crimes for the chats he’d had on Grindr and other apps with a “police consultant,” and for other pieces of evidence discovered on his person and devices. His case is being heard in the Egyptian economic courts and is indicative of a worrying change in how the Egyptian government targets the queer community.⁸⁶

The ILGA World December 2020 update to its state-sponsored homophobia global overview noted that: “Law enforcement reportedly used online entrapment extensively to lure gay men, and allegedly subjected them to forced anal examinations while in custody.¹⁷ [...] 17 “Egypt: Security Forces Abuse, Torture LGBT People”, *Human Rights Watch*, 1 October 2020; “Egypt Detains Men for Alleged Sexual Orientation, Alongside Alleged Rapists”, *Africa Must Change*, 2 November 2020”.⁸⁷

2021

The 2021 annual report of Bedayaa Organization, covering events relevant to its legal aid programme from January to December 2020, reported on the targeting of LGBTQI+ foreigners:

II. Targeting of Foreigners

⁸⁴ Human Rights Watch, [Egypt: Gang Rape Witnesses Arrested, Smeared: Personal Data Used in Abusive Prosecutions](#), 11 September 2020

⁸⁵ Human Rights Watch, [Egypt: Security Forces Abuse, Torture LGBT People - Arbitrary Arrests, Discrimination, Entrapment, Privacy Violations](#), 1 October 2020

⁸⁶ Slate, [Egypt’s Dangerous New Strategy for Criminalizing Queerness](#), 30 December 2020

⁸⁷ International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA World), [State-Sponsored Homophobia: Global Legislation Overview Update – 2020 Updated Edition](#), December 2020, p. 115

Out of the 25 people that were arrested in 2020, a staggering 16% were foreigners. Despite the restrictions imposed by the Egyptian government due to the COVID-19 pandemic which led to a significant decrease in the total number of arrested persons in 2020, four people of different nationalities were arrested during the year. Three out of the four were entrapped by the police which is an alarming indicator which shows that police officials are intentionally targeting foreigners visiting or living in Egypt. [...]

In January, a transgender Cypriot tourist was entrapped and arrested from the hotel she was staying in. She later received a 3-year prison sentence in addition to 3-year probation on the charge of incitement and promotion of debauchery. Later in March, her appeal was rejected; the Egyptian authorities did not acknowledge her transgender status and did not assign her to a women's detention facility as her official documents stated that she was male. Instead, she was kept in solitary confinement in a small room inside a police station for over a year with no access to sunlight until she was extradited to Cyprus where she will continue to serve her sentence.

Later in April, a Chilean man was arrested after being entrapped by the police. He received a fine and was deported. A US citizen was also entrapped and arrested in April. He was acquitted in the first-degree trial in the economic court but then the court's decision was appealed by the prosecution and the second-degree court sentenced him in absentia to two years in prison. In September, a British citizen was arrested and charged with debauchery, but the charges were later dropped.⁸⁸

The USDOS annual report on human rights practices in Egypt in 2020, published in March 2021, wrote that: "Rights groups and activists reported harassment by police, including physical assault and forced payment of bribes to provide information concerning other LGBTI individuals or to avoid arrest. [...] There were reports that authorities used social media, dating websites, and cell phone apps to entrap persons they suspected of being gay or transgender, a method LGBTI advocates described as especially effective as LGBTI-friendly public spaces had largely closed in recent years".⁸⁹

A report by EuroMed in May 2021 on women's rights in the digital world in the MENA stated that "in Egypt there have been examples of technology being used by agents of the State to facilitate persecution of LGBTIQ+ people. LGBTIQ+ campaigners have noted that since 2013, the Egyptian police have used technology, specifically gay dating apps, to track users, gather photographic evidence of 'obscenity', and arrange fake meetings".⁹⁰

The UK Government's Human Rights and Democracy Report for 2020, published in July 2021, stated that: "Egyptian lawyers reported that LGBT+ people remained subject to arrest on charges of 'debauchery' or 'inciting debauchery', sometimes following the use of social media traps by the authorities".⁹¹

⁸⁸ Bedayaa Organization, [Legal Aid – Annual Report: 2020](#), 2021, p. 3

⁸⁹ USDOS, [2020 Country Report on Human Rights Practices: Egypt](#), 30 March 2021

⁹⁰ EuroMed Rights, [Spaces of Violence and Resistance: Women's Rights in the Digital World: The Scenario in the MENA Region](#), May 2021, p. 11

⁹¹ UK Government and UK Foreign, Commonwealth & Development Office, [Human Rights & Democracy: The 2020 Foreign, Commonwealth & Development Office Report](#), 8 July 2021, p. 44

Rasha Younes, senior researcher at Human Rights Watch, wrote in an article for The Conversationist in August 2021 that:

When I was documenting the systematic torture of LGBT people in Egypt's prisons, the targeting pattern was unmistakable: Egyptian authorities relied on digital evidence to track down, arrest, and prosecute LGBT people. People who had been detained told me that police officers, unable to find "evidence" when searching their phones at the time of arrest, downloaded same-sex dating apps on their phones and uploaded pornographic photos to justify keeping them in detention. The cases I documented suggest a policy coordinated by the Egyptian government online and offline, to persecute LGBT people. One police officer told a man I interviewed that his entrapment and arrest were part of an operation to "clean the streets of faggots."⁹²

The latest edition of ILGA World's "Our Identities under Arrest" report, released in December 2021, stated that:

Police and other authorities have demonstrated a common tactic of using online entrapment, raiding of known "gay hangouts", and illegally seizing and searching cell phones for incriminating content, in order to justify the arbitrary detention of suspects. [...]

Examples of Enforcement [...]

In December 2020 a man was entrapped by police in Cairo and sentenced to three years' imprisonment for "debauchery". In January 2021 an appeal saw his sentence reduced to one year.⁷⁶ [...]

A man in Cairo was entrapped by police in January 2021 and sentenced the following month to six years' imprisonment on charges of "habitual debauchery" and "incitement to debauchery". An appeal failed and he was made to pay the trial costs.⁷⁸ [...]

In July 2021 a man in Cairo was entrapped by police online and charged with "habitual debauchery", though he was later found innocent and released.⁸⁴ [...]

76 Information supplied by Bedayaa. [...]

78 Information supplied by Bedayaa. [...]

84 Information supplied by Bedayaa.⁹³

The 2021 report by Bedayaa Organization answering FAQs on the situation for LGBTQI people in Egypt wrote that:

The cases files show the most common methods of arresting LGBTI persons are:

Entrapment through dating applications on smart phones, where the police officers create fake accounts and pretend to be gay persons who are interested to meet for a date. When the LGBTI individual shows up at the meeting point, he/she get arrested. We noticed from examining the screenshots attached with the cases files, that the people speaking on behalf of the police always express their intention to pay money in foreign currency as a temptation to the users of these apps. We also noticed that the person

⁹² The Conversationist, '[Clean the streets of faggots': governments in the Middle East & North Africa target LGBT people via social media](#)', 4 August 2021

⁹³ International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA World), [Our Identities Under Arrest: A global overview on the enforcement of laws criminalising consensual same-sex sexual acts between adults and diverse gender expressions](#), 15 December 2021, pp. 126, 131-132

speaking on behalf of the police always arrange the meetings in a public location e.g., public garden or just in the streets, so it would be easier to arrest them once they show up for the meeting. Once they are arrested, the police search the phones and print out all the conversations on the dating apps to use as “solo” evidence to prosecute the case further in the criminal courts or economical courts.

Sometimes the police tries to strike a deal with the accused, as they offer him/her to not prosecute the case if he/she cooperated and hand over other LGBTI individuals.

On the other hand, the awareness campaigns conducted by the NGOs working on LGBTI issues, the warning messages that the dating apps send to its users about digital security and how to avoid online entrapment, and the new security features like the change of the application icon and not displaying notifications undermined the online entrapment method, but did not erase it, as there is still a remarkable number of the LGBTI persons who got arrested through entrapment.⁹⁴

2022

Afsaneh Rigot’s March 2022 report on the role of digital evidence in the persecution of LGBTQ people in Egypt (as well as Lebanon and Tunisia) noted that:

In Egypt, the NGO Bedayaa reported that in 2019, street arrests represented 69.11% of reported cases,³⁴¹ but in 2020 that number fell to 27%, with entrapment cases rising to 47%.³⁴² This is potentially linked to COVID regulations. Interviews confirmed that Egyptian police indeed perform similar street-level physical surveillance, if in combination with other modes of targeting: *“they target gay hot spots, like places where for people usually meet and hang out... They just randomly arrest people based on their looks and then they search their phones and if they find anything on the phone they use it as evidence to build the case further.”*³⁴³ Egyptian police may also use a more sophisticated version of street-level targeting, surveilling individuals who frequent specific locations known to be queer and assembling information over time: *“This coffee shop was known to be a gay meeting spot and they did monitor this coffee shop and they monitored a lot of people who would go and sit at this coffee shop.”* However, this interviewee explained that this method *“is very rare.”* ³⁴⁴ [...]

While the street-level physical surveillance method is less common in Egypt, more common is a related mode of targeting: the use of informants who work with the police to provide information on people and known meeting spots for LGBTQ community members. Informants are either paid and/or are members of the community who have been coerced and intimidated into working with the police to avoid outing or other repercussions.

On the basis of information gathered from informants, police select both places and individuals to target.³⁴⁵ Sometimes this is done as a ride-along: *“a secret informant who works with the police and goes out with them on patrol [...] points out people that he knows are homosexuals.”*³⁴⁶

Frequently, informant-based arrests have no legal basis, as Egyptian law only permits officers to conduct an arrest in cases of flagrante delicto. Regardless, case files demonstrate that police officers often use language to indicate the existence of flagrante delicto, often incitement (persuasion or seduction) of debauchery according to section (a) of Article (14) of Law 10/1961 in writing their reports. Interviewees stated this method is used especially if digital evidence is not found on individuals -- police look to arrest and find and frame a case after the arrest: *“[if] they don’t find anything they rely on the informant’s word*

⁹⁴ Bedayaa Organization, [10 FAQs about LGBTIQs situation in Egypt](#), 2021, p. 7

and the accusation that the individual was doing erotic movements in the streets and trying to seduce the public into practicing debauchery with him.” 348 [...]

In Egypt, police entrapment methods are guided by the General Directorate for Protecting Public Morality,³⁸⁷ and are conducted through the Public Morality Investigation Unit. ³⁸⁸ [...]

Entrapment methods continue to be one of the more prevalent strategies used to target queer people in Egypt, and may be considered particularly destructive as authorities have weaponized the very tools which queer persons in high risk situations have come to rely upon as a means of building and maintaining personal relationships. [...]

Entrapment is among the easiest methods for Egyptian law enforcement to target and arrest persons in the LGBTQ community. One lawyer said that, *“it’s easier for them, the police, to just make some fake accounts on dating apps and just entrap people and that’s it, instead of going out and making an effort.”*⁴⁰⁴ The police are not engaging in targeted surveillance of individuals per se, but are rather seeking to entrap as many persons as possible, and then narrowing down the search when the opportunities arise, with one interviewee saying,

*“Egyptian authorities do not surveil current individuals but rather surveil online dating websites known to host homosexuals who are looking for sexual relations, [because] some articles from the new cybercrime law can be used to prosecute the users of these websites like the articles regarding the protection of family values.”*⁴⁰⁵

The case files and interviews can be used to show how this method of entrapment is applied not only to websites but often, even predominantly, on mobile devices. *“So there is a ‘great’ unit in Egypt we call the morality police. And in that unit there is the job of being online to target people on Grindr[...] and then WhatsApp.”*⁴⁰⁶ [...]

In some instances, another secret informant is “commissioned” to assemble digital evidence such as conversations and photos. The informants fake romantic or sexual interest in the individuals, engendering a sexually explicit or otherwise queer-leaning conversation that, when printed, will provide all the evidence needed for the charge. The informant then sets a specific meeting point where the arrest is conducted. [...]

Whether police are actually conducting searches through the informants, or are performing these searches themselves and then altering the documentation, is an open question. [...] As one of the lawyers explained, the actual or pretextual use of informants is an issue of procedural legality: *“What they always use to try to avoid the illegality of the arrest under criminal procedure law is that they say a secret informant... They always use that line in almost 95% of the cases.”*⁴¹³ The interviewee couldn’t be sure whether such informants existed, because the prosecution claimed, *“they can’t give [the identity of] the secret informant to be in the court and in the investigation they can’t release his name for his own safety.”*⁴¹⁴

When an informant is used, the police can sidestep warrant requirements. If asked how digital evidence was obtained, *“They would say that [it was] ‘based on our intelligence resources’. [...] Not only for LGBT cases, for any case that would require an arrest warrant.”*⁴¹⁵ Informants are also understood to give the police additional room to maneuver, *“As per the criminal procedure law, a police officer can disguise himself, and go undercover to find out about a crime but he can’t seduce someone into doing the crime.”*⁴¹⁶

Rarely are defense attorneys able to document that the police themselves have engaged in entrapment. An interviewee observed how *“In one of the cases [...] the police officer did say, ‘I started talking to the person.’ And you [could] see that in the screenshots he [had] added that the person was saying, ‘no,’ and this is illegal under the law because now [the police officer] was actually seducing him to commit a*

crime."⁴¹⁷ Where informants are actually involved, interviews also noted that coerced or paid informants are very common. [...]

Because entrapment and monitoring cases usually involve online activity on messaging apps and social media (often privately), more charges are being brought under the new cybercrime laws, meaning the cases are then heard in the Economic Courts. *"So the last case [...] same method, he was entrapped online on Grindr and then he was arrested from his home and was charged under the cybercrime law and debauchery law, and was moved to the economic court."*⁴¹⁹ The interviewees agreed that entrapment cases all now go to the Economic Courts, meaning not only more charges, but also higher sentences. [...]

342 Bedayaa, Legal Aid Annual Review 2020

https://mail.article19.org/service/home/~/?auth=co&loc=en_GB&id=193565&part=2

343 EL2

344 EL2 [...]

346 EL1 [...]

348 EL1 [...]

387 Hamid 2017: 11

388 Ibid: 8 [...]

404 EL6

405 EL5

406 EL4 [...]

413 EL6

414 EL6

415 EL4

416 EL6

417 EL6 [...]

419 EL2⁹⁵

The meeting minutes with a Human Rights Watch analyst, published in the September 2022 COI brief report on the situation of LGBT persons in Egypt by the Danish Immigration Service, noted the following with regards to entrapment:

8. An example of online evidence used against LGBT persons could be a man telling another man "I like you" which is used in court as incriminating evidence to prosecute. The evidence comes from searches of individuals' phones or entrapment on social media where many law enforcement officers create fake same sex profiles on Grindr and other applications through which they entrap LGBT people by for instance getting them to confess that, "they are gay". Sometimes, the law enforcement officer would ask, "how much would you charge", and if the LGBT individual do not reject payment for sex, this would be used as evidence against the person by accusing him of habitually practicing debauchery and promoting indecency.⁹⁶

The April 2022 report on sexual violence in detention in Egypt between 2015 and 2022 by the Freedom Initiative and the Egyptian Front for Human Rights found the following information:

⁹⁵ Afsaneh Rigot, [Digital Crime Scenes: The Role of Digital Evidence in the Persecution of LGBTQ People in Egypt, Lebanon, and Tunisia](#), 7 March 2022, pp. 79-80, 86, 88, 90-93

⁹⁶ The Danish Immigration Service, [Country of Origin \(COI\) Brief Report – Egypt: Situation of LGBT persons](#), September 2022, p. 20

In an interview conducted with a human rights lawyer, she spoke about an incident she consulted on involving a gay man in Egypt.¹² Khaled was going to meet a man he had met over Grindr, a social networking app for people from the LGBTQ+ community.¹² At his date's house, he realized he was being entrapped and that his date was a police officer luring him to arrest him. Khaled was beaten by police officers, verbally assaulted, and raped with a finger that one of the officers inserted in his anus. A researcher working on the LGBTQ+ community in Egypt confirmed that entrapment through apps such as Grindr has become a common means of targeting sexual minorities in Egypt. [...]

Sarah,²⁶ a trans woman, was going to meet a date off Grindr before she realized she was entrapped. She found a police car waiting for her and an officer opposite her arrested her and escorted her to the police station. She stayed in the police station for three months. [...]

Class can also play a significant role in the extent to which one endures sexual violence in Egypt. According to a human rights lawyer, after being entrapped on Grindr and abused during the process of arrest, by the time a gay man made it to the police station authorities had realized that the detainee belonged to a prominent, wealthy family in Egypt. The types of sexual violence that other members of the LGBTQ+ community endured were not levied against him. [...]

¹² Based on case number A586 [...]

²⁶ Based on case number A644⁹⁷

The July 2022 Guardian article on calls for the UN to move COP27 from Egypt wrote that:

Rasha Younes, a Middle East and North Africa LGBTQ rights researcher at Human Rights Watch, said it is not uncommon for security forces to drag people from the streets solely based on their gender expression or to entrap them through dating apps or social media by pretending to be romantically interested in them, only to then arrest them, throw them in prison and encourage other inmates to abuse them.

"The evidence we've collected on entrapment suggested a coordinated policy by Egyptian authorities to target LGBT people," Younes said. "Anyone going to Cop27 should be concerned and should take precautions, particularly with their online activity. But of course we are even more concerned for people who live in Egypt already."⁹⁸

January – May 2023

The 2023 Human Rights Watch World Report, covering events of 2022 and published in January 2023, stated that:

Authorities in Egypt have undermined lesbian, gay, bisexual, and transgender (LGBT) people's right to privacy with digital targeting, namely entrapment on social media and dating applications, online harassment and "outing," online extortion, monitoring social media, and reliance on illegitimately obtained digital evidence in prosecutions. Human Rights Watch documented cases where security forces have used digital targeting, based on "debauchery" provisions and the Cybercrime Law, to entrap LGBT

⁹⁷ The Freedom Initiative and Egyptian Front for Human Rights, [No One is Safe: Sexual Violence Throughout the Life Cycle of Detention in Egypt: 2015-2022](#), 7 April 2022, pp. 16, 19, 32

⁹⁸ The Guardian, [UN urged to move Cop27 from Egypt over 'LGBTQ+ torture'](#), 15 July 2022

people, arbitrarily arrest and detain them based on digital evidence found on their personal devices, and ill-treat them in police custody.⁹⁹

The joint NGO submission for the review of Egypt by the Human Rights Committee, published in January 2023 by the Committee for Justice (CFJ) and eight other organisations, stated that:

In 2002, the [CEDAW] Committee noted “the criminalization of some behaviours such as those characterized as “debauchery”. It recommended “the State party should ensure that articles 17 and 26 of the Covenant are strictly upheld, and should refrain from penalizing private sexual relations between consenting adults.”

The State response [in November 2020] referred to article 167 of its fifth national report which denied the criminalization of consensual same-sex relations and stated that the legislative structure to combat prostitution, sexual exploitation and trafficking did not criminalize same sex sexual relations. Contrary to the State’s response, cases of targeting LGBTQ+ individuals are still taking place in Egypt especially by using the internet to entrap and arrest them.¹⁰⁰

The January 2023 BBC News article on the online entrapment of LGBT persons in Egypt by police stated that:

In Egypt, homosexuality is highly stigmatised, and there have long been allegations that police are hunting LGBT people online. Now BBC News has seen evidence of how the authorities are using dating and social apps to do this.

All victims' names have been changed

Having grown up in Egypt, I am aware of the pervasive homophobia that permeates every part of its society. But friends there tell me that the atmosphere has recently become far more brutal, and the tactics for tracking down LGBT people more sophisticated. [...]

Transcripts submitted in police arrest reports show how officers are posing online to seek out - and in some cases allegedly fabricate evidence against - LGBT people looking for dates online.

They reveal how the police initiate text conversations with their targets. [...]

In one text conversation between an undercover police officer and someone using the social networking and dating app WhosHere, the officer appears to be pressuring the app user to meet up in person - that person was later arrested.

Police: Have you slept with men before?

App user: Yes

Police: How about we meet?

App user: But I live with mom and dad

Police: Come on dear, don't be shy, we can meet in public and then go to my flat.

There are more examples which are too explicit to publish.

It is extremely difficult for LGBT people to openly meet potential dates in public in Egypt, so dating apps are a popular way to do that. But just using the apps - regardless of your sexuality - can be grounds for arrest based on the incitement of debauchery or public morality laws in Egypt.

⁹⁹ Human Rights Watch, [World Report 2023: Events of 2022](#), 12 January 2023, p. 196

¹⁰⁰ Committee for Justice (CFJ) et al., [Joint NGO submission for the review of Egypt by the Human Rights Committee: 137th session \(27 February to 24 March 2023\)](#), 30 January 2023, p. 7

It is not just Egyptians who are being targeted. In one transcript, police describe identifying a foreigner, who we are calling Matt, on the popular gay dating app Grindr. A police informant then engaged Matt in conversation, and - the transcript says - Matt "admitted his perversion, his willingness to engage in debauchery for free, and sent pictures of himself and his body".

Matt told the BBC that he was subsequently arrested, charged with "debauchery", and eventually deported.

In some of the transcripts, the police appear to be trying to pressure people who seem to be simply seeking dates or new friendships into agreeing to sex for money. Legal experts in Egypt tell us that proving there has been an exchange of money, or an offer of one, can give the authorities the ammunition they need to take a case to court. [...]

Three other people told us the police forced or falsified confessions related to their cases, too.

Laith was jailed for three months for "habitual debauchery", reduced to a month on appeal. Laith says the police also tried to get him to inform on other gay people he knew of.

"[The policeman] said: 'I can fabricate a whole story about you if you don't give me names.'"

The Egyptian government has spoken publicly about its use of online surveillance to target what it described as "homosexual gatherings".

In 2020, Ahmed Taher, former assistant to the Minister of Interior for Internet Crimes and Human Trafficking, told the newspaper Ahl Masr: "We recruited police in the virtual world to uncover the masses of group sex parties, homosexual gatherings." [...]

The WhosHere app was referenced in nearly every police transcript the BBC has had access to.

Cyber privacy experts told us that WhosHere seems to have specific vulnerabilities, allowing hackers to scrape information about its users - such as location - on a large scale. [...]

It was only after the BBC formally approached WhosHere that the app changed its settings, removing the "seeking same sex" selection, which could put people at risk of identification.

WhosHere disputes the BBC's findings about vulnerabilities and say that they have a robust history of addressing problems when raised. And that they do not operate any specific service for the LGBT community in Egypt.

Grindr, also used as an app by police and criminals to find LGBT people in Egypt said: "We work extensively with Egyptian LGBTQ activists, international human rights advocates, and safety-focused technologists to best serve our users in the region."¹⁰¹

The February 2023 Human Rights Watch report into digital targeting and its offline consequences for LGBT people in the Middle East and North Africa gave the following information about entrapment in Egypt:

In Egypt, the security forces, including Morality Police and National Security Agency officers, are a leading culprit in the entrapment of LGBT people [...]. [...]

I was chatting with a man on Grindr while sitting in the café. We agreed to meet at the café, but instead of the man I was expecting, five police officers in civilian attire walked in at about 9 p.m.... They [police officers] had a rope in the [police] car and threatened to hang me with it if I did not open my phone. They found private photos of me with long hair and other photos with a man and turned it into a case of debauchery and indecency.

— Ayman, 23-year-old gay man from Egypt, December 8, 2021 [...]

¹⁰¹ BBC News, [How Egyptian police hunt LGBT people on dating apps](#), 30 January 2023

Maamoun, a 24-year-old gay man from Egypt, described an instance in February 2021 when he suspected police officers had used Grindr to entrap him:

Around 2 p.m., I went to a coffee shop in Central Cairo. Someone called Al-Khalidi texted me on Grindr, he said he was from the Gulf. It was not until later that I realized it was an ambush. I should have known better as his accent was fake and forced. I also tried to speak with him in English and received no response. He refused to send other photos and refused to have a video call with me. He also insisted that I give him my number so we could chat on WhatsApp. He immediately asked me to agree on a price in exchange for sex. I said that I did not care as long as it was a good time. We talked over WhatsApp, and he sent me his location, which was around a five-minute walking distance. I felt something was strange as I walked to the location. I called him when I arrived, and he said that he would meet me downstairs. I said I preferred to go to him so we would not be in the street, but he refused. I called an Uber immediately so I could leave.⁶²

According to an Egyptian lawyer, security forces in Egypt who entrap LGBT people frequently pressure them to agree to a sum of money in exchange for sex to build a case against them.⁶³

As Maamoun was crossing the street, he said, a police officer grabbed his arm, then four men in civilian attire cornered and handcuffed him. [...]

Human Rights Watch reviewed the police report in Maamoun's case, which stated that he "regularly engaged in same-sex relations in exchange for money," based on Grindr and WhatsApp chats found on his phone. [...]

Ayman, a 23-year-old gay man from Egypt, said he was entrapped on Grindr and arrested by police while he was out with three of his friends at a café in Cairo, on November 17, 2020.

I was chatting with a man on Grindr while sitting in the café. We agreed to meet at the café, but instead of the man I was expecting, five police officers in civilian attire walked in at about 9 p.m. They handcuffed [all four of] us and took us to the Smouha Police Department (morality unit) in their police car and beat us there while calling us names like "faggot," "whore," "son of a bitch." They [police officers] had a rope in the [police] car and threatened to hang me with it if I did not open my phone. They found private photos of me with long hair and other photos with a man and turned it into a case of debauchery and indecency. They found chats on my phone by accessing my Grindr, WhatsApp, and Facebook Messenger. They accused us of running an online sex business for profit, turning it into a case for economic court. They threatened us, that they would add photos on our phones to incriminate us further, but I don't know if they did that or not because we haven't seen our phones since.⁶⁴ [...]

After five hours at the Smouha police station, police transferred Ayman and his friends to Bab Sharqi detention center, where they spent a month. [...]

After four days of being detained in Bab Sharqi, Ayman and his friends were presented before a judge, who extended their pretrial detention for 15 days. After their new lawyer, whom their families appointed, appealed, the judge reduced their pretrial detention to seven days. When they returned to court a week later, a different judge sentenced them to two years in prison for "debauchery" and "indecency." [...]

On appeal, Ayman and his friends were found innocent, but their case was transferred to the economic court. He said the economic court charges included "soliciting debauchery" and "conducting sexual business deals online," based on the police report reviewed by Human Rights Watch.

On December 27, 2021, Ayman and his friends were acquitted.⁶⁵ [...]

⁶² Human Rights Watch phone interview with Maamoun, October 28, 2021.

⁶³ Human Rights Watch phone interview with an Egyptian lawyer, September 18, 2021. [...]

⁶⁴ Human Rights Watch phone interview with Ayman, December 8, 2021. [...]

75 Ibid.¹⁰²

The USDOS annual report on human rights practices in Egypt in 2022, published in March 2023, wrote that: “Rights groups and activists reported harassment by police, including physical assault and forced payment of bribes to provide information concerning other LGBTQI+ individuals or to avoid arrest. There were reports that authorities used social media, dating websites, and mobile phone apps to entrap persons they suspected of being gay or transgender, a method that LGBTQI+ advocates described as especially effective since public spaces friendly to LGBTQI+ persons largely had been closed in recent years”.¹⁰³ The USDOS annual report on human rights practices in Egypt in 2021, published in April 2022, stated the same.¹⁰⁴

The Pink News article in March 2023 on entrapment through Grindr in Egypt stated that:

Darius (not their real name), an LGBTQ+ person from Port Said, told PinkNews they’ve stopped walking in the streets out of fear and are desperately looking for a way to escape the country.

“Me and my friends got a voice note that said 28 gay people were arrested by police and then forced to call their friends so they could get arrested too,” they explained.

“A couple of months ago, one of our friends was found dead. I’m not safe at all.”

According to Darius, police are taking people’s phones for “evidence” then calling the names in their contact lists to see if they are LGBTQ+.

They were also informed that their name was on a long list of people who were being tracked by the police.

“I don’t leave my house unless someone will take me with a car,” Darius adds.

“I’m really worried that if I leave the house, I’m going to get slaughtered like a chicken.”¹⁰⁵

In March 2023, Al Jazeera reported on the Grindr app warning Egypt users of police-run accounts, stating that:

A popular gay social networking application has said that it is issuing a warning to its users in Egypt, as police impersonate community members to target LGBTQ+ individuals.

Users in Egypt will see the following warning appear in Arabic and English when they open the app: “We have been alerted that Egyptian police is actively making arrests of gay, bi, and trans people on digital platforms. They are using fake accounts and have also taken over accounts from real community members who have already been arrested and had their phones taken. Please take extra caution online and offline, including with accounts that may have seemed legitimate in the past.” [...]

The warning to users comes after rights groups and media have reported how authorities in the wider region are increasingly taking to digital platforms to crack down on the LGBTQ+ community.¹⁰⁶

¹⁰² Human Rights Watch, [“All This Terror Because of a Photo”: Digital Targeting and Its Offline Consequences for LGBT People in the Middle East and North Africa](#), 21 February 2023, pp. 16, 25-26, 28-30,

¹⁰³ USDOS, [2022 Country Report on Human Rights Practices: Egypt](#), 20 March 2023

¹⁰⁴ USDOS, [2021 Country Report on Human Rights Practices: Egypt](#), 12 April 2022

¹⁰⁵ Pink News, [Grindr sends every user in Egypt warning about police tricking and arresting queer men](#), 23 March 2023

¹⁰⁶ Al Jazeera, [LGBTQ+ dating app Grindr warns Egypt users of police-run accounts](#), 25 March 2023

In April 2023, the German Federal Office for Migration and Refugees (BAMF) wrote in its Briefing Notes for the Information Centre for Asylum and Migration that: “A US dating app for LGBTIQ people has warned its users in Egypt to be careful about sharing personal information and arranging meetings. The company said the warning was due to an increase in attempts by Egyptian security authorities to arrest LGBTIQ people using hacked or falsified profiles”.¹⁰⁷

2. Mistreatment in Investigations

2020

The statement released by Bedayaa Organization in June 2020 after the death by suicide of activist Sarah Hegazy noted that: “LGBTIQ persons are frequently subjected to a wide range of violations during the interrogation and investigation phases including torture, sexual and physical assault, coerced anal examination and bullying in detention places”.¹⁰⁸

The September 2020 Human Rights Watch article on the August 2020 arrest of witnesses to a gang rape in 2014 wrote that:

Egyptian security agencies in late August 2020 arbitrarily arrested a man and three women who were witnesses to a high-profile gang rape case from 2014 that recently came to light, Human Rights Watch said today. Security also arrested two of the witnesses’ acquaintances.

The prosecutor general ordered the release of three of the six on August 31 but is pressing charges against all of them for violating laws on “morality” and “debauchery” that are vague, discriminatory, and open to abuse. Pro-government media have subjected them to a coordinated smear campaign [...].

Four activists said that the authorities arbitrarily arrested at least two other people, who are acquaintances of the witnesses. One was allegedly a man who was visiting one of the American-Egyptian woman witnesses when security officials came to arrest her. Security forces unlawfully searched the man’s phone and used photos they found to allege that he has engaged in same-sex conduct as a basis to keep him in custody. Prosecutors renewed his detention, and he could face charges under Egypt’s “debauchery” laws. [...]

Security forces also arrested a well-known party organizer who was involved in organizing the 2014 party at the Fairmont Hotel during which the gang rape occurred, although the person with knowledge of the case said the rape survivor did not accuse him of any wrongdoing. Pro-government websites said he was arrested on August 28 in a North Coast resort village. Several websites published his name and private information in the smear campaign based on his perceived sexual orientation.

Security forces have been holding the two men in al-Tagamoa First Police Station, east of Cairo. Authorities have not allowed any family visits for the two since their arrest, a person with knowledge of the case said. Lawyers were reportedly able to attend the prosecution interrogations with the two men, but not see them privately. [...]

¹⁰⁷ The German Federal Office for Migration and Refugees (BAMF), [Briefing Notes: Group 62 – Information Centre for Asylum and Migration](#), 17 April 2023

¹⁰⁸ Bedayaa Organization, [Tons of Oppressions Resulted in PRIDE](#), 18 June 2020

As of September 2, at least three of those arbitrarily detained remain in custody, including a woman witness, the party organizer, and the man whom the authorities are alleging has engaged in same-sex conduct.

The statement said that prosecutors ordered the detainees to be tested by the forensic labs for drugs and two of them to undergo physical examinations.

Two activists said that authorities subjected the two detained men to forced anal examinations, a practice denounced by African and international human rights bodies, which Egyptian authorities routinely carry out to seek “proof” of same-sex conduct. [...]

Smear Campaign

After their arrest, videos and photos showing scenes of some of the detained witnesses’ private lives have been leaked online. One video shows several women and a man who appear to be drunk, and other videos show intimate behavior. Activists said they believe that security forces leaked the photos and videos to smear and intimidate the witnesses.

The Office of the Prosecutor General said in its August 31 statement that all mobile phones of the people detained were sent to the “Technical Support Administration” in the Interior Ministry to “retrieve all its contents and recover any deleted content and retrieve all conversations made on the communications apps.” One activist, who spoke with some of the released witnesses, said that the National Security Agency had searched the phones and laptops of the witnesses at the time of arrest and “took whatever they could find.”

Since August 31, pro-government websites and journalists have published reports that stigmatize the rape survivor, witnesses, and activists involved in the case. Some government-affiliated media websites are reframing the gang rape as a “group sex party” and alleging that security investigations revealed “the biggest network of homosexuality.” One pro-government journalist, who is also a lawyer, said in a now-removed Facebook post that she submitted a complaint to the prosecutor general about several activists whom she accused of fabricating the rape allegations to “tarnish Egypt’s image” and to “spread homosexuality.”¹⁰⁹

The October 2020 Human Rights Watch report on the arrest, abuse, and torture of LGBT people in Egypt by security forces noted that:

In late August, Egyptian security forces, likely from the National Security Agency, arrested two men who witnessed a high-profile gang rape in Cairo’s Fairmont Nile City Hotel in 2014 and were to give evidence about the case. Officers unlawfully searched the men’s phones while holding them incommunicado at al-Tagamoa First Police Station, east of Cairo, for several days, and used photos they found to allege that they had engaged in same-sex conduct, to keep them in custody. Judges renewed their detention several times, and prosecutors subjected them to forced anal examinations, a practice which Egyptian authorities routinely carry out to seek “proof” of same-sex conduct, despite it being denounced as abusive and in violation of international law. The two men could face charges under Egypt’s “debauchery” laws.¹¹⁰

A Human Rights Watch article, released in November 2020, added updates to the case of the witnesses to the 2014 gang rape arrested for their perceived sexual orientation:

¹⁰⁹ Human Rights Watch, [Egypt: Gang Rape Witnesses Arrested, Smeared: Personal Data Used in Abusive Prosecutions](#), 11 September 2020

¹¹⁰ Human Rights Watch, [Egypt: Security Forces Abuse, Torture LGBT People - Arbitrary Arrests, Discrimination, Entrapment, Privacy Violations](#), 1 October 2020

They remain in jail more than two months later, after judges renewed their pretrial detention three times in hearings they were not allowed to attend.

Authorities kept them for several weeks in a police station in east Cairo, permitting only one family visit. On October 14, they were transferred to al-Nahda prison, where they are currently detained in the same cell as the suspected Fairmont rapists.

According to the men's families, prison guards forcibly shaved their heads, and prosecutors ordered them to undergo drug testing and forced anal exams [...].¹¹¹

2021

At the beginning of 2021, Bedayaa Organization produced its annual report covering events relevant to its legal aid programme from January to December 2020. It reported 6 cases of forced anal examinations in that timeframe.¹¹² It also noted that:

In January, a transgender Cypriot tourist was entrapped and arrested from the hotel she was staying in. She later received a 3-year prison sentence in addition to 3-year probation on the charge of incitement and promotion of debauchery. Later in March, her appeal was rejected; the Egyptian authorities did not acknowledge her transgender status and did not assign her to a women's detention facility as her official documents stated that she was male. Instead, she was kept in solitary confinement in a small room inside a police station for over a year with no access to sunlight until she was extradited to Cyprus where she will continue to serve her sentence.¹¹³

The 2021 Human Rights Watch World Report, covering events of 2020 and published in January 2021, wrote on Egypt that: "Egypt continued to arbitrarily arrest and detain people based on their sexual orientation or gender identity and subjected them to torture and ill-treatment in detention, including forced anal examinations".¹¹⁴

Similarly, a January 2021 open letter to the European Union and its member states on Egypt, signed by twelve organisations including Human Rights Watch, Amnesty International, and the World Organisation Against Torture (OMCT), stated that: "The authorities [...] continued to arrest members of the LGBTI community because of their sexual orientation and to forcibly subject them to torture and degrading treatment including "anal tests" and "sex determination tests" [...]"¹¹⁵.

The UK Government's Human Rights and Democracy Report for 2020, published in July 2021, stated that: "Egyptian lawyers reported that LGBT+ people remained subject to arrest on charges of

¹¹¹ Human Rights Watch, [Egypt Detains Men for Alleged Sexual Orientation, Alongside Alleged Rapists](#), 2 November 2020

¹¹² Bedayaa Organization, [Legal Aid – Annual Report: 2020](#), 2021, p. 1

¹¹³ Bedayaa Organization, [Legal Aid – Annual Report: 2020](#), 2021, p. 3

¹¹⁴ Human Rights Watch, [World Report 2021: Events of 2020](#), 13 January 2021, p. 215

¹¹⁵ Human Rights Watch et al., [Open letter to the European Union and its Member States on Egypt](#), 21 January 2021

‘debauchery’ or ‘inciting debauchery’, sometimes following the use of social media traps by the authorities. Forced anal examinations were also reported”.¹¹⁶

The latest edition of ILGA World's “Our Identities under Arrest” report, released in December 2021, stated that:

Police and other authorities have demonstrated a common tactic of using online entrapment, raiding of known “gay hangouts”, and illegally seizing and searching cell phones for incriminating content, in order to justify the arbitrary detention of suspects. Once the accused are in custody, physical and psychological violence, and sexual assault are also reportedly common, and legal procedures remain opaque to make access to justice difficult. It is thus often impossible to parse where the delineation between criminalisation and simple prejudice on the part of individual State actors lies, given the nebulous ways in which laws can and have been interpreted to include SOGIE identities and activities. [...]

Examples of Enforcement [...]

In August or September 2020, a young man accompanied a female friend to a police station in Cairo. She had been arrested in 2014 as part of an investigation into a party at Cairo's Fairmont hotel. It was reported that another woman was drugged and raped by several men in the hotel room that night and the young man's friend was being sought to give input as a witness. He voluntarily accompanied her to the police station and had no connection to the 2014 incident as he was only 14 at the time. However, once there, police arbitrarily detained him as well as another man who was at the party. Both were searched and their phones taken away. Police found private photos and detained both for allegedly engaging in homosexual conduct. They remained in jail for more than two months, as judges renewed their detention orders three times, being transferred on 14 October to al-Nahda Prison where guards shaved their heads, subjected them to anal examinations and housed them with the suspected party rapists. It is unclear whether the men were later released.⁷⁴ [...]

*74 This entry has been redacted for the safety of those in involved. For more information, please contact ILGA World.*¹¹⁷

The 2021 report by Bedayaa Organization answering FAQs on the situation for LGBTQI people in Egypt wrote that:

There is a dedicated police department (Public Morality Police) that is affiliated with the Ministry of Interior that is commissioned to arresting whoever not fitting with Egyptian society norms namely sex workers ‘females and males’, gay men, trans women and any reported non-normative sexual activities even if it is in private places, this unit investigate all cases under the law 10/1961. The “investigations” are often short and depends on the methods of the arrests.

The cases files show the most common methods of arresting LGBTI persons are:

Entrapment through dating applications on smart phones, where the police officers create fake accounts and pretend to be gay persons who are interested to meet for a date. When the LGBTI individual shows

¹¹⁶ UK Government and UK Foreign, Commonwealth & Development Office, [Human Rights & Democracy: The 2020 Foreign, Commonwealth & Development Office Report](#), 8 July 2021, p. 44

¹¹⁷ International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA World), [Our Identities Under Arrest: A global overview on the enforcement of laws criminalising consensual same-sex sexual acts between adults and diverse gender expressions](#), 15 December 2021, pp. 126, 321

up at the meeting point, he/she get arrested. We noticed from examining the screenshots attached with the cases files, that the people speaking on behalf of the police always express their intention to pay money in foreign currency as a temptation to the users of these apps. We also noticed that the person speaking on behalf of the police always arrange the meetings in a public location e.g., public garden or just in the streets, so it would be easier to arrest them once they show up for the meeting. Once they are arrested, the police search the phones and print out all the conversations on the dating apps to use as “solo” evidence to prosecute the case further in the criminal courts or economical courts.

Sometimes the police tries to strike a deal with the accused, as they offer him/her to not prosecute the case if he/she cooperated and hand over other LGBTI individuals.

On the other hand, the awareness campaigns conducted by the NGOs working on LGBTI issues, the warning messages that the dating apps send to its users about digital security and how to avoid online entrapment, and the new security features like the change of the application icon and not displaying notifications undermined the online entrapment method, but did not erase it, as there is still a remarkable number of the LGBTI persons who got arrested through entrapment.

Sweeping meeting spots like some squares, streets, or coffee shops that the LGBTI community members often meet at. The police raid spots and randomly arrest people and then search them for anything that will indict that they do have sex e.g., condoms, lubes, and pictures to make a case against them and if they do not find anything, they would just claim that the arrested person was using seductive acts and signs to seduce people into committing debauchery. [...]

Egyptian police do not understand the different between a transgender woman and a homosexual man, as such they view every transgender woman as a gay man who is dressed up as a woman to seduce men into debauchery for money, and view any gathering of Trans women in one flat as a hideout for prostitution. In other cases, the neighbours would attack transgender women in their flats and when the transgender women would call the police, the police would arrest them instead of the neighbours for the reason mentioned above.

Sadly, some judges do not care about the legality of the arrest procedures and the seriousness of the evidence and just settle for using female clothes and makeup as evidence of committing prostitution and debauchery without understanding that these evidences are nothing but important tools for trans women to use to live as a woman within the society. Other legal issues that face transgender persons is the lack of communication channels within the different executive branches and ministries inside the state; this often leads to being arrested, even though they would have governmental medical reports from the ministry of health stating that they are having gender identity disorder, but the Ministry of Interior does not acknowledge these kinds of reports.¹¹⁸

2022

Afsaneh Rigot’s March 2022 report on the role of digital evidence in the persecution of LGBTQ people in Egypt (as well as Lebanon and Tunisia) noted the following:

The Egyptian interviewees affirmed that the most targeted persons in the LGBTQ community are trans people and queer cis men, and sentencing is always harsh due to the, *“pictures and them looking like a woman and so on, the anal examination, and of course the provocative pictures that they usually attach with the police report”*¹⁶⁰. [...]

¹¹⁸ Bedayaa Organization, [10 FAQs about LGBTIQs situation in Egypt](#), 2021, pp. 7-8, 14

As digital evidence is central to the prosecution of LGBTQ people in Egypt, Tunisia, and Lebanon, illegal access to devices is central to the gathering of that evidence. All 21 interviews, across all three jurisdictions, confirmed this. [...]

Digital evidence is gathered through traditional policing and investigation tactics: patrols, informants, interrogations, forced device checks, and so on. [...]

Some interviewees suggested that more advanced digital search methods are used. [...] Another interviewee in Egypt refers to specific assigned personnel who are enlisted if all other methods of forcing access to digital devices fail: *“But if this all fails then it’s up to the expert, he’s the one responsible for opening it. How does he open it exactly, this is like not very... it’s out of the court records.”*²⁸³ One interviewee suggested these tools existed, but were rarely employed in this context: *“In Egypt they don’t act like the FBI. It’s easier than that. They just interrogate sources, [they force] people to open the mobile. They have the tools, but they use that for important cases”* like political ones.²⁸⁴ [...]

The issue of fabricated, or planted, evidence by Egyptian police and investigators has been an ongoing challenge documented by human rights organizations.³¹⁴ In the context of cases against LGBTQ people, this seems to be an accepted norm in policing and courts. [...]

160 EL2 [...]

283 EL6

284 EL3 [...]

314 Human Rights Watch. 2021. Egypt: Security Forces Abuse, Torture LGBT People. [online] Available at: <<https://www.hrw.org/news/2020/10/01/egypt-security-forces-abuse-torture-lgbt-people>> [Accessed 22 December 2021]. and Human Rights Watch. 2021. Egypt: Security Forces Abuse, Torture LGBT People. [online] Available at: <<https://www.hrw.org/news/2020/10/01/egypt-security-forces-abuse-torture-lgbt-people>> [Accessed 22 December 2021].¹¹⁹

The article in April 2022 by Nora Noralla at the Tahrir Institute for Middle East Policy on challenges for transgender people in the Middle East and North Africa, based on interviews conducted with transgender people in 2021, wrote on Egypt: “In detention, transgender people are often placed in cells that do not correspond to their gender identity, and are subjected to ill-treatment that can amount to torture, including sexual violence by security forces and other detainees, being confined in solitary cells for extended periods, and forced anal examinations”.¹²⁰

The April 2022 report on sexual violence in detention in Egypt between 2015 and 2022 by the Freedom Initiative and the Egyptian Front for Human Rights found the following information on sexual violence faced by LGBTQ+ individuals in police stations, at National Security Agency sites, and in prisons:

In Police Stations [...]

We also found at least seven instances of anal examinations of gay men and a trans woman. At least one of these detainees was a minor. [...]

At National Security Agency (NSA) Sites [...]

¹¹⁹ Afsaneh Rigot, [Digital Crime Scenes: The Role of Digital Evidence in the Persecution of LGBTQ People in Egypt, Lebanon, and Tunisia](#), 7 March 2022, pp. 48, 66, 68, 70, 75

¹²⁰ The Tahrir Institute for Middle East Policy, [Tough Territory for Transgender People in the Middle East and North Africa](#), 7 April 2022

Notably missing here are documentations of cases of sexual violence against members of the LGBTQ+ community. While we do not claim that none have occurred in NSA sites, as we do document one incident of an anal examination against a trans man, the NSA interfaces most commonly with political detainees. Members of the LGBTQ+ community are most often held under criminal cases and therefore not enmeshed within the NSA's ecosystem. [...]

In Prisons [...]

We also documented instance of anal examinations of a trans man and a trans woman. Upon entry, a prison officer called for their medical examination, and they were transferred to a hospital in Cairo. Both detainees reportedly endured anal examinations by the presiding physicians. These examinations, while not requested by either the prosecutor's office or prison authorities directly, were conducted in what they described as a very demeaning way that amounted to sexual violence.⁶¹ [...]

Findings [...]

The sexualized nature of violence was evident even in supposedly routine or medicalized examinations or searches: gay men, for instance, were subject to unnecessary anal examinations, a form of rape. [...]

61 Based on case number A123¹²¹

The USDOS annual report on human rights practices in Egypt in 2021, published in April 2022, wrote that: "Rights groups reported that authorities, including the Forensic Medical Authority, conducted forced anal examinations, which rights groups indicated primarily targeted LGBTQI+ individuals. The law allows for conducting forced anal exams in cases of "debauchery"". ¹²² The report further noted that: "According to a LGBTQI+ rights organization 2020 annual report issued in January, authorities arrested 25 LGBTQI+ individuals in 2020 and conducted forced anal exams on six persons". ¹²³

In May 2022, the International Service for Human Rights (ISHR) and the Committee for Justice (CFJ) called for the African Commission to issue public statements condemning the violations detainees in Egypt face, stating that: "In Al-Qanater female prison, [women] face torture and gender-based violence in custody with impunity, including humiliating vaginal searches, sexual harassment, and also forced genital examinations for transgender women". ¹²⁴

The meeting minutes with a Human Rights Watch analyst, published in the September 2022 COI brief report on the situation of LGBT persons in Egypt by the Danish Immigration Service, note the following with regards to the implementation of the law and investigations:

5. It is primarily the incitement to debauchery and debauchery laws and the public indecency laws that are used against LGBT persons. They are invoked when individuals are found to defy gender roles or gender conformity - including if they are suspected of being gay or transgender. The accusations are based on either content of phones discovered during arbitrary phone searches or the individual's

¹²¹ The Freedom Initiative and Egyptian Front for Human Rights, [No One is Safe: Sexual Violence Throughout the Life Cycle of Detention in Egypt: 2015-2022](#), 7 April 2022, pp. 19, 23, 25, 31

¹²² USDOS, [2021 Country Report on Human Rights Practices: Egypt](#), 12 April 2022

¹²³ USDOS, [2021 Country Report on Human Rights Practices: Egypt](#), 12 April 2022

¹²⁴ The International Service for Human Rights (ISHR) and the Committee for Justice (CFJ), [Egypt must take the necessary steps to improve prison conditions](#), 17 May 2022

appearance. Egyptian authorities round up suspected gay men or transgender individuals on the street or target them online. Usually, the cybercrime laws are invoked if individuals have posted something online that is perceived to violate public decency, or if they have content on their phone such as selfies, photos, chats on Grindr or even the mere presence of the application Grindr. Any same sex dating app on one's phone is also used to incriminate the person under either cybercrime laws or incitement to debauchery laws. [...]

7. Usually photos are used against individuals as evidence in LGBT cases. Photos of individuals themselves or photos of them with others perceived as a same-sex couple. Other examples are presence of applications on phones, a Facebook post, a rainbow flag filter on a Facebook profile etc. There have been cases of online extortion in the sense that individuals have coerced LGBT people into having sex and then reported the act or blackmailed them by threatening to report it to the authorities.

8. An example of online evidence used against LGBT persons could be a man telling another man "I like you" which is used in court as incriminating evidence to prosecute. The evidence comes from searches of individuals' phones or entrapment on social media where many law enforcement officers create fake same sex profiles on Grindr and other applications through which they entrap LGBT people by for instance getting them to confess that, "they are gay". Sometimes, the law enforcement officer would ask, "how much would you charge", and if the LGBT individual do not reject payment for sex, this would be used as evidence against the person by accusing him of habitually practicing debauchery and promoting indecency.¹²⁵

The minutes further noted that: "In 2021 and 2022, HRW has documented cases of torture of LGBT individuals such as severe and repeated beatings and sexual violence in police custody, forced anal exams and virginity tests against men and women. HRW has also documented verbal abuse, extracted forced confessions, systematic denial of medical care and legal counsel and an increase in prosecution for alleged same sex conduct since 2017 and precipitating for 2021 and 2022".¹²⁶

January – May 2023

The 2023 Human Rights Watch World Report, covering events of 2022 and published in January 2023, stated that:

Authorities in Egypt have undermined lesbian, gay, bisexual, and transgender (LGBT) people's right to privacy with digital targeting, namely entrapment on social media and dating applications, online harassment and "outing," online extortion, monitoring social media, and reliance on illegitimately obtained digital evidence in prosecutions. Human Rights Watch documented cases where security forces have used digital targeting, based on "debauchery" provisions and the Cybercrime Law, to entrap LGBT people, arbitrarily arrest and detain them based on digital evidence found on their personal devices, and ill-treat them in police custody.¹²⁷

¹²⁵ The Danish Immigration Service, [Country of Origin \(COI\) Brief Report – Egypt: Situation of LGBT persons](#), September 2022, pp. 19-20

¹²⁶ The Danish Immigration Service, [Country of Origin \(COI\) Brief Report – Egypt: Situation of LGBT persons](#), September 2022, p. 21

¹²⁷ Human Rights Watch, [World Report 2023: Events of 2022](#), 12 January 2023, p. 196

The joint NGO submission for the review of Egypt by the Human Rights Committee, published in January 2023 by the Committee for Justice (CFJ) and eight other organisations, stated that:

Contrary to the State's response, cases of targeting LGBTQ+ individuals are still taking place in Egypt especially by using the internet to entrap and arrest them. The arrests of LGBTQ+ individuals are often rife with instances of sexualized and gendered violence. [...]

Egyptian police, prosecution and courts persecute homosexuality, transgender women's identities and consensual same-sex acts between men or men and trans women under provisions of Egypt's Law no. 10/1961 on Combating Prostitution (most notably, the vague and overbroad crime of "habitual debauchery", among others). A central feature of this persecution is forced anal examinations, performed by the Justice Ministry's Forensic Medical Authority (FMA) upon referral from the prosecution, against individuals accused of "habitual debauchery". [...]

This rise in prosecution of real or perceived sexual and gender differences in Egypt is characterized by periodic State and media induced moral panics surrounding group arrests on grounds of "debauchery" every few months since 2013. Other forms of torture and ill-treatment also precipitate from such arrests, including verbal threats and insults, beatings, threats of sexual violence, and incitement of other intimates to abuse the individual. [...]

Increasingly EIPR [Egyptian Initiative for Personal Rights] has documented the use of forced examinations extends beyond charges of "habitual debauchery" under law 10/1961. [...] Moreover, the referral of individuals to the Forensic Medical Authority (FMA) for forced anal examinations continues to this day. In the 12 months between September 2021 and September 2022, EIPR documented 18 cases using charges of "habitual debauchery" against 37 individuals. In some of these cases, referral of defendants by the prosecution to the FMA for forced anal examinations were documented. [...]

NGOs documented - from the period of 2015 to 2022 - 655 incidents of sexual violence conducted by security personnel against 544 victims including [...] 30 members of the LGBTQ community [...]. Sexual based violence is rife in Egyptian detention facilities, and in particular in National Security Agency sites, where authorities use gender and surrounding social norms to increase victims' pain and suffering. No type or demographic is spared, with attacks recorded against women, men, children, trans and non-binary persons. Attacks take on different forms, purposes, and targets—in some cases embodying an expression of personal or state power, while in others being a means of punishment and in others still a means to extract a confession. Physical attacks are often accompanied by verbal abuses who use slurs or references to honor, modesty, and chastity to increase the psychological and social impact of the victim. These sexualized attacks are not the result of a small group of "bad apple" perpetrators, they are systematic. Most detainees reporting instances of sexual violence experienced the same lifecycle of violations—beginning with psychological and physical torture through threats, sexual harassment, virginity tests for women, anal examination for gay men, beating, electric shocks, sexual assaults and rape, and trumped-up charges relating to the victims' exercise of the rights of opinion, expression, or assembly.¹²⁸

The February 2023 Human Rights Watch report into digital targeting and its offline consequences for LGBT people in the Middle East and North Africa stated the following: "Authorities in Egypt subjected a

¹²⁸ Committee for Justice (CFJ) et al., [Joint NGO submission for the review of Egypt by the Human Rights Committee: 137th session \(27 February to 24 March 2023\)](#), 30 January 2023, pp. 7-8, 10-11

17-year-old transgender girl to a forced anal exam. [...] The Egyptian Medical Syndicate has taken no steps to prevent doctors from conducting these degrading and abusive exams”.¹²⁹

The same report also noted the following cases:

Maamoun, a 24-year-old gay man from Egypt, described an instance in February 2021 when he suspected police officers had used Grindr to entrap him [...]. [...]

Maamoun said the police officers then took him to the Abbasiya police station, where he waited on the floor in a dirty room with no ventilation until 1 a.m. During this time, he said police officers verbally abused him and insulted him based on his sexual orientation. He was denied a phone call to a lawyer or family member and was not provided with food or water. Furthermore, although an officer allowed him to take his HIV medication that night, the police withheld his treatment for the rest of his detention. Police officers also took his phone, wallet, and personal belongings. Eventually, they forced him to sign a police report using his fingerprint, without giving him the chance to read it.⁶⁵ [...]

At 1:30 a.m., Maamoun was transferred to the Qasr El-Nil police station, where he was placed in solitary confinement due to his HIV status, he said. At 8 a.m., police took Maamoun to Abdeen Court, where he said he was held in insanitary conditions until his interrogation:

The prosecutor asked me if I had a lawyer. I said I did not, so they appointed me a lawyer to be present during the interrogation. [The lawyer] told me not to worry and asked me which applications I had on my phone. I said Grindr and Facebook. He asked for my Facebook password, and I gave it to him so that he could access my account and delete content that could be used against me. He asked me if I had money, and I gave him my employer's number. He also asked for my parents' number. I refused at first, but he assured me that he would not tell them about the incident. The lawyer then told me that he called my employer, who told him that he did not know me. I felt like my life was over, like everything I had built was destroyed. I could not believe that all this degradation and hate I was experiencing was only because I am gay.⁶⁶

According to Maamoun, at the public prosecutor's office, the prosecutor interrogated Maamoun regarding chats on his phone, particularly on Grindr and WhatsApp. He said he claimed his phone was hacked, but the prosecutor did not believe him. When he requested that his court-appointed lawyer retrieve a friend's number from his phone, Maamoun said the lawyer gave him a wrong number. He later discovered that the lawyer had also contacted his parents and told them, "Your son is detained for debauchery and immoral activity." Maamoun's father still does not speak to him because of this incident. He continued:

On Monday, I went to the Abdeen court again for investigation, and I was put in that same terrible room. When I returned to the Qasr El-Nil police station, they changed my prison cell and placed me with high-profile felons. I was terrified and asked to be returned to my old cell, but the prison guard demanded 500 Egyptian pounds (US\$32) and a phone card as a bribe. I experienced continuous sexual assault. One of the detainees with me in the cell forced me to confess that I was gay, and he sexually assaulted me in exchange for protection. This went on for a week, and other detainees sexually harassed me as well, while I was sleeping, and then when I was showering. We were 45 people in a tiny cell, and they were using drugs the entire time.⁶⁷

After Maamoun spent 10 days in pretrial detention without charge, the judge ordered his release, he said.

¹²⁹ Human Rights Watch, [“All This Terror Because of a Photo”: Digital Targeting and Its Offline Consequences for LGBT People in the Middle East and North Africa](#), 21 February 2023, pp. 24-25

Ayman, a 23-year-old gay man from Egypt, said he was entrapped on Grindr and arrested by police while he was out with three of his friends at a café in Cairo, on November 17, 2020.

I was chatting with a man on Grindr while sitting in the café. We agreed to meet at the café, but instead of the man I was expecting, five police officers in civilian attire walked in at about 9 p.m. They handcuffed [all four of] us and took us to the Smouha Police Department (morality unit) in their police car and beat us there while calling us names like “faggot,” “whore,” “son of a bitch.” They [police officers] had a rope in the [police] car and threatened to hang me with it if I did not open my phone. They found private photos of me with long hair and other photos with a man and turned it into a case of debauchery and indecency. They found chats on my phone by accessing my Grindr, WhatsApp, and Facebook Messenger. They accused us of running an online sex business for profit, turning it into a case for economic court. They threatened us, that they would add photos on our phones to incriminate us further, but I don’t know if they did that or not because we haven’t seen our phones since.⁶⁸ [...]

After five hours at the Smouha police station, police transferred Ayman and his friends to Bab Sharqi detention center, where they spent a month. “It was a terrible place,” Ayman added. “Everyone slept on the floor in a very crowded tiny room. We were only offered appalling food that was impossible to digest.”⁷²

After two days, at the public prosecutor’s office, Ayman said he endured further mistreatment and insults.

We were told that we will never get out of jail. The prosecutor wrote things in the report that were false. He searched our phones again, especially WhatsApp, Facebook, and Instagram, and insisted that we were running an online sex business. I had a lawyer with me, and the prosecutor asked him, “Aren’t you ashamed to defend faggots?” Then the lawyer left.⁷³

After four days of being detained in Bab Sharqi, Ayman and his friends were presented before a judge, who extended their pretrial detention for 15 days. After their new lawyer, whom their families appointed, appealed, the judge reduced their pretrial detention to seven days. When they returned to court a week later, a different judge sentenced them to two years in prison for “debauchery” and “indecency.”

Ayman said he tested positive for Covid-19 after 15 days in Bab Sharqi detention center. He was denied medical care and access to medication from his parents. The police did not try to contain the spread, and the inmates, who were kept in cells with no ventilation, all became very sick, Ayman added.⁷⁴ [...]

Majd, a 38-year-old gay man from Egypt, and Ismail, a 23-year-old gay man from Egypt, told Human Rights Watch that a gang extorted them on Grindr in August 2021. Ismail began:

We met a guy on Grindr. We chatted with him for four days before meeting him. [...] He came over and we had sex.

An hour after he left, he called us again and told us he wanted to come back and bring a friend with him. They arrived, and his demeanor changed completely, and the guy with him was a vacant-eyed thug. They started moving around the apartment and interrogating us. We told them to leave, but they refused and told us that they were not there to have sex, they were there to turn us in to the police. They said they were both in the military. They told us that either we pay them 70,000 Egyptian pounds (US\$4,451) or they would turn us in to the police. They also demanded we sign an agreement with them. They beat up Ismail. We were terrified.¹²⁷

Ismail wept as he was telling the story, so Majd continued:

I managed to open the door of our apartment and scream for help, so they got scared and left from the back exit, only taking Ismail’s phone with them. The police came because of the screaming and asked us what happened, we said it was a theft attempt. The police told us to file a report, but we did not, and I thought that the incident had ended there, only to find [the two men who tried to blackmail us] waiting for me outside my place a few days later. Wanting to

cause a scene, they dragged me to a populated square in Cairo, started calling me a “faggot” while beating me up in front of everyone, and broke my phone.¹²⁸

When the police intervened, the man they had met on Grindr told the police that Majd was gay and showed them their WhatsApp chats, which contained messages about gay sex and stickers (a WhatsApp feature) that showed images of men having sex. Police officers insulted Majd and Ismail with homophobic slurs, handcuffed them, and took them to the Helwan police station in Cairo, where they were detained for four days.¹²⁹

Ismail and Majd did not know what happened to the two alleged perpetrators. They tried to file a complaint at the police station, but officers refused to register their complaint, they said. [...]

Yasin, an 18-year-old gay man from Egypt, was extorted and raped on December 28, 2020, when he was 16, by a gang after he met a gang member on Grindr, only learning later that these men had extorted and raped in a similar manner before. [...]

After Yasin left, he found a place nearby where he called his father, told him he was kidnapped, and asked him to come immediately. His father then took Yasin to the New Cairo Kattameya police station to file a complaint with the police. Yasin said:

I told the police officer what happened but left out the part about Grindr. I told him that the thugs accosted me in the street, took me to their place, then raped me. He did not believe me, and when he started yelling at me, my father told him to take us to the chief officer, which he did. The chief officer said he would help me, then asked that I take another police officer to the apartment where I was being held. We went, and two of the men who attacked me were there, but the one who had the big knife wasn't. They started screaming and the police arrested them. [The police officers] took the three phones there (including mine), drugs they found at the apartment, and the weapons that they had. They refused to confess anything at the police station, while I filed the police report.¹³²

The following day, Yasin went to the office of the public prosecutor, who assured him that he would not be detained and asked him to explain what happened:

I once again left out the part about Grindr, but when the men who attacked me came in to be interrogated, one of them confessed to everything and showed the prosecutor the chat on Grindr. When he searched their phones, he saw a video detailing another incident similar to mine, done in the exact same way. The prosecutor showed me that video and the video they recorded of me. We were at the prosecutor's office from 9 a.m. until 2 a.m.

Four days later, the police department summoned Yasin to perform an anal exam to “verify his sexual orientation.”¹³³ He added that the exam “showed that he was not gay,” which allowed him to escape detention.¹³⁴ Yasin did not know what happened to the men he accused of rape and extortion.

Baha', a 24-year-old gay man from Alexandria, Egypt, was robbed by a man he met on Facebook, who then attacked him one evening in February 2021 while they were on a date. [...]

After the attack against him, Baha' immediately blocked the man he met on Facebook and went to the nearest police station, near Al-Namous Square in Cairo, to report the attack.

I told the police that I was walking and a group of men attacked and robbed me. I was accompanied by officers to the location where I was attacked. I distanced myself from them and opened my Facebook account from a pedestrian's phone to try to get the attackers' account details. One of the officers saw me, snatched the phone from my hand, and found out that I was gay from my private Facebook groups. They brought me back to the station and started interrogating me. One officer said, “I know you're a faggot, so stop lying and tell me about your relation to the attacker.” I told him the whole story. They said, “Do you fuck or get fucked?”

“What have you done with the guy?” I was threatened with an anal exam and also with the military court’s interference as I am in the army.¹³⁶

Police officers interrogated Baha’ for from 7 p.m. until 1 a.m. and forced him to open both his Facebook accounts, his real one and a fake one he used for dating. He described the interrogation process:

I was not allowed to call anyone or use the restroom. The police report stated that I was walking on the street and my phone fell. The officer did not write another report because it would have been a burden, he said, so they threatened me with [sending the case to] the military court to get me to agree to the report as it was. Even though I presented information about the perpetrators’ identities, the police did absolutely nothing to help me. Instead, they threatened and insulted me. I left there completely shocked, and I had no money, so I had to walk a long distance.¹³⁷ [...]

[...] On January 15, 2020, Tina, a 34-year-old trans woman sex worker from Cyprus, was in Egypt for work when police arrested her after her client told the police that he found her on the internet. She was detained for 13 months at the Nasr City police station and convicted for “inciting debauchery” based on photos and chats that police found when they searched her phone.¹⁷⁴ Human Rights Watch’s review of the police report and court files in Tina’s case confirmed that this private information was the only evidence presented in her case. Tina said:

At 10:30 p.m., on the last night before my flight back to Cyprus, I had an appointment with a diplomat who was my client. He arrived with his driver to the hotel. The police outside the hotel stopped us because of the car’s tinted windows. They asked for our passports and the diplomat refused. I had to give them mine, which was a passport I do not currently use, because it says I am male. The police asked the diplomat if I was his girlfriend or his wife. He said that he found me on the internet. Then they put us both in a minibus and took us to the Giza police station.¹⁷⁵

At the station, Tina described the treatment by police:

[The police officers] did not tell me on what basis I was being held. They took my fingerprints and searched my phone and took screenshots of my messages with clients as well as pictures of me they found on my phone. They also did not allow me to call a lawyer, my embassy, or even my mother.¹⁷⁶

Tina’s pretrial detention was extended three times, each for 15 days, for a total of 45 days. During that period, she said, “They gave me food and water in exchange for sex,” otherwise she did not receive food or water. Because her gender identity confused the officers, who did not know whether to place her in a men’s or women’s prison, she was never transferred to a prison. When she finally had her court hearing, “it was eight seconds. The judge did not even look at me.” The judge dropped one charge, for “prostitution,” but sentenced her to three years for “inciting debauchery” on the basis of her nude photos. She was detained for another 13 months.¹⁷⁷ [...]

Martin, a 39-year-old gay man from Chile, was working in Egypt as a Spanish teacher when he was arrested in February 2020.

My only problem is that I had Grindr on my phone. It was a Sunday, and I was at the supermarket in Dokki, where I was living. Suddenly, a man I did not know approached me, called me by my name, and said, “We are going to the police station.” He forcibly took my phone and demanded I opened it. He asked for my passport, which I did not have, so they handcuffed me, put me in a minibus, and drove to my apartment. I got my passport, and I was surprised that police officers took everything valuable from my apartment: iPad, TV, and laptop. They also never returned my phone.¹⁷⁸

At the Dokki police station, Martin said no one spoke English and he did not know the reason for his arrest. He stayed at the police station overnight, until his court hearing the next morning, at which he was

convicted of “inciting debauchery” and sentenced to a fine of 400 pounds (US\$25) and deportation to Chile.

Human Rights Watch reviewed the police report and court files in Martin’s case, which indicated that the presence of the Grindr app on his phone was the basis for his conviction. The police report also highlighted that Egypt’s Intelligence Agency received information that he was meeting men on Grindr to have sex with them, which Martin denied. Martin told Human Rights Watch that he believed the Chilean embassy’s intervention was the only reason he was released.¹⁷⁹

In August 2020, the Egyptian National Security Agency arrested four witnesses to a high- profile 2014 gang rape in Cairo’s Fairmont Hotel (known as the Fairmont case), along with two of their acquaintances, weeks after independent women’s rights activists exposed the incident online. The authorities accused two of the witnesses, Seif Bedour and Ahmed Ganzoury, of consensual same-sex sexual conduct and “inciting debauchery,” based solely on private photos from their phones.¹⁸⁰

The authorities subjected Bedour and Ganzoury to drug testing and forced anal exams.¹⁸¹ Police unlawfully searched the men’s phones by forcing them to unlock their devices and, on the basis of the private photos they found, detained them for allegedly engaging in same-sex conduct.¹⁸² Pro-government media targeted them with a coordinated online smear campaign, publishing their names, photos, and private information based on their perceived sexual orientation.¹⁸³ The two men were detained in pretrial detention for five months, then released pending investigation in January 2021.¹⁸⁴ [...]

Nour, the 31-year-old gender non-binary person from Zagazig, Egypt, referred to above who uses they/them pronouns, described the physical and sexual abuse, as well as poor conditions, they faced in detention:

[...] Three detainees, ordered by police officers, also threatened me with a mousse knife and brought me to the bathroom, took off my clothes, and did an anal test on me. They then beat me on my groin and intimate parts, skull, and buttocks [...].²¹³ [...]

62 Human Rights Watch phone interview with Maamoun, October 28, 2021. [...]

65 Ibid.

66 Ibid.

67 Ibid.

68 Human Rights Watch phone interview with Ayman, December 8, 2021. [...]

72 Human Rights Watch phone interview with Ayman, December 8, 2021.

73 Ibid.

74 Ibid. [...]

127 Human Rights Watch phone interview with Majd and Ismail, October 14, 2021.

128 Ibid.

129 Ibid. [...]

132 Human Rights Watch phone interview with Yasin, October 26, 2021.

133 Forced anal examinations constitute cruel, degrading, and inhuman treatment that can rise to the level of torture and sexual assault under international human rights law. They violate medical ethics and lack scientific validity for their purported purpose of establishing that same-sex conduct has taken place. They are therefore internationally discredited. Human Rights Watch, *Dignity Debased: Forced Anal Examinations in Homosexuality Prosecutions*, (New York: Human Rights Watch report, 2016), <https://www.hrw.org/report/2016/07/12/dignity-debased/forced-anal-examinations-homosexuality-prosecutions>.

134 Human Rights Watch phone interview with Yasin, October 26, 2021. [...]

136 Human Rights Watch phone interview with Baha’, October 22, 2021.

137 Ibid. [...]

174 Human Rights Watch phone interview with Tina, September 15, 2021.

175 Ibid.

176 Ibid.

177 Ibid.

178 Human Rights Watch interview with Martin, October 2, 2021.

179 Ibid.

180 "Egypt: Gang Rape Witnesses Arrested, Smeared," Human Rights Watch news release.

181 Rasha Younes, "Egypt Detains Men for Alleged Sexual Orientation, Alongside Alleged Rapists," Human Rights Watch dispatch.

182 Ibid.

183 "Egypt: Gang Rape Witnesses Arrested, Smeared," Human Rights Watch news release.

184 Rasha Younes, "Justice Stalled in Egypt's 'Fairmont' Rape Case," Human Rights Watch dispatch. [...]

213 Human Rights Watch phone interview with Nour, October 6, 2021.¹³⁰

In early March 2023, the UN Human Rights Committee published a summary record of the 3958th meeting, held in February 2023, in which the fifth periodic report of Egypt was considered. Within it, concerns were raised that: "The Committee had been informed of cases in which homosexual and transgender persons had been arbitrarily detained and subjected to invasive, unjustified medical examinations that could amount to torture or inhuman or degrading treatment under article 7 of the Covenant".¹³¹

A couple of days later, the UN Human Rights Committee published a summary record of the 3959th meeting, held in March 2023, in which the fifth periodic report of Egypt was further considered. Concerns were raised that referred to the following incident: "The case involving the arrest of the 28 men – reportedly solely on grounds of debauchery rather than the possession of drugs or pornography – constituted the biggest mass arrest linked to sexual orientation in Egypt in the last 20 years. The Committee had received information that those persons had been subjected to forced anal examinations, which constituted torture and was therefore banned under the Covenant,"¹³² in response to an Egyptian state representative stating that "the case that had been reported concerning the alleged harassment of 28 persons because of their sexual orientation had actually involved a group of persons who had gathered to sell drugs. The police had been called to the scene and the disturbance had later escalated when some of the suspects had begun brandishing bladed weapons".¹³³

The USDOS annual report on human rights practices in Egypt in 2022, published in March 2023, wrote that: "Rights groups reported that authorities, including the Forensic Medical Authority, conducted

¹³⁰ Human Rights Watch, ["All This Terror Because of a Photo": Digital Targeting and Its Offline Consequences for LGBT People in the Middle East and North Africa](#), 21 February 2023, pp. 25-29, 52-56, 73-75, 89

¹³¹ UN Human Rights Committee, [137th session, Summary record of the 3958th meeting*: Held at the Palais Wilson, Geneva, on Tuesday, 28 February 2023, at 3 p.m. - Consideration of reports submitted by States parties under article 40 of the Covenant - Fifth periodic report of Egypt](#), 6 March 2023, p. 4

¹³² UN Human Rights Committee, [137th session, Summary record of the 3959th meeting: Held at the Palais Wilson, Geneva, on Wednesday, 1 March 2023, at 10 a.m. - Consideration of reports submitted by States parties under article 40 of the Covenant \(continued\) - Fifth periodic report of Egypt \(continued\)](#), 8 March 2023, pp. 8-9

¹³³ UN Human Rights Committee, [137th session, Summary record of the 3959th meeting: Held at the Palais Wilson, Geneva, on Wednesday, 1 March 2023, at 10 a.m. - Consideration of reports submitted by States parties under article 40 of the Covenant \(continued\) - Fifth periodic report of Egypt \(continued\)](#), 8 March 2023, p. 2

forced anal examinations in cases involving “debauchery” charges, which rights groups indicated primarily targeted LGBTQI+ individuals”.¹³⁴ The report further stated that:

Human rights organizations stated the Public Prosecutor’s Office continued to order forced anal and vaginal “exams” of detainees, primarily in “debauchery” cases against transgender women and men who have sex with men. Civil society organizations further alleged that the authority to undertake these abusive practices stemmed from internal guidelines rather than law, and that police would continue to carry them out absent formal prohibition from leadership. Authorities regularly used the “results” of forced anal exams as evidence against the defendants, despite independent international medical experts having emphasized that there was no medical or evidentiary basis for such conclusions [...].¹³⁵

In April 2023, the UN Human Rights Committee published its concluding observations on the fifth periodic report of Egypt, in which it stated that: “The Committee is concerned that vague provisions on “habitual debauchery” under Act No. 10 of 1961 on combating prostitution are used to prosecute persons due to their sexual orientation or gender identity, and in some cases to subject them to forced anal examinations (arts. 2, 3, 7, 17 and 26)”.¹³⁶

ii. Treatment in detention facilities

For further relevant information consult also section II., b., i., [2. Mistreatment in Investigations](#).

2020

In March 2020, ANKH Association (Arab Network for Knowledge about Human Rights) and the Cairo Institute for Human Rights Studies (CIHRS), among other organisations, published an appeal for the release of Eman Al-Helw and Hossam Ahmad from detention in Egypt, stating that:

February 28 marked one year since the arrests of actress and human rights defender Eman Al-Helw and transgender man Hossam Ahmad. They were both arrested that day, along with 70 other people as part of a mass arrest campaign against persons who critiqued the government and called for protests on social media following the deadly train crash on February 27, 2019 at Ramses Station, which left 22 dead over 40 injured. They are under investigation in State Security Case no. 1739 of 2018. [...]

Earlier this month, on March 3, 2020, the Prosecution issued yet another decision to renew the detention of Al-Helw and Ahmad for another 45 days.

For over one year, Eman Al-Helw and Hossam Ahmad have been held on false charges, only because of their peaceful activities. They have also been constantly subjected to various forms of harassment, physical and psychological abuse. Since the first day of their detention, they have been held in an underground cell in a police station, with no access to fresh air or sunlight, as the women’s prisons refuse to take them because they don’t “look like women”.

¹³⁴ USDOS, [2022 Country Report on Human Rights Practices: Egypt](#), 20 March 2023

¹³⁵ USDOS, [2022 Country Report on Human Rights Practices: Egypt](#), 20 March 2023

¹³⁶ UN Human Rights Committee, [Concluding observations on the fifth periodic report of Egypt](#), 14 April 2023, p. 2

During a recent interview, Hossam explained: “I am tired of being brought to hospitals again and again, and having my genitals exposed there... The problem is that because Eman is staying with me, anything that happens to me also happens to her.”¹³⁷

The statement released by Bedayaa Organization in June 2020 after the death by suicide of activist Sarah Hegazy noted that: “LGBTIQ persons are frequently subjected to a wide range of violations during the interrogation and investigation phases including torture, sexual and physical assault, coerced anal examination and bullying in detention places”.¹³⁸

The September 2020 Human Rights Watch article on the August 2020 arrest of witnesses to a gang rape in 2014 wrote that:

Egyptian security agencies in late August 2020 arbitrarily arrested a man and three women who were witnesses to a high-profile gang rape case from 2014 that recently came to light, Human Rights Watch said today. Security also arrested two of the witnesses’ acquaintances.

The prosecutor general ordered the release of three of the six on August 31 but is pressing charges against all of them for violating laws on “morality” and “debauchery” that are vague, discriminatory, and open to abuse. Pro-government media have subjected them to a coordinated smear campaign [...].

The authorities had encouraged witnesses of the rape to come forward, which they did in early August. They now stand accused of consensual same-sex sexual conduct, “inciting debauchery,” personal drug use, and “misuse of social media,” a charge frequently used against peaceful government critics. [...]

Security forces have been holding the two men in al-Tagamoa First Police Station, east of Cairo. Authorities have not allowed any family visits for the two since their arrest, a person with knowledge of the case said. Lawyers were reportedly able to attend the prosecution interrogations with the two men, but not see them privately. [...]

The statement said that prosecutors ordered the detainees to be tested by the forensic labs for drugs and two of them to undergo physical examinations.

Two activists said that authorities subjected the two detained men to forced anal examinations, a practice denounced by African and international human rights bodies, which Egyptian authorities routinely carry out to seek “proof” of same-sex conduct.¹³⁹

The October 2020 Human Rights Watch report on the arrest, abuse, and torture of LGBT people in Egypt by security forces noted that:

Egyptian police and National Security Agency officers arbitrarily arrest lesbian, gay, bisexual, and transgender (LGBT) people and detain them in inhuman conditions, systematically subject them to ill-treatment including torture, and often incite fellow inmates to abuse them, Human Rights Watch said today. [...]

¹³⁷ ANKH Association (Arab Network for Knowledge about Human Rights) and the Cairo Institute For Human Rights Studies (CIHRS) et al., [Egypt: As coronavirus threatens to spread in prisons, immediately release Eman Al-Helw, Hossam Ahmad and other peaceful political detainees](#), 25 March 2020

¹³⁸ Bedayaa Organization, [Tons of Oppressions Resulted in PRIDE](#), 18 June 2020

¹³⁹ Human Rights Watch, [Egypt: Gang Rape Witnesses Arrested, Smeared: Personal Data Used in Abusive Prosecutions](#), 11 September 2020

In late August, Egyptian security forces, likely from the National Security Agency, arrested two men who witnessed a high-profile gang rape in Cairo's Fairmont Nile City Hotel in 2014 and were to give evidence about the case. Officers unlawfully searched the men's phones while holding them incommunicado at al-Tagamoa First Police Station, east of Cairo, for several days, and used photos they found to allege that they had engaged in same-sex conduct, to keep them in custody. Judges renewed their detention several times, and prosecutors subjected them to forced anal examinations, a practice which Egyptian authorities routinely carry out to seek "proof" of same-sex conduct, despite it being denounced as abusive and in violation of international law. The two men could face charges under Egypt's "debauchery" laws. [...]

Malak el-Kashif, 20, a transgender woman and human rights activist, was arbitrarily detained for four months, sexually harassed, and abused in a male prison in 2019. An administrative court in May 2020 dismissed the appeal her lawyer filed requesting the Interior Ministry to provide separate detention facilities for transgender detainees in accordance with their gender identity. [...]

Hossam Ahmed, 27

Hossam Ahmed, a transgender man, was arrested in a café in Cairo on February 28, 2019 and detained in an undisclosed location for four days before being presented to prosecutors on March 4. He was charged with "joining a terrorist group and misusing social media to commit a crime punishable by law." Although a court ordered Ahmed released on September 15, 2020, he remained in pretrial detention for an additional week before he was eventually released on September 22.

Despite undergoing gender-affirming medical interventions, and his self-identification as a transgender man, Ahmed's ID card says "female." While he was detained in a women's prison in Abdeen, Cairo, he said, he was subjected to physical examinations and prohibited from continuing his hormonal treatment and gender-affirming surgery.

Human Rights Watch obtained a statement he wrote from prison February 21, 2020, through a France-based LGBT rights organization:

Every day feels like a year. Everyone who enters here is scared of my [trans identity] and harasses me physically and emotionally. The police officers enjoy harassing me. They call me by the name on my ID. The women detained alongside me here tell the officers, "His name is Hossam." The officers beat and torture these women to make them say that I did things that never happened. We sleep on a rotten and smelly mattress with no covers. The government only sends us bread. But all the food comes from visitors. If I don't get visitors for three days, I don't eat for three days.

All I'm asking for is to be treated as a human being and be called Hossam. I'm so tired of being regularly brought to the hospital so they can check my genitals. My bones hurt, my knees are ruined, I have weird spots on my body, fleas and bugs and lice everywhere, and bite marks. I feel like I've been here for 100 years.¹⁴⁰

A Human Rights Watch article, released in November 2020, added updates to the case of the witnesses to the 2014 gang rape arrested for their perceived sexual orientation:

They remain in jail more than two months later, after judges renewed their pretrial detention three times in hearings they were not allowed to attend.

¹⁴⁰ Human Rights Watch, [Egypt: Security Forces Abuse, Torture LGBT People - Arbitrary Arrests, Discrimination, Entrapment, Privacy Violations](#), 1 October 2020

Authorities kept them for several weeks in a police station in east Cairo, permitting only one family visit. On October 14, they were transferred to al-Nahda prison, where they are currently detained in the same cell as the suspected Fairmont rapists.

According to the men's families, prison guards forcibly shaved their heads, and prosecutors ordered them to undergo drug testing and forced anal exams [...].¹⁴¹

In the November 2020 list of issues and questions in relation to the combined eighth to tenth periodic reports of Egypt, presented by the UN CEDAW, "reports of abuse of women and girls in detention, including ill-treatment of transgender women, by security and prison personnel" were referenced.¹⁴²

In December 2020, the European Parliament published a resolution on the deteriorating human rights situation in Egypt, noting that "tens of thousands of human rights defenders, including women's rights activists, LGBTI activists, lawyers, journalists, activists, peaceful dissenters and members of the opposition remain imprisoned in life-threatening conditions".¹⁴³

2021

The 2021 Human Rights Watch World Report, covering events of 2020 and published in January 2021, wrote on Egypt that: "Egypt continued to arbitrarily arrest and detain people based on their sexual orientation or gender identity and subjected them to torture and ill-treatment in detention, including forced anal examinations".¹⁴⁴

The USDOS annual report on human rights practices in Egypt in 2020, published in March 2021, wrote that: "On June 1, the Administrative Court rejected a lawsuit filed by transgender Malek El-Kashef, whom authorities released from detention in July 2019, to compel the interior minister to establish separate facilities for transgender individuals inside prisons and police stations. A court ordered transgender male Hossam Ahmed, whom authorities subjected to invasive physical exams, released from pretrial detention in a women's prison in September".¹⁴⁵

The latest edition of ILGA World's "Our Identities under Arrest" report, released in December 2021, stated that:

Police and other authorities have demonstrated a common tactic of using online entrapment, raiding of known "gay hangouts", and illegally seizing and searching cell phones for incriminating content, in order to justify the arbitrary detention of suspects. Once the accused are in custody, physical and psychological

¹⁴¹ Human Rights Watch, [Egypt Detains Men for Alleged Sexual Orientation, Alongside Alleged Rapists](#), 2 November 2020

¹⁴² UN Committee on the Elimination of Discrimination against Women, [List of issues and questions in relation to the combined eighth to tenth periodic reports of Egypt](#), 17 November 2020, p. 7

¹⁴³ European Parliament, [Joint motion for a resolution on the deteriorating situation of human rights in Egypt, in particular the case of the activists of the Egyptian Initiative for Personal Rights \(EIPR\)](#), 16 December 2020

¹⁴⁴ Human Rights Watch, [World Report 2021: Events of 2020](#), 13 January 2021, p. 215

¹⁴⁵ USDOS, [2020 Country Report on Human Rights Practices: Egypt](#), 30 March 2021

violence, and sexual assault are also reportedly common, and legal procedures remain opaque to make access to justice difficult. [...]

Examples of Enforcement [...]

In August or September 2020, a young man accompanied a female friend to a police station in Cairo. She had been arrested in 2014 as part of an investigation into a party at Cairo's Fairmont hotel. It was reported that another woman was drugged and raped by several men in the hotel room that night and the young man's friend was being sought to give input as a witness. He voluntarily accompanied her to the police station and had no connection to the 2014 incident as he was only 14 at the time. However, once there, police arbitrarily detained him as well as another man who was at the party. Both were searched and their phones taken away. Police found private photos and detained both for allegedly engaging in homosexual conduct. They remained in jail for more than two months, as judges renewed their detention orders three times, being transferred on 14 October to al-Nahda Prison where guards shaved their heads, subjected them to anal examinations and housed them with the suspected party rapists. It is unclear whether the men were later released.⁷⁴ [...]

And as of 21 May 2021, a trans woman from Cyprus was being held under house arrest in Cyprus for allegedly "promoting and inciting immorality on the Internet" and "insult and scandal of the Egyptian people". Arrested and detained in Egypt in January 2020, the accused is said to have been raped and assaulted repeatedly by prison officials and the male inmates with whom she was housed, leading her to require corrective surgery back in Cyprus. [...]

74 This entry has been redacted for the safety of those involved. For more information, please contact ILGA World.¹⁴⁶

In 2021, Bedayaa Organization released a report answering FAQs on the situation for LGBTQI people in Egypt. On the detention of LGBTI persons, it wrote that:

The Egyptian detention centres are known for widespread abuses, verbal, mental and physical violence are common practices by the Egyptian Police. In the absence of strong state institutions that oversee the Police and ensure the rule of law within the legal system, the Police is given de-facto immunity from any accountability when it comes to torture. Torture became the norm, expected as a package that comes with the arrest. In LGBTI cases abuses are causally related to their sexual orientation or gender identity, as it is common for the police to use the person sexuality or gender identity to incite inmates against them or to enact verbal and physical violence. With Trans cases on the other hand, especially Trans women, it is often that they are placed in a detention centre that does not fit their gender identity.¹⁴⁷

2022

In Amnesty International's January 2022 submission to the UN Human Rights Committee ahead of the adoption of the list of issues for the fifth periodic report of Egypt at its 134th session, it stated: "Authorities have detained at least one trans woman in an all-male prison, where she was subjected to

¹⁴⁶ International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA World), [Our Identities Under Arrest: A global overview on the enforcement of laws criminalising consensual same-sex sexual acts between adults and diverse gender expressions](#), 15 December 2021, pp. 126, 131-132

¹⁴⁷ Bedayaa Organization, [10 FAQs about LGBTIQs situation in Egypt](#), 2021, p. 11

sexual assault including by medical staff and where she was held in prolonged solitary confinement purportedly for her protection. Her complaints to courts were dismissed”.¹⁴⁸

The April 2022 article by the Tahrir Institute for Middle East Policy on challenges for transgender people in the Middle East and North Africa wrote on Egypt that:

In detention, transgender people are often placed in cells that do not correspond to their gender identity, and are subjected to ill-treatment that can amount to torture, including sexual violence by security forces and other detainees, being confined in solitary cells for extended periods, and forced anal examinations. Masha, a 34-year-old transgender woman who was arrested in Egypt and sentenced in 2020 to three years for “inciting and practicing debauchery,” spoke of being confined in a makeshift solitary cell inside a police station in Cairo for almost a year: “I had to endure endless abuse by the police. I was raped multiple times. For the police, we deserved to be raped as part of the punishment.”¹⁴⁹

The April 2022 report on sexual violence in detention in Egypt between 2015 and 2022 by the Freedom Initiative and the Egyptian Front for Human Rights found the following information on sexual violence faced by LGBTQ+ individuals in police stations, at National Security Agency sites, and in prisons:

Security officers are intentional in how they use sexual violence. The arrests of LGBTQ+ individuals are often rife with instances of sexualized and gendered violence. In an interview conducted with a human rights lawyer, she spoke about an incident she consulted on involving a gay man in Egypt.¹² Khaled was going to meet a man he had met over Grindr, a social networking app for people from the LGBTQ+ community.¹² At his date’s house, he realized he was being entrapped and that his date was a police officer luring him to arrest him. Khaled was beaten by police officers, verbally assaulted, and raped with a finger that one of the officers inserted in his anus. [...]

Our research identified 57 cases of sexual violence in police stations. Instances of sexual violence that men endured ranged from groping to rape with an instrument. An interview with someone present with a victim shared that a man held on a criminal charge was asked to squat in line alongside other detainees. Upon his refusal, a higher-ranking officer charged towards him, held him from his penis and testicles and continued to tighten his grip and twist his fist yelling “what is it that you did not want to do you faggot?!” The detainee squatted as demanded as the officer loosened the grip. [...]

In Police Stations [...]

For LGBTQ+ individuals, police stations are particularly rife with sexual abuse and violence. The gendered nature of sexual violence is very clear in these instances as victimization often occurs amidst an onslaught of homophobic slurs by both officers and other detainees in the holding cell. Low ranking officers are notorious for grabbing gay men, trans women, and non-binary folk by their genitalia. Grabbing someone from behind or shoving a finger into their anus, in this context, is used to connote the lack of a detainee’s masculinity and manhood as a means of degradation.²⁴ Officers, according to an interview conducted with a human rights lawyer, call on the detainees to perform a variety of daily tasks, referring to them only as ‘khawalat’, faggots.

¹⁴⁸ Amnesty International, [Egypt - Submission to the UN Human Rights Committee – 134th session \(28 February – 25 March 2022\), list of issues](#), 17 January 2022, p. 2

¹⁴⁹ The Tahrir Institute for Middle East Policy, [Tough Territory for Transgender People in the Middle East and North Africa](#), 7 April 2022

In their recollection of an instance of rape against a refugee, Mahmoud, the researcher in a human rights organization, noted “low ranking officers would tell the detainees in the holding cell, ‘he’s a faggot. Fuck him. Enjoy it.’” Mahmoud was later raped in the police station by two different men. Another non-binary individual who is a refugee was also raped by another criminal detainee. In an interview with a victim, Alaa recalled the times they were raped and how it happened:

In the holding cell at the police station, our gender identities are almost immediately exposed. Officers deal with us differently than other detainees. In a number of incidents, while in the bathroom in the cell, for instance, a fellow detainee would approach me with their erect penis and demand that I touch it or perform oral sex. Refusal is tricky because you could be beaten severely. Sleeping was another issue. We would all sleep close to each other on the floor from over-crowdedness. While sleeping one night, I felt an erect penis on my lower back. Before I could scream or make any motions, the detainee attempting to rape me put a razor on me indicating that any motions on my end would trigger a violent response on his. I refused and fought as much as I could that time. There were two other times where I just couldn’t fight back. I was raped twice in two separate instances in the same way.²⁵

- Alaa

For trans women, police stations are often sites of sexual violence as well. Sarah,²⁶ a trans woman, was going to meet a date off Grindr before she realized she was entrapped. She found a police car waiting for her and an officer opposite her arrested her and escorted her to the police station. She stayed in the police station for three months. According to a human rights researcher who worked on her case, she woke up a number of times to detainees trying to rape her in her sleep. The researcher noted that Sarah was raped at least once by a detainee in the police station.

We also found at least seven instances of anal examinations of gay men and a trans woman. At least one of these detainees was a minor. [...]

At National Security Agency (NSA) Sites

Our research indicates that sexual violence occurs most often in NSA buildings, to the extent that it is a near systematic feature of detention at these sites. Of the 655 instances of sexual violence that we have documented, 523 of them happened in NSA sites. These violations ranged from electrocution of genitals to rape (oral, anal, and/or vaginal), and were perpetrated against men, women, and trans or nonbinary individuals. The most common form of sexual violence documented at the NSA was electrocution of genitals. [...]

Notably missing here are documentations of cases of sexual violence against members of the LGBTQ+ community. While we do not claim that none have occurred in NSA sites, as we do document one incident of an anal examination against a trans man, the NSA interfaces most commonly with political detainees. Members of the LGBTQ+ community are most often held under criminal cases and therefore not enmeshed within the NSA’s ecosystem. [...]

In Prisons [...]

We also documented instance of anal examinations of a trans man and a trans woman. Upon entry, a prison officer called for their medical examination, and they were transferred to a hospital in Cairo. Both detainees reportedly endured anal examinations by the presiding physicians. These examinations, while not requested by either the prosecutor’s office or prison authorities directly, were conducted in what they described as a very demeaning way that amounted to sexual violence.⁶¹ [...]

Findings [...]

The sexualized nature of violence was evident even in supposedly routine or medicalized examinations or searches: gay men, for instance, were subject to unnecessary anal examinations, a form of rape. A manifestation of this gendered nature of violence includes instances in which detainees from the LGBTQ+

community are often forced to perform demeaning chores in police stations, like cleaning the bathrooms and mopping the floors. They are forced to do this as a form of emasculation. [...]

Class can also play a significant role in the extent to which one endures sexual violence in Egypt. According to a human rights lawyer, after being entrapped on Grindr and abused during the process of arrest, by the time a gay man made it to the police station authorities had realized that the detainee belonged to a prominent, wealthy family in Egypt. The types of sexual violence that other members of the LGBTQ+ community endured were not levied against him. [...]

12 Based on case number A586 [...]

24 Aghacy, Masculine Identity in the Fiction of the Arab East since 1967.; Personal correspondence with Hannah ElSisi, March 23, 2021. Aghacy and ElSisi's work theorizing on the nature of gendered violence in Egypt and Syria specifically inform this analysis.

25 Based on case number A655

26 Based on case number A644 [...]

61 Based on case number A123¹⁵⁰

In May 2022, the International Service for Human Rights (ISHR) and the Committee for Justice (CFJ) called for the African Commission to issue public statements condemning the violations detainees in Egypt face, stating that: "In Al-Qanater female prison, [women] face torture and gender-based violence in custody with impunity, including humiliating vaginal searches, sexual harassment, and also forced genital examinations for transgender women".¹⁵¹

The meeting minutes with a Human Rights Watch analyst, published in the September 2022 COI brief report on the situation of LGBT persons in Egypt by the Danish Immigration Service, wrote that: "In 2021 and 2022, HRW has documented cases of torture of LGBT individuals such as severe and repeated beatings and sexual violence in police custody, forced anal exams and virginity tests against men and women. HRW has also documented verbal abuse, extracted forced confessions, systematic denial of medical care and legal counsel and an increase in prosecution for alleged same sex conduct since 2017 and precipitating for 2021 and 2022".¹⁵²

An article by Human Rights Watch in November 2022 on the failure of the Egyptian authorities to protect vulnerable refugees and asylum seekers from sexual violence, or investigation of such instances, spoke of the following case:

The transgender woman refugee said that a group of Egyptian men raped her in a private car after abducting her at knifepoint in January 2022. She said she did not file a police report about the incident because of a previous experience in 2020 at a Cairo police station, where she was arbitrarily detained in a men's cell on "morality" charges due to her gender identity, during which time a police employee sexually

¹⁵⁰ The Freedom Initiative and Egyptian Front for Human Rights, [No One is Safe: Sexual Violence Throughout the Life Cycle of Detention in Egypt: 2015-2022](#), 7 April 2022, pp. 16-20, 23, 25, 31-32

¹⁵¹ The International Service for Human Rights (ISHR) and the Committee for Justice (CFJ), [Egypt must take the necessary steps to improve prison conditions](#), 17 May 2022

¹⁵² The Danish Immigration Service, [Country of Origin \(COI\) Brief Report – Egypt: Situation of LGBT persons](#), September 2022, p. 21

assaulted her. [...] Eman said she never considered reporting the incident to the police after her experience in detention serving a prison sentence on “morality” charges linked to her gender identity in 2020 at a Cairo police station, where she was sexually assaulted by a police officer:

I spent six months at this police station, and police there treat people like me as a slave. Once I arrived at the station, the police took me to the thugs who control the cells and offered me to whoever pays most. I was raped more than once by other inmates. I saw people detained for no reason, sometimes they arrested people who visited the police station to file reports. I can't go to police stations in Egypt. They degrade and hate people like me and will find any way to detain someone like me.

One day a police officer came to the cell where I was being held and asked all inmates to go out to the corridor except for me. When everyone went out, he asked me to take off my shirt and looked at my breasts. He said, “How could these naturally be your breasts? How are they this big?” Then he started to touch me; after he finished, he made a scene pretending that I was harassing him and started beating me on my face until I bled from my nose.

Eman said she reported this assault to the chief of the station, but the officer was already suspended. She said later she was pressured to drop it:

Some time after the assault the chief pressured me to drop the complaint. He said to me, “Drop it or I will make your life a hell,” and he threatened to fabricate more cases against me. I had to drop the complaint eventually as I am a foreigner and have no one in this country. Even my only friend who used to visit me stopped after the police repeatedly asked him if he had sex with me.

Eman said she frequently hears stories of “transgender people held in detention in Egypt.” “Their lives are miserable in these places,” she said.¹⁵³

January – May 2023

The 2023 Human Rights Watch World Report, covering events of 2022 and published in January 2023, stated that: “Human Rights Watch documented cases where security forces have used digital targeting [...] to entrap LGBT people, arbitrarily arrest and detain them based on digital evidence found on their personal devices, and ill-treat them in police custody”.¹⁵⁴

A mid-term report submitted in January 2023 by the Egyptian Taskforce for Human Rights (including the Cairo Institute for Human Rights Studies) to the UPR mechanism at the UN stated that: “Security forces have committed crimes of sexual violence against detained men, women, children, and members of the LGBTQI+ community, as documented by human rights organizations”.¹⁵⁵

The joint NGO submission for the review of Egypt by the Human Rights Committee, published in January 2023 by the Committee for Justice (CFJ) and eight other organisations, stated that:

¹⁵³ Human Rights Watch, [Egypt: Sexually Abused Refugees Find No Justice](#), 24 November 2022

¹⁵⁴ Human Rights Watch, [World Report 2023: Events of 2022](#), 12 January 2023, p. 196

¹⁵⁵ The Egyptian Taskforce for Human Rights, [A Crisis by Design: The Systemic Nature of Human Rights Violations in Egypt – Mid-term UPR Report](#), 25 January 2023, p. 7

Contrary to the State's response, cases of targeting LGBTQ+ individuals are still taking place in Egypt especially by using the internet to entrap and arrest them. The arrests of LGBTQ+ individuals are often rife with instances of sexualized and gendered violence. [...]

Egyptian police, prosecution and courts persecute homosexuality, transgender women's identities and consensual same-sex acts between men or men and trans women under provisions of Egypt's Law no. 10/1961 on Combating Prostitution (most notably, the vague and overbroad crime of "habitual debauchery", among others). A central feature of this persecution is forced anal examinations, performed by the Justice Ministry's Forensic Medical Authority (FMA) upon referral from the prosecution, against individuals accused of "habitual debauchery". [...]

This rise in prosecution of real or perceived sexual and gender differences in Egypt is characterized by periodic State and media induced moral panics surrounding group arrests on grounds of "debauchery" every few months since 2013. Other forms of torture and ill-treatment also precipitate from such arrests, including verbal threats and insults, beatings, threats of sexual violence, and incitement of other intimates to abuse the individual. [...]

Increasingly EIPR [Egyptian Initiative for Personal Rights] has documented the use of forced examinations extends beyond charges of "habitual debauchery" under law 10/1961. [...] Moreover, the referral of individuals to the Forensic Medical Authority (FMA) for forced anal examinations continues to this day. In the 12 months between September 2021 and September 2022, EIPR documented 18 cases using charges of "habitual debauchery" against 37 individuals. In some of these cases, referral of defendants by the prosecution to the FMA for forced anal examinations were documented. [...]

NGOs documented - from the period of 2015 to 2022 - 655 incidents of sexual violence conducted by security personnel against 544 victims including [...] 30 members of the LGBTQ community [...]. Sexual based violence is rife in Egyptian detention facilities, and in particular in National Security Agency sites, where authorities use gender and surrounding social norms to increase victims' pain and suffering. No type or demographic is spared, with attacks recorded against women, men, children, trans and non-binary persons. Attacks take on different forms, purposes, and targets—in some cases embodying an expression of personal or state power, while in others being a means of punishment and in others still a means to extract a confession. Physical attacks are often accompanied by verbal abuses who use slurs or references to honor, modesty, and chastity to increase the psychological and social impact of the victim. These sexualized attacks are not the result of a small group of "bad apple" perpetrators, they are systematic. Most detainees reporting instances of sexual violence experienced the same lifecycle of violations—beginning with psychological and physical torture through threats, sexual harassment, virginity tests for women, anal examination for gay men, beating, electric shocks, sexual assaults and rape, and trumped-up charges relating to the victims' exercise of the rights of opinion, expression, or assembly.¹⁵⁶

The February 2023 Human Rights Watch report into digital targeting and its offline consequences for LGBT people in the Middle East and North Africa wrote on the ill-treatment, sexual violence, and inhuman conditions in detention, including in Egypt:

Maamoun, a 24-year-old gay man from Egypt, described an instance in February 2021 when he suspected police officers had used Grindr to entrap him [...]

Maamoun said the police officers then took him to the Abbasiya police station, where he waited on the floor in a dirty room with no ventilation until 1 a.m. During this time, he said police officers verbally

¹⁵⁶ Committee for Justice (CFJ) et al., [Joint NGO submission for the review of Egypt by the Human Rights Committee: 137th session \(27 February to 24 March 2023\)](#), 30 January 2023, pp. 7-8, 10-11

abused him and insulted him based on his sexual orientation. He was denied a phone call to a lawyer or family member and was not provided with food or water. Furthermore, although an officer allowed him to take his HIV medication that night, the police withheld his treatment for the rest of his detention. Police officers also took his phone, wallet, and personal belongings. [...]

At 1:30 a.m., Maamoun was transferred to the Qasr El-Nil police station, where he was placed in solitary confinement due to his HIV status, he said. At 8 a.m., police took Maamoun to Abdeen Court, where he said he was held in insanitary conditions until his interrogation [...]. [...]

He continued:

On Monday, I went to the Abdeen court again for investigation, and I was put in that same terrible room. When I returned to the Qasr El-Nil police station, they changed my prison cell and placed me with high-profile felons. I was terrified and asked to be returned to my old cell, but the prison guard demanded 500 Egyptian pounds (US\$32) and a phone card as a bribe. I experienced continuous sexual assault. One of the detainees with me in the cell forced me to confess that I was gay, and he sexually assaulted me in exchange for protection. This went on for a week, and other detainees sexually harassed me as well, while I was sleeping, and then when I was showering. We were 45 people in a tiny cell, and they were using drugs the entire time.⁶⁷

After Maamoun spent 10 days in pretrial detention without charge, the judge ordered his release, he said. Ayman, a 23-year-old gay man from Egypt, said he was entrapped on Grindr and arrested by police while he was out with three of his friends at a café in Cairo, on November 17, 2020. [...]

After five hours at the Smouha police station, police transferred Ayman and his friends to Bab Sharqi detention center, where they spent a month. “It was a terrible place,” Ayman added. “Everyone slept on the floor in a very crowded tiny room. We were only offered appalling food that was impossible to digest.”⁷²

After two days, at the public prosecutor’s office, Ayman said he endured further mistreatment and insults. [...]

Ayman said he tested positive for Covid-19 after 15 days in Bab Sharqi detention center. He was denied medical care and access to medication from his parents. The police did not try to contain the spread, and the inmates, who were kept in cells with no ventilation, all became very sick, Ayman added.⁷⁴ [...]

On January 15, 2020, Tina, a 34-year-old trans woman sex worker from Cyprus, was in Egypt for work when police arrested her after her client told the police that he found her on the internet. She was detained for 13 months at the Nasr City police station and convicted for “inciting debauchery” based on photos and chats that police found when they searched her phone.¹⁷⁴ Human Rights Watch’s review of the police report and court files in Tina’s case confirmed that this private information was the only evidence presented in her case. Tina said:

At 10:30 p.m., on the last night before my flight back to Cyprus, I had an appointment with a diplomat who was my client. He arrived with his driver to the hotel. The police outside the hotel stopped us because of the car’s tinted windows. They asked for our passports and the diplomat refused. I had to give them mine, which was a passport I do not currently use, because it says I am male. The police asked the diplomat if I was his girlfriend or his wife. He said that he found me on the internet. Then they put us both in a minibus and took us to the Giza police station.¹⁷⁵

At the station, Tina described the treatment by police:

[The police officers] did not tell me on what basis I was being held. They took my fingerprints and searched my phone and took screenshots of my messages with clients as well as pictures of me they found on my phone. They also did not allow me to call a lawyer, my embassy, or even my mother.¹⁷⁶

Tina's pretrial detention was extended three times, each for 15 days, for a total of 45 days. During that period, she said, "They gave me food and water in exchange for sex," otherwise she did not receive food or water. Because her gender identity confused the officers, who did not know whether to place her in a men's or women's prison, she was never transferred to a prison. When she finally had her court hearing, "it was eight seconds. The judge did not even look at me." The judge dropped one charge, for "prostitution," but sentenced her to three years for "inciting debauchery" on the basis of her nude photos. She was detained for another 13 months.¹⁷⁷ [...]

In August 2020, the Egyptian National Security Agency arrested four witnesses to a high-profile 2014 gang rape in Cairo's Fairmont Hotel (known as the Fairmont case), along with two of their acquaintances, weeks after independent women's rights activists exposed the incident online. The authorities accused two of the witnesses, Seif Bedour and Ahmed Ganzoury, of consensual same-sex sexual conduct and "inciting debauchery," based solely on private photos from their phones.¹⁸⁰

The authorities subjected Bedour and Ganzoury to drug testing and forced anal exams.¹⁸¹ Police unlawfully searched the men's phones by forcing them to unlock their devices and, on the basis of the private photos they found, detained them for allegedly engaging in same-sex conduct.¹⁸² Pro-government media targeted them with a coordinated online smear campaign, publishing their names, photos, and private information based on their perceived sexual orientation.¹⁸³ The two men were detained in pretrial detention for five months, then released pending investigation in January 2021.¹⁸⁴ [...]

Sexual Violence

Tina, a 34-year-old trans woman sex worker from Cyprus, referred to in the previous section, said she was raped more than 100 times in the 290 days she was in detention, including 22 times in the first 15 days, which she recorded in her diary. She recounted her ordeal to Human Rights Watch:

The chief police officer, who introduced himself as such, told me that if I were younger, he would marry me. He told me that he was the boss there and that if I wanted to leave, I must have sex with him. I evaluated the situation and decided to do it so I may return home. While we had sex, every few minutes someone knocked at the door. When he finished, I was forced to have sex with two other police officers at the court as well. I am a sex worker, and I am used to sex for business and for pleasure, but that was rape.²⁰⁷

Tina said that police officers then took her to the Nasr City police station, where one police officer told her, "Welcome to hell." She believes five men raped her on the first night in the station, and she was also raped by two men when she went to court. She was detained near the police station's entrance when she returned.

At around 5 a.m., eight men came inside my room and forced me to undress so that they could search me. When I got naked, they took out their phones and took videos of me. That was the worst night of my life, I felt that my soul was violated.²⁰⁸

During the 15 days while I was waiting for my court hearing, I was raped 22 times; I know that because I wrote it all in my diary. I went to court again, and my pretrial detention was extended for another 15 days. During that time, I signed a paper the first day of the court, perhaps it was a confession, but I did not have a lawyer so I could not tell and they did not allow me to call a lawyer. I knew I had rights, but there was nothing I could do in Egypt, especially for [a transgender person] like me.²⁰⁹

Her torture and sexual abuse continued:

In April 2020, police officers barged in with a big rope and they forcibly inserted it in my anus. My anus was damaged to an extent that I had to undergo surgery when I got to Cyprus. The reason I waited to get to Cyprus to do the surgery was because I did not know that area was damaged

because I was suffering from malnutrition while at the police station. I eventually noticed the damage when I got to Cyprus and started eating better—I was bleeding from my anus for nine months. [Nine months after verdict,] I weighed 42 kilograms.

[While in pretrial detention] I did not have energy to do anything, I could not even stand up. I did not have a bed. I had a water bottle to urinate in it, as I could not walk to the bathroom anymore. I had no water, no food. Once a month, the officers would order food and ask me if I wanted to order anything, but I refused because I was afraid it would have negative repercussions. I chose starvation over being raped again. One police officer there told me that incarcerated women get raped as a form of punishment.²¹⁰

Tina's physical health steadily deteriorated in detention due to malnutrition and the sexual abuse.

The only time I ate was when other inmates gave me some of the food they had. I tried to commit suicide several times there because I was exhausted from all the pain and the extreme dirty state of my room. The chief officer then called my embassy and asked them to get a representative to see me or move me to a hospital, because I was in a critical condition. The diplomat came 20 days after, he [was mad and upset] after he saw me, and I was immediately moved to the Heliopolis public hospital on September 27. A woman came in to examine me, but because I was trans, another doctor came and asked me to take off my clothes. I asked him why and he said it was to see my tattoos. I gathered all the energy I had left and ran out of that room. I wanted to go back to my room at the police station—I preferred to be with those policemen than be raped by the medical staff.²¹¹ [...]

Nour, the 31-year-old gender non-binary person from Zagazig, Egypt, referred to above who uses they/them pronouns, described the physical and sexual abuse, as well as poor conditions, they faced in detention:

[The police officer] said that I am a khawal [Egyptian term for “faggot”] and that he would not let me go without giving me what I deserved. He beat me up and punched my head and ears. I still cannot hear properly because of this. Another officer sexually harassed me. It was at night, and everyone was sleeping. He was touching my intimate parts, then he rubbed his dick on my ass and put his hand on my mouth so that I would not make a sound. Three detainees, ordered by police officers, also threatened me with a mousse knife and brought me to the bathroom, took off my clothes, and did an anal test on me. They then beat me on my groin and intimate parts, skull, and buttocks. I slept in a tiny room, which had about 100 detainees and no space to lie down, let alone fall asleep. It was also poorly ventilated and infested with insects. I got a skin disease there.²¹³ [...]

67 Human Rights Watch phone interview with Maamoun, October 28, 2021. [...]

72 Human Rights Watch phone interview with Ayman, December 8, 2021. [...]

74 Ibid. [...]

174 Human Rights Watch phone interview with Tina, September 15, 2021.

175 Ibid.

176 Ibid.

177 Ibid. [...]

180 “Egypt: Gang Rape Witnesses Arrested, Smeared,” Human Rights Watch news release.

181 Rasha Younes, “Egypt Detains Men for Alleged Sexual Orientation, Alongside Alleged Rapists,” Human Rights Watch dispatch.

182 Ibid.

183 “Egypt: Gang Rape Witnesses Arrested, Smeared,” Human Rights Watch news release.

184 Rasha Younes, “Justice Stalled in Egypt’s ‘Fairmont’ Rape Case,” Human Rights Watch dispatch. [...]

207 Human Rights Watch phone interview with Tina, September 15, 2021.

208 Ibid.

209 Ibid.

210 Ibid.

211 Ibid.

213 Human Rights Watch phone interview with Nour, October 6, 2021.¹⁵⁷

In early March 2023, the UN Human Rights Committee published a summary record of the 3958th meeting, held in February 2023, in which the fifth periodic report of Egypt was considered. Within it, concerns were raised that: “The Committee had been informed of cases in which homosexual and transgender persons had been arbitrarily detained and subjected to invasive, unjustified medical examinations that could amount to torture or inhuman or degrading treatment under article 7 of the Covenant”.¹⁵⁸

A couple of days later, the UN Human Rights Committee published a summary record of the 3959th meeting, held in March 2023, in which the fifth periodic report of Egypt was further considered. Concerns were raised that referred to the following incident: “The case involving the arrest of the 28 men – reportedly solely on grounds of debauchery rather than the possession of drugs or pornography – constituted the biggest mass arrest linked to sexual orientation in Egypt in the last 20 years. The Committee had received information that those persons had been subjected to forced anal examinations, which constituted torture and was therefore banned under the Covenant,”¹⁵⁹ in response to an Egyptian state representative stating that “the case that had been reported concerning the alleged harassment of 28 persons because of their sexual orientation had actually involved a group of persons who had gathered to sell drugs. The police had been called to the scene and the disturbance had later escalated when some of the suspects had begun brandishing bladed weapons”.¹⁶⁰

The USDOS annual report on human rights practices in Egypt in 2022, published in March 2023, stated that: “Several incidents of domestic and street violence against LGBTQI+ individuals were reported by local rights groups, including one case during the year in which authorities allegedly facilitated assault against a detained LGBTQI+ person”.¹⁶¹

Amnesty International’s annual 2022/23 report on the state of the world’s human rights stated on Egypt that: “In April, security forces arrested four men and two transgender women at a mall in Cairo and

¹⁵⁷ Human Rights Watch, [“All This Terror Because of a Photo”: Digital Targeting and Its Offline Consequences for LGBT People in the Middle East and North Africa](#), 21 February 2023, pp. 25-29, 73, 75, 86-89

¹⁵⁸ UN Human Rights Committee, [137th session, Summary record of the 3958th meeting*: Held at the Palais Wilson, Geneva, on Tuesday, 28 February 2023, at 3 p.m. - Consideration of reports submitted by States parties under article 40 of the Covenant - Fifth periodic report of Egypt](#), 6 March 2023, p. 4

¹⁵⁹ UN Human Rights Committee, [137th session, Summary record of the 3959th meeting: Held at the Palais Wilson, Geneva, on Wednesday, 1 March 2023, at 10 a.m. - Consideration of reports submitted by States parties under article 40 of the Covenant \(continued\) - Fifth periodic report of Egypt \(continued\)](#), 8 March 2023, pp. 8-9

¹⁶⁰ UN Human Rights Committee, [137th session, Summary record of the 3959th meeting: Held at the Palais Wilson, Geneva, on Wednesday, 1 March 2023, at 10 a.m. - Consideration of reports submitted by States parties under article 40 of the Covenant \(continued\) - Fifth periodic report of Egypt \(continued\)](#), 8 March 2023, p. 2

¹⁶¹ USDOS, [2022 Country Report on Human Rights Practices: Egypt](#), 20 March 2023

briefly detained them solely on the grounds of their gender identity and their actual or perceived sexual orientation. They reported being verbally and physically abused. One of the transgender women said she was sexually harassed and forced to strip naked and remove her hijab”.¹⁶²

iii. Prosecutions and convictions under laws that are deployed against the LGBTQI+ community

2020

An Al Jazeera article in June 2020 wrote that: “Although homosexuality is not specifically outlawed in Egypt, it is a conservative society and discrimination is rife. Gay men are frequently arrested and typically charged with debauchery, immorality or blasphemy”.¹⁶³

The July 2020 report of the Special Rapporteur on the promotion and protection of the freedom of opinion and expression stated that:

“Debauchery” presents another potential mechanism for the restriction of artistic expression. Although similar to a general attack on freedom of expression for public morals, debauchery is unique in that it tends to involve restrictions pertaining to allegedly indecent or overtly sexual content or content that runs against perceived sexual social norms. Debauchery is also most commonly seen when being used to restrict the art of women or LGBT persons. Egypt has been reportedly been forceful in its use of debauchery laws to attack otherwise allowable artistic expression.¹⁶⁴

An article in Slate in December 2020 on the increasing persecution of LGBTQI+ people in Egypt using cybercrime and online morality laws recounted the following arrest and charge:

Earlier this year, Adel went on Grindr to surf and meet other queer people in town. (Adel is a pseudonym I’m using for his protection.) Adel eventually set a date with someone he had been talking to. The date arrived at his house—but it wasn’t whom he had been talking to. This wasn’t a date; it was entrapment. Adel was met by officers who arrested him for debauchery and digital crimes, using his chats on the app as reason for the arrest.

He was charged with “debauchery crimes” as well as cybercrimes and telecommunication crimes for the chats he’d had on Grindr and other apps with a “police consultant,” and for other pieces of evidence discovered on his person and devices. His case is being heard in the Egyptian economic courts and is indicative of a worrying change in how the Egyptian government targets the queer community.¹⁶⁵

2021

¹⁶² Amnesty International, [Annual Report 2022/23: The State of the World's Human Rights - Egypt 2022](#), 27 March 2023

¹⁶³ Al Jazeera, [Egyptian LGBT activist dies by suicide in Canada](#), 15 June 2020

¹⁶⁴ UN Human Rights Council, [Research report on artistic freedom of expression: Report of the Special Rapporteur on the promotion and protection of the freedom of opinion and expression](#), 24 July 2020, p. 13

¹⁶⁵ Slate, [Egypt's Dangerous New Strategy for Criminalizing Queerness](#), 30 December 2020

At the beginning of 2021, Bedayaa Organization produced its annual report covering events relevant to its legal aid programme from January to December 2020. In this timeframe, it documented 21 cases, 25 arrested persons, 20 adjudicated cases, and 1 case awaiting.¹⁶⁶ It also reported that:

I. Cybercrime Law and Economic Courts

Early on in 2020, and in light of the COVID-19 pandemic, the Egyptian General Prosecutor announced that the Cybercrime Law (no. 175 for the year 2018) will be intensively employed starting March 2020. Prosecutors also started to use another new charge in SOGIESC-based prosecutions which is “the misuse of communication devices” that is present in the Telecommunication Regulation Law (no. 10 for the year 2010).

Due to these vague charges that are used in the Cybercrime Law such as “violating family values and principles in the Egyptian society”, there is an uncertainty status with regards to the extent to which the application of that law will affect SOGIESC-based prosecutions. [...]

This presented a dramatic shift from the traditional use of the debauchery article in prosecutions of LGBTQ+ individuals in criminal courts.

The early signs of the employment of these new charges in SOGIESC-based prosecutions are very mixed.

Two different cases in front of economic courts received acquittals in the first degree however, in an unexpected turn of events, one of these cases received a two-year sentence after the prosecution appealed the first-degree sentence.

A third case, in which four gay men were arrested from a coffee shop in Alexandria, is currently pending trial in an economic court. [...]

II. Targeting of Foreigners

Out of the 25 people that were arrested in 2020, a staggering 16% were foreigners. Despite the restrictions imposed by the Egyptian government due to the COVID-19 pandemic which led to a significant decrease in the total number of arrested persons in 2020, four people of different nationalities were arrested during the year. Three out of the four were entrapped by the police which is an alarming indicator which shows that police officials are intentionally targeting foreigners visiting or living in Egypt. [...]

In January, a transgender Cypriot tourist was entrapped and arrested from the hotel she was staying in. She later received a 3-year prison sentence in addition to 3-year probation on the charge of incitement and promotion of debauchery. Later in March, her appeal was rejected; the Egyptian authorities did not acknowledge her transgender status and did not assign her to a women’s detention facility as her official documents stated that she was male. Instead, she was kept in solitary confinement in a small room inside a police station for over a year with no access to sunlight until she was extradited to Cyprus where she will continue to serve her sentence.

Later in April, a Chilean man was arrested after being entrapped by the police. He received a fine and was deported. A US citizen was also entrapped and arrested in April. He was acquitted in the first-degree trial in the economic court but then the court’s decision was appealed by the prosecution and the second-degree court sentenced him in absentia to two years in prison. In September, a British citizen was arrested and charged with debauchery, but the charges were later dropped.¹⁶⁷

¹⁶⁶ Bedayaa Organization, [Legal Aid – Annual Report: 2020](#), 2021, pp. 2-3

¹⁶⁷ Bedayaa Organization, [Legal Aid – Annual Report: 2020](#), 2021, pp. 2-3

A letter in June 2021 to the Egyptian authorities by Amnesty International and sixty-three other organisations stated that: “The authorities have also used morality and debauchery laws to arbitrarily arrest, detain and prosecute survivors and witnesses of sexual and other gender-based violence, women social media influencers, and LGBTQI+ people and activists”.¹⁶⁸

In reference to the Cybercrime Law, the Sexual Rights Initiative noted in July 2021 that “By far, Articles 25 and 27 of Law 175 have been applied more assiduously in cases in which political dissent and content concerning religious minorities and sexual diversities appeared online”.¹⁶⁹

The UK Government’s Human Rights and Democracy Report for 2020, published in July 2021, stated that: “In January, after interviewing an LGBT+ individual, TV host Mohamed Al-Ghaity was sentenced to a year in prison for contempt of religion, incitement of debauchery, and immorality”.¹⁷⁰

The latest edition of ILGA World’s “Our Identities under Arrest” report, released in December 2021, stated that:

ILGA World has identified at least 50 individual examples of *de facto* criminal enforcement in Egypt between 2001 and 2021. This number does not account for the high number of people targeted in some raids or crackdowns, nor does it account for the many borderline cases which could not be verified for inclusion in this report, as the provisions used to target SOGIE persons are also regularly employed against sex workers, “adulterers”, rapists, political dissidents and others. [...]

Examples of Enforcement [...]

In August or September 2020, a young man accompanied a female friend to a police station in Cairo. She had been arrested in 2014 as part of an investigation into a party at Cairo’s Fairmont hotel. It was reported that another woman was drugged and raped by several men in the hotel room that night and the young man’s friend was being sought to give input as a witness. He voluntarily accompanied her to the police station and had no connection to the 2014 incident as he was only 14 at the time. However, once there, police arbitrarily detained him as well as another man who was at the party. Both were searched and their phones taken away. Police found private photos and detained both for allegedly engaging in homosexual conduct. They remained in jail for more than two months, as judges renewed their detention orders three times, being transferred on 14 October to al-Nahda Prison where guards shaved their heads, subjected them to anal examinations and housed them with the suspected party rapists. It is unclear whether the men were later released.⁷⁴

In November 2020 a group of five gay and trans individuals in Cairo were arrested and charged with “habitual debauchery” for being vocal on social media. One of the accused was under 18 and sentenced to one year in prison in May 2021, while three others received nine years, and the fifth was given 12 years’ imprisonment.⁷⁵

In December 2020 a man was entrapped by police in Cairo and sentenced to three years’ imprisonment for “debauchery”. In January 2021 an appeal saw his sentence reduced to one year.⁷⁶

¹⁶⁸ Amnesty International et al., [Egypt: President should act to unshackle freedoms](#), 1 June 2021, p. 2

¹⁶⁹ Sexual Rights Initiative, [Decoding cyber borders](#), 2 July 2021

¹⁷⁰ UK Government and UK Foreign, Commonwealth & Development Office, [Human Rights & Democracy: The 2020 Foreign, Commonwealth & Development Office Report](#), 8 July 2021, p. 44

On 4 December 2020 an Egyptian publication shared the story of a young man who had been detained and investigated by the General Administration for the Protection of Morals in the Social Security Sector in Alexandria. He had made social media posts stating that he would participate in same-sex sexual activity in exchange for money. The Montazah Public Prosecution Office in Alexandria ordered his detention for four days during the investigation, but it is not clear what occurred thereafter.⁷⁷

A man in Cairo was entrapped by police in January 2021 and sentenced the following month to six years' imprisonment on charges of "habitual debauchery" and "incitement to debauchery". An appeal failed and he was made to pay the trial costs.⁷⁸

In February 2021, in Alexandria, a man was charged by officials from the Protection of Morals in the Social Security Sector with "promoting the practice of immoral acts on the Internet and the practice of debauchery", with seven other men allegedly implicated in the accused's confession.⁷⁹ It is not clear if this is the same case as the one reported in December 2020.

In May 2021 a man in Cairo was detained for smoking hashish but later also charged with debauchery. He was acquitted, but at the time of publication the prosecution had appealed that decision.⁸⁰

Two other men were also arbitrarily arrested in May 2021 in Cairo, but they were acquitted of their debauchery charges the following month.⁸¹

From 8 May 2021 onward it was reported in several international news outlets that two Israeli trans men had been denied entry into Egypt where they had come to spend a holiday, on account of their passports not matching their appearance and gender expression.⁸² Border officials detained them temporarily and mocked them, but it is not clear whether this was the result of any State policy on identity documentation and legal gender recognition (either directly or indirectly), or rather a case of personal prejudice by the officials involved.

And as of 21 May 2021, a trans woman from Cyprus was being held under house arrest in Cyprus for allegedly "promoting and inciting immorality on the Internet" and "insult and scandal of the Egyptian people". Arrested and detained in Egypt in January 2020, the accused is said to have been raped and assaulted repeatedly by prison officials and the male inmates with whom she was housed, leading her to require corrective surgery back in Cyprus. In early 2021 she was deported from Egypt back to her home country, but per a bilateral agreement between both States, the sentence meted out against her by Egyptian courts must be completed, despite no such criminalising law having legal effect in Cyprus.⁸³

In July 2021 a man in Cairo was entrapped by police online and charged with "habitual debauchery", though he was later found innocent and released.⁸⁴

A group of four gay and trans individuals were arrested in July 2021 and charged with debauchery, but at the time of publication no further details have been made available on this case.⁸⁵ [...]

⁷⁴ This entry has been redacted for the safety of those in involved. For more information, please contact ILGA World.

⁷⁵ Information supplied by Bedayaa.

⁷⁶ Ibid.

⁷⁷ [A young man was arrested for practicing homosexuality in Alexandria], 05A young man was imprisoned on charges of exposing himself to perversion on Facebook], *Al Masry Al Youm* ["تهمة شاب حيس" ل ممارسة ذنفسه عرض ب December 2020]. "بوك فيس عالى الشذوذ مصر أهل| ب الإ سكندرية الجندسي الشذوذ لممارسته شاب عالى ب ضا الق"; *Ahlmasr News*, 24 January 2021

⁷⁸ Information supplied by Bedayaa.

⁷⁹ 2021 Egypt: Accused of homosexuality implicates 7 businessmen in his network], *Al Madenah News*, 15 February ["شبكة ته في أعمال رجال 7 يورط ب الشذوذ متهم: مصر"

⁸⁰ Information supplied by Bedayaa.

⁸¹ Ibid

82 “Israeli transgender couple said refused entry to Egypt at border crossing”, *Times of Israel*, 08 May 2021; “Trans men mocked and denied entry to Egypt by border guards because they ‘do not look female’”, *Pink News*, 09 May 2021.

83 “Η Τίνα Λιασή ζητά να αποφυλακιστεί: «Έχω ιατρικά θέματα λόγω των βιασμών μου» – Διαβάστε την ...” [Tina Liasi asks to be released: “I have medical issues due to my rapes”], *Politis*, 04 April 2021; “Με βραχιολάκι σπíti της η τρανς κατάδικος” [The trans convict is at home with a bracelet], *Philenews*, 25 May 2021.

84 Information supplied by Bedayaa.

85 *Ibid.*¹⁷¹

In 2021, Bedayaa Organization released a report answering FAQs on the situation for LGBTQI people in Egypt. On cases of convictions, it wrote that: “Some cases went publicly in the media for example: [...] 5. In 2020, a foreigner Trans woman received 3 years sentence.²⁰ [...]”

20 <https://tinyurl.com/yabgxkcr>¹⁷²

2022

The Human Rights World Report 2022, covering the events of 2021 and published in January 2022, gave the following update with regards to the “Fairmont” gang-rape case and the detention of the accused witnesses: “On May 11, Prosecutor General Hamada al-Sawy said his office had terminated investigations into the high-profile 2014 “Fairmont” gang-rape case for “insufficient evidence” and ordered the release of the four accused men. This came after the main witnesses, who came forward to support the rape survivor in 2020, had been unlawfully arrested and two of them spent months in arbitrary detention. At time of writing, all five key witnesses remain arbitrarily banned from travel abroad despite closure of the case”.¹⁷³

In Amnesty International’s January 2022 submission to the UN Human Rights Committee ahead of the adoption of the list of issues for the fifth periodic report of Egypt at its 134th session, it stated: “Authorities also continue to harass, intimidate and prosecute defenders of LGBTI rights and other people publicly discussing LGBTI issues”.¹⁷⁴

Afsaneh Rigot’s March 2022 report on the role of digital evidence in the persecution of LGBTQ people in Egypt (as well as Lebanon and Tunisia) reported the following with regards to the implementation of the legal framework on LGBTQI+ persons in Egypt, including cyber-related laws:

In Egypt, the criminalisation of queerness is framed as a campaign against sex work. Broadly interpreted laws and extensive judicial support have allowed for continuous and targeted prosecution of LGBTQ individuals, as well as those suspected of engaging in gender nonconformist behaviors.¹¹⁷ Colonial-era

¹⁷¹ International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA World), [Our Identities Under Arrest: A global overview on the enforcement of laws criminalising consensual same-sex sexual acts between adults and diverse gender expressions](#), 15 December 2021, pp. 125, 131-132

¹⁷² Bedayaa Organization, [10 FAQs about LGBTIQs situation in Egypt](#), 2021, p. 9

¹⁷³ Human Rights Watch, [World Report 2022 – Events of 2021](#), 13 January 2022, p. 217

¹⁷⁴ Amnesty International, [Egypt - Submission to the UN Human Rights Committee – 134th session \(28 February – 25 March 2022\), list of issues](#), 17 January 2022, p. 2

criminal laws have been retained, but have been reframed and further evolved in recent years, creating a catch-all framework which is used in prosecution. [...]

Under Egypt's current laws, the legal position on female same-sex practices is unclear, and interviews for this report did not reveal any known prosecutions of these case examples. It should be noted that authorities generally refuse to recognize trans people's gender identity, instead treating them according to the sex assigned at birth, meaning that trans women are routinely prosecuted as gay men.¹²⁰ Moreover, in practice men deemed heterosexual are not prosecuted: *"There may not be many cases of heterosexual men being accused of debauchery although, the [...] elements we talked about would be broad enough to cover [it],"* one interviewee noted, and also pointed out that straight men "are not even under the radar" when law enforcement strives to identify persons engaged in debauchery.¹²¹

Currently in Egypt, the main provision used to prosecute those deemed as LGBTQ is Article 9(c) of *Law No. 10/1961, on the Combating of Prostitution*. It provides for up to three years in prison and/or fines for anyone who "habitually engages in debauchery or prostitution." [...]

The statute also fails to offer any definition of "habitually," leaving interpretation to the courts.¹²³¹²⁴ The Court of Cassation subsequently required that, to meet the element of habituality, the accused must have engaged in "indiscriminate" sexual acts for three years preceding arrest, in addition to the incident that triggered the arrest.¹²⁵ Judges in Misdemeanors and Appeal courts have relied on this precedent to acquit defendants from debauchery charges or reduce their sentences. However, the requirement of habituality has also failed to protect many LGBTQ defendants, as even when the threshold of three years' activity can be shown, the definition of "indiscriminate" is left to the discretion of the presiding judge and is often interpreted so broadly as to be meaningless. [...]

In practice, the presence of only one sexual partner, coupled with lack of sexual activity in return for monetary payment, have not been considered sufficient grounds to deem that the element of habituality was not present. Rather than viewing "habituality" as an element the prosecution needs to prove, judges instead seem to be considering evidence of monetary return or multiple partners as extraneous confirmation of what the prosecution has otherwise insinuated.

LGBTQ people in Egypt are also prosecuted under other provisions of Law No. 10/1961, another aspect of the Combating of Prostitution framework, including for accessory crimes like incitement to or publicizing of debauchery. Article (1)(a) provides for prison terms of up to three years and/or fines for *"Whoever incites a person, be they male or female, to engage in debauchery or in prostitution, or assists in this or facilitates it,"* and Article 14 provides similar penalties for publicizing or drawing attention to debauchery. Police and prosecuting teams work together to ensure a conviction is assured under at least one of the laws. Interviewees have observed the charges being stacked on top of a successful Article 9(c) prosecution: *"So even though they find all the evidence, they also give him the charge of inciting debauchery and also advertising for debauchery online. And the court can decide to sentence each charge with the maximum of 3 years."* ¹³⁰.

When the crime of habitually engaging in debauchery under Article 9(c) cannot be proven from evidence on the defendant's conduct, the court relies on digital evidence.¹³¹ In these cases, the charge will be of the crime of incitement to debauchery, or in colloquial terms, seduction.¹³² An interviewee noted that the *"'practicing habitual debauchery' charge is easier to dispose of in front of the judge, [because it] is harder to prove [...] But if you are arrested with digital evidence like dating apps, or screenshots from the phone, or the phone number and so on, it is very easy for them to get you for promoting and advertising debauchery [Article 14]."* ¹³³ In most of these cases, incitement or seduction is believed to be evidenced through something as simple as an image sent by the accused to an under-cover policeman or informant in a private chat room or text thread. This has led to multiple convictions based on online conversation on

dating apps or social media platforms.¹³⁴ To further compound these concerns, LGBTQ cases are being transferred to the Economic Courts of Egypt, adding further cybercrimes to the ‘crimes of sexuality’. [...]

In Egypt, the interviewees found that when it came to courts, based on their knowledge, *“there was no cases against queer [cis] women under this law.”*¹⁵⁸ Furthermore, *“there are no laws against lesbian [cis] women, even if they’re in the same place or same house as there’s no legal basis to it. The only people are homosexual men.”*¹⁵⁹ The Egyptian interviewees affirmed that the most targeted persons in the LGBTQ community are trans people and queer cis men, and sentencing is always harsh due to the, *“pictures and them looking like a woman and so on, the anal examination, and of course the provocative pictures that they usually attach with the police report”*¹⁶⁰. [...]

In the interviews from lawyers working in Egypt and Lebanon, it was noted that a large portion of the queer sex workers are trans women. Trans women sex workers are not only most targeted but also face the highest number of charges, and the most severe types of charges. This is regardless of whether the element of sex work is proven. Disproportionate barriers and challenges placed against trans women (who are often arrested for merely existing) is also followed by the highest amount of targeting and prosecutions. Trans women often get prostitution charged regardless of whether they were engaged with sex work or not. [...]

Due to increased reliance on digital evidence as a component of prosecution, there is a corresponding increase in the use of cyber laws to persecute queerness. [...]

While this research was underway, there was a pronounced increase in the use of cyber laws in the type of cases being studied. Specifically, Article 76 of the Telecommunication Regulation Law, which criminalizes the “misuse of telecommunications,”¹⁶⁸ and Article 25 of the cybercrime law, which criminalizes the use of technology to “infringe on any family principles or values in Egyptian society.”¹⁶⁹

The interviews for this project commenced around February of 2020; beginning in March of that year, interviewees in Egypt and local experts in the topic of legal rights for LGBTQ persons noted that a number of cases, predominately of sex workers, were being transferred to that country’s Economic Courts.¹⁷⁰ This confirmed a central premise of this report: there is an increasing reliance in the prosecution of queer people on digital evidence and documentation. [...]

By September of 2020, a significant percentage of LGBTQ cases involving digital evidence were being transferred to the economic courts. Transfers were generally accomplished through the addition of charges under Article 76 of the Telecommunication Regulation Law, criminalizing the “misuse of telecommunications,”¹⁷⁷ and Article 25 of the cybercrime law, criminalizing the use of technology to “infringe on any family principles or values in Egyptian society.”¹⁷⁸ This shift enabled police and prosecutors to optimize their use of digital evidence in the pursuit of more stringent sentences. Based on the comments of the lawyer interviewed, it is possible to bring debauchery and prostitution law charges before the Economic court and therefore combined charges. [...]

Yet this process also creates vulnerabilities for the prosecution. Even as law enforcement found that moving cases through the misdemeanor courts could circumnavigate defense strategies, the defense teams found success in challenging these cases on their lack of legal substance, resulting in reduced sentences or in gaining acquittals. [...]

Moving to the Economic Court, however, closes many of these legal holes. For example, multiple interviewees noted that as offenses under the cybercrime law did not require the aforementioned public element, prosecution in the Economic Court would become the prevailing trend. One interviewee noted that after *“police officers took note and started writing that the person violated the cybercrime law in the police report as well. And when that happens, ... it’s much easier for the prosecutor to send it to the economic court because ... he is more guaranteed to get a sentence that he wants from the economic courts more than the regular court.”*¹⁸⁰ Thus, if the debauchery law charges fail, charges filed in the

Economic Court based on cyberlaw or telecommunications law may still succeed in guaranteeing a sentence. These procedures also play into an ongoing theme of this research, in which sex worker cases are often used to test the viability of new laws and/or new law enforcement procedures, with one interviewee noting that, *“if you really need to follow the rhythm, you will need to see the sex working cases. It’s like there are more sex working cases in [the Economic] Court than like debauchery ones.”*¹⁸¹. The only exception is for cases that do not contain digital evidence, such as cases of queer people, including sex workers, arrested on the streets. These remain in the regular felony courts:

*“Of course there are cases outside the dating applications that go to the regular courts. But [I] don’t think any cases that have been caught by the applications are going outside of the economic court. This is easiest for the police, because they are just sitting in their office doing nothing and they are just talking on their phone and then they do the arrest”*¹⁸²

Even as the Economic Court is evolving as a core prosecution pillar of the Egyptian authorities in policing online “morality,” the LGBTQ/sex worker cases stand out as anomalies, as these are cases based on private activities by private actors and are not committed in public domains. [...]

The impact of increased recourse to the economic courts is significant. It brings with it increases in the number of charges and in the severity of sentences, which present additional barriers for defense teams. [...]

Lawyers working on these cases outline the complexity that comes with the breadth and vagueness of the cybercrime charges. There is consensus that the most dangerous of the laws is Article 25 of the cybercrimes law:

*“[this law] doesn’t have any elements to it. Every crime has an element, like the elements that are understood, elements that are clear, not only for the lawyer but for the person because if you want to criminalize something you need to make it clear for the individual so they wouldn’t commit the crime, but an article like violating family values and social traditions and so on, it’s so vague and so flexible and open to interpretation that no individual will have an understanding of it to prevent doing that crime. And this is an issue even for the defendant because how do you defend something that doesn’t have an interpretation?”*¹⁸⁷

The lack of specificity in these laws amounts to a delegation of authority from the legislature to the courts, and affords the courts and prosecutors tabula rasa to avoid pro-defendant precedent on debauchery laws put before the Court of Cessation. [...]

In particular, the interviewee observed that there is “a very big jump” on the severity of sentences, as the cybercrime law provides higher fines and longer prison terms:

*“If we look at the Law No 10/1961 we’ll see that article number 9-c that is related to practice and habitual debauchery says that the person is to be punished for a minimum of 3 months and the maximum of 3 years or a fine does not go over 300 Egyptian pounds and probation of the same time that person receives. The new law, Law No. 175, Article 25 [of the cybercrime law], the punishment is at least 6 months—here we see a 3-month increase in the jail time punishment—and the fine does not go lower than 50 thousand Egyptian pounds and maximum of 100 [thousand] Egyptian pounds...”*¹⁹⁰

Furthermore, the overall structure of these laws is not just defined by longer prison terms, but by the overall lack of options for punishment except for those of prison terms, where *“under the new law there is no probation, so it is just jail time.”*¹⁹¹

In terms of defending these cases, the interviewees reviewed for this report have indicated that acquittals are only won in instances where the police or prosecution makes procedural errors. This is significant in that it is increasingly unlikely that defendants will be able to prove their innocence; without a procedural error, the question will be the length of sentence and under which law [...]. [...]

117 Sexuality, Development and Non-Conformist Desire in the Arab World: Case of Lebanon and Egypt – [...]

120 Trans women who have had gender affirming surgery and whose IDs are updated may encounter different treatment; more research is required to fully substantiate this finding.

121 TL6 [...]

123 Sexuality, Development and Non-conforming Desire in the Arab World: The Case of Lebanon and Egypt

124 There is some insight into the limits of discretion on the notion of “habituality” based on prominent definitions of these offences as laid out throughout different judgements of the Egyptian Court of Cassation. On this, EIPR’s analysis shows that: EIPR page 37

125 Ibid

[...] 130 EL1 - it is not clear how ne bis in idem applies in these cases.

131 This is based on analysis and consultation from the Egyptian Initiative for Personal Rights, provided to the lead researcher and ARTICLE 19 in 2018

132 which according to section (a) of Article (14) which states that it is punishable by the same penalties of Article (1)

133 EL6

134 In effect these articles prohibit any engagement in soliciting, or providing facilities for “debauchery and prostitution.” The law also explicitly fails to mention commerciality, leaving this law broad enough allowing police and prosecutors engage it to prosecute and target LGBTQ individuals in Egypt and even their supporters and generally commercial as well as non-commercial sex between consenting adult men, those deemed as “male” by prosecutors and trans women. This means, contrary to most laws against sex work, Egypt’s law does not require a transaction of money as evidence of “prostitution”, leaving it open to broad interpretation. [...]

158 EL2

159 EL1

160 EL2 [...]

168 Article19.org. 2021. [online] Available at: <<https://www.article19.org/data/files/medialibrary/37966/Egypt-telecoms-report---English.pdf>> [Accessed 22 December 2021]. (In this English translation it is translated as “illegitimate means to conduct telecommunication correspondence”
<http://hrlibrary.umn.edu/research/Egypt/Egypt%20Telecommunication%20Regulation%20Law.pdf> yet holds the same interpretation)

169 Cyrilla.org. 2021. Law No. 175 of 2018 on Anti-Cybercrimes and Information Technology Crimes • Page 2 • CYRILLA: Global Digital Rights Law. [online] Available at: <<https://cyrilla.org/en/document/eonsr41300kx0jqeipsvbcsor?page=2>> [Accessed 22 December 2021].

170 Rigot, A., 2021. Egypt’s Dangerous New Strategy for Criminalizing Queerness. [online] Slate Magazine. Available at: <<https://slate.com/technology/2020/12/egypt-lgbtq-crime-economic-courts.html>> [Accessed 22 December 2021]. [...]

177 Article19.org. 2021. [online] Available at: <<https://www.article19.org/data/files/medialibrary/37966/Egypt-telecoms-report---English.pdf>> [Accessed 22 December 2021]. (In this English translation it is translated as “illegitimate means to conduct telecommunication correspondence”
<http://hrlibrary.umn.edu/research/Egypt/Egypt%20Telecommunication%20Regulation%20Law.pdf> yet holds the same interpretation)

178 Cyrilla.org. 2021. Law No. 175 of 2018 on Anti-Cybercrimes and Information Technology Crimes • Page 2 • CYRILLA: Global Digital Rights Law. [online] Available at: <<https://cyrilla.org/en/document/eonsr41300kx0jqeipsvbcsor?page=2>> [Accessed 22 December 2021]. [...]

180 EL2

181 EL2

182 EL2 [...]

187 EL2 [...]

190 EL6

191 EL6¹⁷⁵

¹⁷⁵ Afsaneh Rigot, [Digital Crime Scenes: The Role of Digital Evidence in the Persecution of LGBTQ People in Egypt, Lebanon, and Tunisia](#), 7 March 2022, pp. 36-39, 48, 50-57

The Freedom Initiative and the Egyptian Front for Human Rights' April 2022 report on sexual violence in detention in Egypt between 2015 and 2022 highlighted that:

We believe that the number of cases we are able to identify and document in this report represents a fraction of the actual number of instances of sexual assault in Egypt during this time period. First, as organizations working on political and civil rights, the cases we have most exposure to are cases of "political detainees." This excludes a significant swath of the prison population referred to sometimes as "criminal detainees." [1] Interviews we conducted with lawyers and researchers suggest that the abuses they endure can be much more frequent and severe. Human rights activists have also shared that this delineation affects members of the LGBTQ+ community more significantly as many of them are detained as "criminals" by virtue of their gender identity. [...]

1 ElRaggal, " " (Egyptian Center for Economic & Social Rights, August 19, 2020), <http://ecesr.org/>¹⁷⁶

In May 2022, ahead of COP27, Amnesty International wrote: "There are also concerns around the safety of all participants at COP27, given the Egyptian authorities' appalling track record in failing to protect women and LGBTI people from discrimination and gender-based violence as well as prosecuting them on bogus "indecentcy", "morality" or "debauchery" charges, simply for the way they dress, talk and express themselves on social media or for sexual relations between consenting adults".¹⁷⁷

The same day, Amnesty International also wrote in a separate public statement ahead of COP27 that: "The authorities also continue to arrest and prosecute individuals on the basis of their real or perceived sexual orientation or gender identity and carry out anal examinations, an intentional, discriminatory and punitive practice that amounts to rape and torture. For instance, in August 2021, a court convicted four adult men of engaging in consensual same-sex sexual relations and sentenced them to prison terms ranging from six to nine years".¹⁷⁸

The meeting minutes with a Human Rights Watch analyst, published in the September 2022 COI brief report on the situation of LGBT persons in Egypt by the Danish Immigration Service, note the following with regards to the implementation of the law and prosecutions of LGBT persons:

5. It is primarily the incitement to debauchery and debauchery laws and the public indecency laws that are used against LGBT persons. They are invoked when individuals are found to defy gender roles or gender conformity - including if they are suspected of being gay or transgender. The accusations are based on either content of phones discovered during arbitrary phone searches or the individual's appearance. Egyptian authorities round up suspected gay men or transgender individuals on the street or target them online. Usually, the cybercrime laws are invoked if individuals have posted something online

¹⁷⁶ The Freedom Initiative and Egyptian Front for Human Rights, [No One is Safe: Sexual Violence Throughout the Life Cycle of Detention in Egypt: 2015-2022](#), 7 April 2022, p. 13

¹⁷⁷ Amnesty International, [Egypt: Lift restrictions on civic space to ensure a successful COP27](#), 23 May 2022

¹⁷⁸ Amnesty International, [Egypt: COP27 should not overshadow human rights crisis in the country](#), 23 May 2022, p. 4

that is perceived to violate public decency, or if they have content on their phone such as selfies, photos, chats on Grindr or even the mere presence of the application Grindr. Any same sex dating app on one's phone is also used to incriminate the person under either cybercrime laws or incitement to debauchery laws.

6. Usually the laws are combined. In the first instance, individuals are referred to court based on penal code provisions such as the debauchery laws. If the case has any online content, it can be transferred to the economic court where the cybercrime law is invoked.

7. Usually photos are used against individuals as evidence in LGBT cases. Photos of individuals themselves or photos of them with others perceived as a same-sex couple. Other examples are presence of applications on phones, a Facebook post, a rainbow flag filter on a Facebook profile etc. There have been cases of online extortion in the sense that individuals have coerced LGBT people into having sex and then reported the act or blackmailed them by threatening to report it to the authorities.

8. An example of online evidence used against LGBT persons could be a man telling another man "I like you" which is used in court as incriminating evidence to prosecute. The evidence comes from searches of individuals' phones or entrapment on social media where many law enforcement officers create fake same sex profiles on Grindr and other applications through which they entrap LGBT people by for instance getting them to confess that, "they are gay". Sometimes, the law enforcement officer would ask, "how much would you charge", and if the LGBT individual do not reject payment for sex, this would be used as evidence against the person by accusing him of habitually practicing debauchery and promoting indecency.¹⁷⁹

The meeting minutes further noted that Human Rights Watch had documented "an increase in prosecution for alleged same sex conduct since 2017 and precipitating for 2021 and 2022".¹⁸⁰

January – May 2023

The joint NGO submission for the review of Egypt by the Human Rights Committee, published in January 2023 by the Committee for Justice (CFJ) and eight other organisations, stated that:

Egyptian police, prosecution and courts persecute homosexuality, transgender women's identities and consensual same-sex acts between men or men and trans women under provisions of Egypt's Law no. 10/1961 on Combating Prostitution (most notably, the vague and overbroad crime of "habitual debauchery", among others). A central feature of this persecution is forced anal examinations, performed by the Justice Ministry's Forensic Medical Authority (FMA) upon referral from the prosecution, against individuals accused of "habitual debauchery". [...]

This rise in prosecution of real or perceived sexual and gender differences in Egypt is characterized by periodic State and media induced moral panics surrounding group arrests on grounds of "debauchery" every few months since 2013. [...]

Increasingly EIPR [Egyptian Initiative for Personal Rights] has documented the use of forced examinations extends beyond charges of "habitual debauchery" under law 10/1961. [...] In the 12 months between

¹⁷⁹ The Danish Immigration Service, [Country of Origin \(COI\) Brief Report – Egypt: Situation of LGBT persons](#), September 2022, p. 21

¹⁸⁰ The Danish Immigration Service, [Country of Origin \(COI\) Brief Report – Egypt: Situation of LGBT persons](#), September 2022, p. 21

September 2021 and September 2022, EIPR documented 18 cases using charges of “habitual debauchery” against 37 individuals.¹⁸¹

The February 2023 Human Rights Watch report into digital targeting and its offline consequences for LGBT people in the Middle East and North Africa published the following excerpt from an interview with Afsaneh Rigot:

Rigot told Human Rights Watch:

Documentation and research are highlighting that, with increasing vigor, digital evidence is becoming the cornerstone of prosecutions against LGBT people [in the MENA region]. In a context where something as intimate, complex, and private as gender identity and sexual orientation are essentially criminalized, we are seeing digital evidence become the main ingredient in these discriminatory prosecutions. Digital evidence—especially [on] people’s mobile devices—is now the scene of the crime. Yet as we look closer at prosecutions and sentences, what is deemed too queer to be legal is not defined.⁵⁹ [...]

⁵⁹ Human Rights Watch remote interview with Afsaneh Rigot, December 2, 2022.¹⁸²

The same report also looked into prosecutions based on digital “evidence”, reporting the following:

On January 15, 2020, Tina, a 34-year-old trans woman sex worker from Cyprus, was in Egypt for work when police arrested her after her client told the police that he found her on the internet. She was detained for 13 months at the Nasr City police station and convicted for “inciting debauchery” based on photos and chats that police found when they searched her phone.¹⁷⁴ Human Rights Watch’s review of the police report and court files in Tina’s case confirmed that this private information was the only evidence presented in her case. [...]

Tina’s pretrial detention was extended three times, each for 15 days, for a total of 45 days. [...] When she finally had her court hearing, “it was eight seconds. The judge did not even look at me.” The judge dropped one charge, for “prostitution,” but sentenced her to three years for “inciting debauchery” on the basis of her nude photos. She was detained for another 13 months.¹⁷⁷

Tina said that toward the end of September 2020, she received notice that she was being transferred back to Cyprus, the paperwork for which took over four months. Tina arrived in Nicosia, Cyprus, on January 19, 2021, where she was held in Central Nicosia Jail until May 21, 2021, when she was released under house arrest. She was released from house arrest in May 2022.

Martin, a 39-year-old gay man from Chile, was working in Egypt as a Spanish teacher when he was arrested in February 2020. [...]

At the Dokki police station, Martin said no one spoke English and he did not know the reason for his arrest. He stayed at the police station overnight, until his court hearing the next morning, at which he was convicted of “inciting debauchery” and sentenced to a fine of 400 pounds (US\$25) and deportation to Chile.

¹⁸¹ Committee for Justice (CFJ) et al., [Joint NGO submission for the review of Egypt by the Human Rights Committee: 137th session \(27 February to 24 March 2023\)](#), 30 January 2023, pp. 7-8

¹⁸² Human Rights Watch, [“All This Terror Because of a Photo”: Digital Targeting and Its Offline Consequences for LGBT People in the Middle East and North Africa](#), 21 February 2023, pp. 21-22

Human Rights Watch reviewed the police report and court files in Martin's case, which indicated that the presence of the Grindr app on his phone was the basis for his conviction. The police report also highlighted that Egypt's Intelligence Agency received information that he was meeting men on Grindr to have sex with them, which Martin denied. Martin told Human Rights Watch that he believed the Chilean embassy's intervention was the only reason he was released.¹⁷⁹

In August 2020, the Egyptian National Security Agency arrested four witnesses to a high-profile 2014 gang rape in Cairo's Fairmont Hotel (known as the Fairmont case), along with two of their acquaintances, weeks after independent women's rights activists exposed the incident online. The authorities accused two of the witnesses, Seif Bedour and Ahmed Ganzoury, of consensual same-sex sexual conduct and "inciting debauchery," based solely on private photos from their phones.¹⁸⁰

The authorities subjected Bedour and Ganzoury to drug testing and forced anal exams.¹⁸¹ Police unlawfully searched the men's phones by forcing them to unlock their devices and, on the basis of the private photos they found, detained them for allegedly engaging in same-sex conduct. [...] The two men were detained in pretrial detention for five months, then released pending investigation in January 2021.¹⁸⁴ [...]

174 Human Rights Watch phone interview with Tina, September 15, 2021. [...]

177 Ibid. [...]

179 Human Rights Watch interview with Martin, October 2, 2021.

180 "Egypt: Gang Rape Witnesses Arrested, Smeared," Human Rights Watch news release.

181 Rasha Younes, "Egypt Detains Men for Alleged Sexual Orientation, Alongside Alleged Rapists," Human Rights Watch dispatch.

182 Ibid. [...]

184 Rasha Younes, "Justice Stalled in Egypt's 'Fairmont' Rape Case," Human Rights Watch dispatch.¹⁸³

The USDOS annual report on human rights practices in Egypt in 2022, published in March 2023, wrote that:

While the law does not explicitly criminalize consensual same-sex sexual activity, lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons were arrested and prosecuted on charges including "debauchery," prostitution, and "violating family values," for which the law imposes prison sentences of up to 10 years in prison, significant fines, or both. [...]

Based on an NGO survey in February of legal actions targeting LGBTQI+ persons, three individuals, including an Eritrean asylum seeker, were sentenced in Cairo to a year in prison for producing "homosexual pornographic materials." Separately, a man from Alexandria reportedly was entrapped using a dating application and investigated on charges of "debauchery" and "cyber indecency."¹⁸⁴

In April 2023, the UN Human Rights Committee published its concluding observations on the fifth periodic report of Egypt, in which it stated that: "The Committee is concerned that vague provisions on "habitual debauchery" under Act No. 10 of 1961 on combating prostitution are used to prosecute

¹⁸³ Human Rights Watch, ["All This Terror Because of a Photo": Digital Targeting and Its Offline Consequences for LGBT People in the Middle East and North Africa](#), 21 February 2023, pp. 73-75

¹⁸⁴ USDOS, [2022 Country Report on Human Rights Practices: Egypt](#), 20 March 2023

persons due to their sexual orientation or gender identity, and in some cases to subject them to forced anal examinations (arts. 2, 3, 7, 17 and 26)".¹⁸⁵

III. Treatment by State Actors

a. Public statements by government officials

An article in February 2021 in New Lines Magazine on LGBTQ rights in the Arab world stated: "In November, Egyptian Minister of Education Tarek Shawki called for acceptance of transgender individuals to prevent abuse. On a locally aired TV show, Shawki highlighted the importance of exploring different paths to accept transgender rights".¹⁸⁶

Similarly, France 24's article in June 2021 on a transgender woman in Egypt fighting for her rights and overcoming challenges in the country wrote that: "Six months later, after a television show brought Ramadan on to tell her story, during which she talked of her wish to teach again, Education Minister Tarek Shawki urged Egyptians to "accept" transgender people -- a first. [...] And while Shawki had announced he would offer a fixed-term contract to the former teacher, the pledge came to nothing".¹⁸⁷

The UK Government's Human Rights and Democracy Report for 2020, published in July 2021, stated that: "[...] comments by the Education Minister Dr Tarek Shawki in November urging society to do more to accept transgender people were welcome".¹⁸⁸

The latest edition of ILGA World's "Our Identities under Arrest" report, released in December 2021, stated that: "[...] the Egyptian *Dar Al Iftaa* (Islamic advisory body to the government) issued a series of *fatwas* (legal opinions) in 2020, including one condemning homosexuality and outlining the need for medical intervention (i.e., "conversion therapies").²⁸ [...] 28 "متتالية فتاوى ثلاث الوطن دة ما دل ع المزید" [More on Dunya Al-Watan Three consecutive fatwas of the Egyptian fatwa on suicide, homosexuality, and forgiveness sparked controversy], *Alwatan Voice*, 22 June 2020.]"¹⁸⁹

In February 2022, Al Jazeera published an article discussing the backlash in the Middle East and North Africa after the release of "Perfect Strangers" on Netflix. It wrote:

¹⁸⁵ UN Human Rights Committee, [Concluding observations on the fifth periodic report of Egypt](#), 14 April 2023, p. 2

¹⁸⁶ New Lines Magazine, [A Place for LGBTQ Rights in the Arab World?](#), 26 February 2021

¹⁸⁷ France 24, [Transgender woman battles for 'dignity' in conservative Egypt](#), 2 June 2021

¹⁸⁸ UK Government and UK Foreign, Commonwealth & Development Office, [Human Rights & Democracy: The 2020 Foreign, Commonwealth & Development Office Report](#), 8 July 2021, p. 44

¹⁸⁹ International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA World), [Our Identities Under Arrest: A global overview on the enforcement of laws criminalising consensual same-sex sexual acts between adults and diverse gender expressions](#), 15 December 2021, p. 126

The film is [Netflix's first Arabic movie](#) and quickly became the most watched in the streaming company's website in the region after it was released on January 20. It gathered particular criticism in Egypt over a scene where Egyptian actress Mona Zaki's character is seen taking off her underwear from underneath her dress. At some point one of the male characters comes out as gay, surprising his childhood friends. Egyptian member of parliament Mostafa Bakri said in a TV interview that the film targeted family values and said Egypt should "ban Netflix". There were other calls to prohibit the film in the country and threats of lawsuits over its "promotion" of homosexuality.¹⁹⁰

The January 2023 BBC News article on the online entrapment of LGBT persons in Egypt by police stated that: "The Egyptian government has spoken publicly about its use of online surveillance to target what it described as "homosexual gatherings". In 2020, Ahmed Taher, former assistant to the Minister of Interior for Internet Crimes and Human Trafficking, told the newspaper Ahl Masr: "We recruited police in the virtual world to uncover the masses of group sex parties, homosexual gatherings""¹⁹¹.

An article by the Egyptian Initiative for Personal Rights in September 2020 wrote that the website of the Public Prosecution "has published content that incites hatred against women, LGBT+ individuals and people living with HIV/AIDS, and places the responsibility on victims of rape as a result of their moral behavior, in addition to violating the privacy of witnesses".¹⁹²

The ILGA World Database page for Egypt stated the following:

In January 2022, a member of the Constitutional and Legislative Affairs Committee in the Senate reportedly submitted to a proposal to the legislative council to add a number of articles to the Penal Code to "prohibit and criminalize homosexuality". A month later, it was reported that another MP had drafted a bill for consideration which would explicitly criminalise consensual same-sex activity, as well as the "promotion of homosexuality". [...]

In August 2022 the Ministry of Education and Technical Education issued instructions to all educational directorates calling for the implementation of awareness campaigns for students, to promote "good behaviour", "manners" and religious values. This was reportedly done in an effort to counter the presence of "homosexuality" seen in international streaming and broadcast services like Netflix.

In September 2022, as reported by the media, the Ministry of Education and Technical Education ordered educational directorates to integrate concepts of sexual education, sexual harassment and sexual violence into the basic education curriculum, aiming to "protect children from imitating deviant sexual behaviours", i.e. homosexuality. The ministry of education has reportedly instructed educational directorates to place posters that raise awareness of the "dangers of so-called abnormal sexual behaviours" in schools across the country. [...]

In June 2022, the state-controlled Supreme Media Council of Egypt announced the launch of a "safe media for kids" campaign with the main purpose of "confronting ideas that promote homosexuality",

¹⁹⁰ Al Jazeera, [Netflix film Perfect Strangers challenges Middle East taboos](#), 4 February 2022

¹⁹¹ BBC News, [How Egyptian police hunt LGBT people on dating apps](#), 30 January 2023

¹⁹² Egyptian Initiative for Personal Rights (EIPR), [Egyptian Initiative for Personal Rights calls on the "National Council for Women" to protect the complainants and witnesses in the "Fairmont Case" and for the Public Prosecution to clarify their legal position](#), 2 September 2020

specifically for media produced by Disney. The initiative seems to seek to curate content catered for children in Egypt to curb the promotion of "abnormal ideas".¹⁹³

- b. Homophobia and transphobia in government institutions (incl. state-owned media, within the police, in the prison service, in the judiciary, in the public health service, in schools)

2020

The Alliance of Queer Egyptian Organizations' (AQEO) statement on their Facebook page regarding the outcome of the UPR on Egypt in March 2020 stated that:

While LGBTI issues are a part of human rights, denial has been indicated in the Egyptian state's discourse, and systematic state homophobia and transphobia remain. Driven by patriarchal norms and personal ideologies, State actors entrap gay men and trans-women, and judiciary system hands down penalties with maximum sentences. Moreover, trans-persons are hindered from processing their official documents, face constant discrimination and exclusion from education, workplaces, receiving healthcare, and face social violence without protection.¹⁹⁴

The same month, ANKH Association (Arab Network for Knowledge about Human Rights) and the Cairo Institute for Human Rights Studies (CIHRS), among other organisations, released an appeal for the release of Eman Al-Helw and Hossam Ahmad from detention in Egypt, stating that:

February 28 marked one year since the arrests of actress and human rights defender Eman Al-Helw and transgender man Hossam Ahmad. They were both arrested that day, along with 70 other people as part of a mass arrest campaign against persons who critiqued the government and called for protests on social media following the deadly train crash on February 27, 2019 at Ramses Station, which left 22 dead over 40 injured. They are under investigation in State Security Case no. 1739 of 2018. [...]

For over one year, Eman Al-Helw and Hossam Ahmad have been held on false charges, only because of their peaceful activities. They have also been constantly subjected to various forms of harassment, physical and psychological abuse. Since the first day of their detention, they have been held in an underground cell in a police station, with no access to fresh air or sunlight, as the women's prisons refuse to take them because they don't "look like women".

During a recent interview, Hossam explained: "I am tired of being brought to hospitals again and again, and having my genitals exposed there... The problem is that because Eman is staying with me, anything that happens to me also happens to her."¹⁹⁵

¹⁹³ International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA World), [ILGA World Database: Egypt page](#), undated [last accessed 30 June 2023]

¹⁹⁴ Alliance of Queer Egyptian Organizations (AQEO), [Facebook post - Statement regarding the Universal Periodic Review Outcome – Egypt](#), 15 March 2020

¹⁹⁵ ANKH Association (Arab Network for Knowledge about Human Rights) and the Cairo Institute For Human Rights Studies (CIHRS) et al., [Egypt: As coronavirus threatens to spread in prisons, immediately release Eman Al-Helw, Hossam Ahmad and other peaceful political detainees](#), 25 March 2020

In March 2020, following the release the previous year of detained transgender activist Malak al-Kashef, Amnesty International wrote that: “After her release, Malak filed a case in administrative court requesting the Ministry of Interior to provide separate detention facilities in prisons and police stations for transgender detainees undergoing gender reassignment treatment. The first hearing in the case is scheduled for 17 April 2020”.¹⁹⁶

In April 2020, Human Rights Watch released an article on the challenges of accessing HIV treatment [in public health centres] in Egypt during the pandemic. It stated: “Two gay men living with HIV told Human Rights Watch that even before the Covid-19 pandemic, they were uncomfortable visiting government hospitals because they faced stigma and discrimination on the grounds of their sexual orientation”.¹⁹⁷

The May 2020 BBC News article about the Egyptian actor, Hisham Selim, speaking out in support of his transgender son, wrote that:

In the first interview, on the privately-owned channel Al-Qahira Wa al-Nas, Selim revealed how his son - then aged 18 - first told him about feeling uncomfortable with the gender he was assigned at birth. [...] He also spoke about the challenges his son was facing in getting his gender reflected on his national ID - which expired two years ago - because his transition was not yet complete.

"The problem in Egypt is that we have either female or male; we don't have anything in-between to refer to the transitional stage," Selim said.

Although transitioning is legal in Egypt, the process is long and complex. It involves medical tests, psychological treatment and approval from both doctors and religious clerics.¹⁹⁸

The September 2020 Human Rights Watch article on the August 2020 arrest of witnesses to a gang rape in 2014 wrote that:

Egyptian security agencies in late August 2020 arbitrarily arrested a man and three women who were witnesses to a high-profile gang rape case from 2014 that recently came to light, Human Rights Watch said today. Security also arrested two of the witnesses' acquaintances.

The prosecutor general ordered the release of three of the six on August 31 but is pressing charges against all of them for violating laws on “morality” and “debauchery” that are vague, discriminatory, and open to abuse. Pro-government media have subjected them to a coordinated smear campaign [...].

Smear Campaign

After their arrest, videos and photos showing scenes of some of the detained witnesses' private lives have been leaked online. One video shows several women and a man who appear to be drunk, and other videos show intimate behavior. Activists said they believe that security forces leaked the photos and videos to smear and intimidate the witnesses.

The Office of the Prosecutor General said in its August 31 statement that all mobile phones of the people detained were sent to the “Technical Support Administration” in the Interior Ministry to “retrieve all its

¹⁹⁶ Amnesty International, [Egypt: Further Information: Transgender Activist Released: Malak al-Kashef](#), 27 March 2020

¹⁹⁷ Human Rights Watch, [Egypt: Covid-19 Threatens Treatment for HIV Patients](#), 22 April 2020

¹⁹⁸ BBC News, [Hisham Selim, famed Egyptian actor, praised over transgender son](#), 10 May 2020

contents and recover any deleted content and retrieve all conversations made on the communications apps.” One activist, who spoke with some of the released witnesses, said that the National Security Agency had searched the phones and laptops of the witnesses at the time of arrest and “took whatever they could find.”

Since August 31, pro-government websites and journalists have published reports that stigmatize the rape survivor, witnesses, and activists involved in the case. Some government-affiliated media websites are reframing the gang rape as a “group sex party” and alleging that security investigations revealed “the biggest network of homosexuality.” One pro-government journalist, who is also a lawyer, said in a now-removed Facebook post that she submitted a complaint to the prosecutor general about several activists whom she accused of fabricating the rape allegations to “tarnish Egypt’s image” and to “spread homosexuality.”¹⁹⁹

In September 2020, Al Jazeera reported on Egypt’s rising digital authoritarianism, stating that:

In the most prominent instance, women’s reports of a violent Fairmont Hotel gang rape sent shockwaves through Egypt in July. The public prosecution ignored the constant calls by women and campaigners to investigate the case. When it finally took action, it also decided to detain three key female witnesses. These courageous women are now facing charges of inciting debauchery, drug use, and attempting to damage the image of the Egyptian state.

Egypt’s pro-state outlets pursued an aggressive smear campaign against them, disseminating their private information and videos online. These outlets reframed the rape allegedly perpetrated by privileged young Egyptian men into a story of sex parties and “homosexual perverts”.²⁰⁰

The October 2020 Human Rights Watch report on the arrest, abuse, and torture of LGBT people in Egypt by security forces wrote that:

Malak el-Kashif, 20, a transgender woman and human rights activist, was arbitrarily detained for four months, sexually harassed, and abused in a male prison in 2019. An administrative court in May 2020 dismissed the appeal her lawyer filed requesting the Interior Ministry to provide separate detention facilities for transgender detainees in accordance with their gender identity. [...]

Hossam Ahmed, 27

Hossam Ahmed, a transgender man, was arrested in a café in Cairo on February 28, 2019 and detained in an undisclosed location for four days before being presented to prosecutors on March 4. He was charged with “joining a terrorist group and misusing social media to commit a crime punishable by law.” Although a court ordered Ahmed released on September 15, 2020, he remained in pretrial detention for an additional week before he was eventually released on September 22.

Despite undergoing gender-affirming medical interventions, and his self-identification as a transgender man, Ahmed’s ID card says “female.” While he was detained in a women’s prison in Abdeen, Cairo, he said, he was subjected to physical examinations and prohibited from continuing his hormonal treatment and gender-affirming surgery.

Human Rights Watch obtained a statement he wrote from prison February 21, 2020, through a France-based LGBT rights organization:

¹⁹⁹ Human Rights Watch, [Egypt: Gang Rape Witnesses Arrested, Smeared: Personal Data Used in Abusive Prosecutions](#), 11 September 2020

²⁰⁰ Al Jazeera, [Egypt’s rising digital authoritarianism](#), 24 September 2020

Every day feels like a year. Everyone who enters here is scared of my [trans identity] and harasses me physically and emotionally. The police officers enjoy harassing me. They call me by the name on my ID. The women detained alongside me here tell the officers, “His name is Hossam.” The officers beat and torture these women to make them say that I did things that never happened. We sleep on a rotten and smelly mattress with no covers. The government only sends us bread. But all the food comes from visitors. If I don’t get visitors for three days, I don’t eat for three days.

All I’m asking for is to be treated as a human being and be called Hossam. I’m so tired of being regularly brought to the hospital so they can check my genitals. My bones hurt, my knees are ruined, I have weird spots on my body, fleas and bugs and lice everywhere, and bite marks. I feel like I’ve been here for 100 years.²⁰¹

Al-Monitor’s December 2020 article on discrimination against transgender people in Egypt stated that: ““Everybody bullies transgender people, including state institutions, the media and ordinary people,” Reda al-Danbouki, director of the local Women’s Center for Guidance and Legal Awareness nongovernmental organization, told Al-Monitor. “There is a need for opening a nationwide dialogue on this issue””.²⁰²

2021

In February 2021, Right Side, an NGO for the protection of transgender people and sex workers in Armenia, reported that three Armenian transgender women had been barred from entering Egypt because of the “male” marker in their passports. It stated that:

On February 22, 2021 “Right Side” HRD NGO received a request from three Armenian trans women to provide support to lift the illegal ban from entering the Arab Republic of Egypt and to assist in returning the expenses from the tour agency.

In February, three transgender women purchased fourteen-day travel packages to Sharm el-Sheikh, Egypt from two different travel agencies. Arriving at the Sharm el-Sheikh airport on February 19, after waiting for six hours, they were informed that “all three could not enter the country, since their passports state that they are “men”, and they can enter the country only after the female gender mark is indicated in the passport”. The transgender women travelled to Egypt, having previously consulted with a travel agency, with updated photos in the valid passports of the Republic of Armenia.

The border guards, by noting that “the headquarters of the security service in Cairo barred them from entering,” took the passports, isolated them in one of the closed cafes of the airport, deprived them of communication, did not provide food and water, and informed them that they can travel to Armenia only in fourteen days with a flight purchased by them. The border guards did not mark the passports with entry-exit stamps, and no deportation order was issued. For three days, transgender women regularly paid cleaning women about 20 US dollars for water and chips, which allowed them to survive under severe psychological pressure and fear. Realizing that there is no other way, they paid the border guards

²⁰¹ Human Rights Watch, [Egypt: Security Forces Abuse, Torture LGBT People - Arbitrary Arrests, Discrimination, Entrapment, Privacy Violations](#), 1 October 2020

²⁰² Al-Monitor, [Transgender Egyptians face abuse, discrimination for asserting their identity](#), 9 December 2020

three hundred US dollars in cash to be released and sent to Armenia with a next flight. Transgender women were able to arrive in Yerevan only in the morning of February 21.²⁰³

The USDOS annual report on human rights practices in Egypt in 2020, published in March 2021, wrote that: “On June 1, the Administrative Court rejected a lawsuit filed by transgender Malak El-Kashef, whom authorities released from detention in July 2019, to compel the interior minister to establish separate facilities for transgender individuals inside prisons and police stations. A court ordered transgender male Hossam Ahmed, whom authorities subjected to invasive physical exams, released from pretrial detention in a women’s prison in September”.²⁰⁴

In April 2021, ANKH (Arab Network for Knowledge about Human Rights), the Alliance of Queer Egyptian Organizations (AQEO), and the Cairo Institute for Human Rights Studies (CIHRS), among other organisations, published an open letter to human rights ambassadors around the world regarding the targeting of LGBTQI+ community and activists in Egypt. It stated: “Egyptian human rights and LGBTQI+ activists have been continuously subjected to discrimination and dissemination of false information by the Egyptian government authorities, as well as in the state controlled media”.²⁰⁵

In May 2021, The Times of Israel reported on an Israeli transgender couple refused entry to Egypt:

An Israeli transgender couple was apparently denied entry to Egypt at the Taba gateway to Sinai on Thursday, as Egyptian security officers confiscated their passports for inspection, according to a television report.

Or Mizan and Titi Katan, two trans men from Haifa who had planned a five-day trip at the Ras a-Satan resort in the Sinai peninsula were stopped on the Egyptian side of the Taba crossing, Channel 12 news reported on Thursday.

“Every now and then an officer comes by, talks to someone on the phone, looks at us, laughs and walks away,” they told Channel 12.

They told the network that since their passports still list them as female, the border guards apparently did not believe it matched their external appearances.

“They say we do not look female and because of that, they are not willing to let us in. We were shocked, we tried to explain that there is no problem with it all over the world, but they took the passports for inspection and looked at the pictures as if we were wanted. It is a terrible feeling, we just wanted a holiday,” they told Channel 12.

There was no further update if the two had managed to enter the peninsula or not.²⁰⁶

In May 2021, the International Service for Human Rights (ISHR) posted an article on discrimination against LGBTQI+ people in Egypt, stating that:

²⁰³ Right Side NGO, [Three Armenian transgender women barred from entering Egypt because of “male” marker in the passport](#), 23 February 2021

²⁰⁴ USDOS, [2020 Country Report on Human Rights Practices: Egypt](#), 30 March 2021

²⁰⁵ ANKH (Arab Network for Knowledge about Human Rights), the Alliance of Queer Egyptian Organizations (AQEO), and the Cairo Institute for Human Rights Studies (CIHRS) et al., [Egypt: Open letter to human rights ambassadors around the world regarding the targeting of LGBTQI+ community and activists](#), 30 April 2021

²⁰⁶ The Times of Israel, [Israeli transgender couple said refused entry to Egypt at border crossing](#), 7 May 2021

[...] the system also takes advantage of the lack of awareness, lack of correct information, and unjustified fear of HIV and uses State-owned media to broadcast hate speech toward people living with HIV. [...] During the past years, and as a result of the political and social atmosphere that encourages hatred and the rejection of the other, hate speech against LGBTIQ+ people has spread widely, especially on social media, and Egypt witnessed the emergence of so-called “schools” that aim to “heal” homosexuality and prevent gender transitions. The Egyptian Medical Syndicate did not take any steps to prevent doctors from conducting these “treatments”. The State’s support for this form of hatred and myths related to homosexuality is evident.²⁰⁷

On 11 May 2021, Bedayaa Organization, ANKH Association (Arab Network for Knowledge about Human Rights), and the Alliance of Queer Egyptian Organizations (AQEO) released a report twenty years after the Queen Boat / Cairo 52 incident, where on 11 May 2001, the Queen Boat night club in Cairo was raided and thirty gay men were arrested. The report noted that twenty years later, violations still continue against the LGBTIQ+ community in Egypt. It wrote that the Egyptian state “[foments] moral panic through exceptional media coverage of LGBTIQ+ cases of arrest. Media coverage includes defamation and demonizing of persons arrested through the use of exaggerated headlines with degrading terms that describes them as a threat to the society itself and its values”.²⁰⁸

In May 2021, the Egyptian Initiative for Personal Rights (EIPR) published a press release related to the gang rape which took place at the Fairmont Hotel in 2014. It stated that:

Over the past year, and since the launch of its ongoing campaign to control what it has called “social national security,” the Public Prosecution has targeted a number of individuals-particularly women and those with supposed or actual sexual identities and practices that differ from those socially acceptable [sic]. These individuals were targeted for publishing content on social media platforms that includes dancing or content that does not reflect what the Public Prosecution views as the definition of “the values and morals of the Egyptian family.”²⁰⁹

France 24’s article in June 2021 on a transgender woman in Egypt fighting for her rights and overcoming challenges in the country wrote that:

The Egyptian Medical Syndicate allows for sex reassignment surgeries only with the “approval of a special committee” comprised of medical doctors and clergy from Al-Azhar -- Sunni Islam’s leading seat of learning, based in Cairo.

The committee relies on a fatwa, or religious edict, that stipulates sex reassignment surgery must be justified by a “biological” issue and “not a mental one”, explained the activist.

²⁰⁷ The International Service for Human Rights (ISHR), [Egypt | Stop prosecuting and harassing LGBTIQ+ individuals and organisations](#), 11 May 2021

²⁰⁸ Bedayaa Organization, ANKH Association (Arab Network for Knowledge about Human Rights) and the Alliance of Queer Egyptian Organizations (AQEO), [Twenty years - Cairo 52](#), 11 May 2021, pp. 6-7

²⁰⁹ Egyptian Initiative for Personal Rights (EIPR), [Joint press release: Closing investigations of the Fairmont rape is a natural result of a year of intimidation of witnesses and prosecution of plaintiffs](#), 12 May 2021

The syndicate's bylaws demand "blood and hormone tests, chromosome analysis and minimum of two years of psychotherapy and hormonal treatment", requirements that exclude many transgender people wanting GCS, though there are no official statistics available on the community in Egypt.

The committee only meets sporadically, and there has not been a designated Al-Azhar sheikh for at least two years, said the activist, who asked to remain anonymous.

"No operation can be carried out without the agreement of Al-Azhar."²¹⁰

Reuters posted an article in June 2021 on LGBT+ conversion therapy content on Facebook, and stated that: "In Egypt, medical professionals offering conversion therapy services are part of the mental health care system, local LGBT+ groups say".²¹¹

In August 2021, Mada Masr, an independent Egyptian online newspaper, reported on the death of a trans man in Giza as a result of complications arising from sex reassignment surgery. The article wrote that:

People wishing to have sex reassignment surgery in Egypt have to go through long, complex procedures. They must first apply to the Sex Reassignment Committee at the national Doctors Syndicate, which subjects applicants of the procedure to a series of physical tests. Each case is then reviewed by urologists and gynecologists, and is finally referred to a psychotherapist. The mental assessment process generally takes no less than two years during which time psychologists assess the case and have a say in whether it is "necessary" or not to refer the applicant for surgery. A seven-member committee made up of doctors and one representative from the religious institution of Al-Azhar will make a final decision about whether or not to approve the candidate's application for surgery.

If approved, the applicant can have surgery at the state's expense at a public hospital such as Al-Hussein University Hospital, Demerdash or Qasr al-Aini, or at a private hospital, and will be able to acquire the documentation needed to alter the sex recorded in their official documents.

Zayat told Mada Masr that, in practice, the Doctors Syndicate's committee has not met for years because the Al-Azhar representative refuses to attend, putting thousands of applicants in limbo on a waiting list.

"I went through all these stages myself. And even though I completed all my sex reassignment surgeries abroad, my papers with the government are still held up awaiting the committee's approval. Therefore, my identification card still says male," Kashif said.²¹²

In October 2021, an article was published by African Arguments exploring the increasing representation of and information around sexuality available on social media in Egypt. It noted: "Egypt's current regime has carried out the harshest crackdown against LGBTQ people in modern Egyptian history".²¹³

The latest edition of ILGA World's "Our Identities under Arrest" report, released in December 2021, stated that:

²¹⁰ France 24, [Transgender woman battles for 'dignity' in conservative Egypt](#), 2 June 2021

²¹¹ Reuters, [INSIGHT-LGBT+ conversion therapy: banned on Facebook, but thriving in Arabic](#), 3 June 2021

²¹² Mada Masr, [Deterred from official healthcare, 26-yr-old dies after sex reassignment surgery](#), 31 August 2021

²¹³ African Arguments, [Egypt's sexual revolutionaries tackling the tyranny within](#), 20 October 2021

[...] the Egyptian *Dar Al Iftaa* (Islamic advisory body to the government) issued a series of *fatwas* (legal opinions) in 2020, including one condemning homosexuality and outlining the need for medical intervention (i.e., “conversion therapies”).²⁸ [...]

[...] a clear State-backed policy of targeting of persons based on their SOGIE through provisions against public indecency, sex work, adultery, rape and others is at play, though social attitudes, a vocal religious sector, the need for political scapegoating during times of instability and a hostile media landscape all interact in myriad ways.²⁹ [...]

Examples of Enforcement [...]

From 8 May 2021 onward it was reported in several international news outlets that two Israeli trans men had been denied entry into Egypt where they had come to spend a holiday, on account of their passports not matching their appearance and gender expression.⁸² Border officials detained them temporarily and mocked them, but it is not clear whether this was the result of any State policy on identity documentation and legal gender recognition (either directly or indirectly), or rather a case of personal prejudice by the officials involved. [...]

“الجدل أثارت والغيغفران والشذوذ الان تحار عن المصري للإفتاء متتالية فتاوى ثلاث الوطن دليلاً ع المزيدي”
[More on Dunya Al-Watan Three consecutive fatwas of the Egyptian fatwa on suicide, homosexuality, and forgiveness sparked controversy], *Alwatan Voice*, 22 June 2020.]

²⁹ EIPR, *The Trap: Punishing sexual difference in Egypt* (2017); OHCHR, *UA EGY 17/2017* (2017); “The Policies of Suppressing Sexual Rights in Egypt”, *The Legal Agenda*, 2 February 2018; “Rights of LGBTQ People in Egypt: Between State, Society, and de facto Criminalisation”, in: ILGA World, *State-Sponsored Homophobia 13th edition* (2019), 520-522; ““Clean the Streets of Faggots”” Digital Targeting of LGBT People by Middle East/North Africa Governments”, *Human Rights Watch*, 4 August 2021. [...]

⁸² “Israeli transgender couple said refused entry to Egypt at border crossing”, *Times of Israel*, 08 May 2021; “Trans men mocked and denied entry to Egypt by border guards because they ‘do not look female’”, *Pink News*, 09 May 2021.²¹⁴

The 2021 Bedayaa Organization report answering FAQs on the situation for LGBTQI people in Egypt wrote that:

Security campaigns led by the Interior Ministry typically target gay men and trans-women, whose arrest is later followed by charging them with habitual debauchery. [...]

Looking to the fact of the conservative and patriarchal nature of the Egyptian society, which believes that being a male is the highest social status as such you must fit the social norms of what a man should look and act, abandoning such privilege by being feminine male or trans person is something that must be punished.

That idea also reflects a lack of understanding by the Egyptian legal authorities of what being a trans woman is, as trans women are often seen as feminine gay men who are dressed as women to seduce other men into committing sexual acts.

With this fact, the Egyptian authorities does not only target gay men and trans women, but also bisexual men, intersex, and gender non-conforming individuals. To put it plainly, it persecutes what appears as contradicting to social norms. [...]

²¹⁴ International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA World), [Our Identities Under Arrest: A global overview on the enforcement of laws criminalising consensual same-sex sexual acts between adults and diverse gender expressions](#), 15 December 2021, pp. 126, 132

Even though homosexuality is not mentioned in the Egyptian penal code, the LGBTI community in Egypt face state persecution and social stigma. The Egyptian state condones violence and discrimination against LGBTI community, even though the committed violence is supposed to be punished by law e.g., blackmail, physical attack, accessory to murder and defamation. [...]

The Egyptian detention centres are known for widespread abuses, verbal, mental and physical violence are common practices by the Egyptian Police. In the absence of strong state institutions that oversee the Police and ensure the rule of law within the legal system, the Police is given de-facto immunity from any accountability when it comes to torture. Torture became the norm, expected as a package that comes with the arrest. In LGBTI cases abuses are causally related to their sexual orientation or gender identity, as it is common for the police to use the person sexuality or gender identity to incite inmates against them or to enact verbal and physical violence. With Trans cases on the other hand, especially Trans women, it is often that they are placed in a detention centre that does not fit their gender identity. [...]

[...] the Egyptian state does not recognize trans-sexualism, as there are no legal articles that allows this procedure to happen, instead there are bylaws within the medical syndicate that also does not allow a person to transition rather “reassign” their gender as seen in Chapter (3) Article (43) in the Egyptian Medical Syndicate code of ethics:

“A doctor is prohibited from conducting sex change operations, as for sex reassignment surgeries it is allowed after receiving the approval from the special committee on sex reassignment in the medical syndicate and after having the case doing all the required hormonal and chromosome tests and after the case has spent at least two years of psychological and hormonal therapy²⁷”

The official “Fatwa” from El-Azhar²⁸ and other religious figures confirms, that for a person to go through any kind of sexual reassignment operation, they first have to prove that the issues they are having are biological and not mental [...].

As such the transgender community is left with a legal and medical dilemma, as the system refuses to acknowledge their existence. The system is built around the Islamic Sharia that may allow only sex reassignment after proving that a Trans person truly needs it for medical reasons. And even for trans people who can prove that, the system does not work in their favour, as the committee who supposed to approve cases for sex reassignment has no act that organizes the work of this committee, and when it should be held, or how long it should take to decide on cases.

All these left hundreds waiting for long periods for approvals. The approval is necessary to continue the legal process of changing their IDs. During this long period transgender individuals (Especially transgender women) start living as women within the society, which put them in a high risk of violence legally and socially.

One of the major problems that transgender women face is dealing with the military establishment since they are still listed as males in their IDs and Egypt applies compulsory military service for males over the age of 18 years. Trans women must go through a long process to receive an exemption from military service and sometimes this process fail. [...]

Egyptian police do not understand the different between a transgender woman and a homosexual man, as such they view every transgender woman as a gay man who is dressed up as a woman to seduce men into debauchery for money, and view any gathering of Trans women in one flat as a hideout for prostitution. In other cases, the neighbours would attack transgender women in their flats and when the transgender women would call the police, the police would arrest them instead of the neighbours for the reason mentioned above.

Sadly, some judges do not care about the legality of the arrest procedures and the seriousness of the evidence and just settle for using female clothes and makeup as evidence of committing prostitution and debauchery without understanding that these evidences are nothing but important tools for trans women

to use to live as a woman within the society. Other legal issues that face transgender persons is the lack of communication channels within the different executive branches and ministries inside the state; this often leads to being arrested, even though they would have governmental medical reports from the ministry of health stating that they are having gender identity disorder, but the Ministry of Interior does not acknowledge these kinds of reports.

With all these legal challenges, access to good health care is almost impossible unless you come from an upper social class, where money and power can award you with all what you need, as such there is a private costly underground medical system that operates in parallel to the official state system that provides healthcare to the trans community in Egypt with very high fees and undertrained medical staff who are not familiar with the needs of trans persons. The results are catastrophic in some cases.³⁰ The same goes to the process of changing gender remarks on the person ID, as there is no legal structure, and the law does not recognize transgender people, that created another underground system that works within the official system at the civil registry where “bribes” and “connections” are often used as a mean to change a person gender remarks on their ID. [...]

27 <http://www.ems.org.eg/emsadmin/uploads/userfiles/file/الجمعية لاداب لادحة.pdf>

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

30 <https://www.almasryalyoum.com/news/details/1183960>²¹⁵

The same report also noted that:

After a rainbow flag was raised at a concert in September 2017, the Supreme Media Council, that is responsible for media in Egypt and tasked with improving and elevating media performance,³⁶ banned any gay people from appearing in print or audio-visual media unless it was to admit their sin and repent.³⁷ [...]

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

37 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.”²¹⁶

2022

The February 2022 Al Jazeera article discussing the backlash in the Middle East and North Africa after the release of “Perfect Strangers” on Netflix wrote:

The film is Netflix’s first Arabic movie and quickly became the most watched in the streaming company’s website in the region after it was released on January 20. It gathered particular criticism in Egypt over a scene where Egyptian actress Mona Zaki’s character is seen taking off her underwear from underneath her dress. At some point one of the male characters comes out as gay, surprising his childhood friends.

²¹⁵ Bedayaa Organization, [10 FAQs about LGBTIQs situation in Egypt](#), 2021, pp. 3-5, 11, 13-14

²¹⁶ Bedayaa Organization, [10 FAQs about LGBTIQs situation in Egypt](#), 2021, p. 18

Egyptian member of parliament Mostafa Bakri said in a TV interview that the film targeted family values and said Egypt should “ban Netflix”. There were other calls to prohibit the film in the country and threats of lawsuits over its “promotion” of homosexuality.²¹⁷

Afsaneh Rigot’s March 2022 report on the role of digital evidence in the persecution of LGBTQ people in Egypt (as well as Lebanon and Tunisia) wrote that:

It should be noted that authorities generally refuse to recognize trans people’s gender identity, instead treating them according to the sex assigned at birth, meaning that trans women are routinely prosecuted as gay men.¹²⁰ [...]

In Egypt, the interviewees found that when it came to courts, based on their knowledge, *“there was no cases against queer [cis] women under this law.”*¹⁵⁸ Furthermore, *“there are no laws against lesbian [cis] women, even if they’re in the same place or same house as there’s no legal basis to it. The only people are homosexual men.”*¹⁵⁹ The Egyptian interviewees affirmed that the most targeted persons in the LGBTQ community are trans people and queer cis men, and sentencing is always harsh due to the, *“pictures and them looking like a woman and so on, the anal examination, and of course the provocative pictures that they usually attach with the police report”*¹⁶⁰. [...]

In the interviews from lawyers working in Egypt and Lebanon, it was noted that a large portion of the queer sex workers are trans women. Trans women sex workers are not only most targeted but also face the highest number of charges, and the most severe types of charges. This is regardless of whether the element of sex work is proven. Disproportionate barriers and challenges placed against trans women (who are often arrested for merely existing) is also followed by the highest amount of targeting and prosecutions. Trans women often get prostitution charged regardless of whether they were engaged with sex work or not. [...]

120 Trans women who have had gender affirming surgery and whose IDs are updated may encounter different treatment; more research is required to fully substantiate this finding. [...]

160 EL2²¹⁸

A March 2022 article in Reuters on the targeting of LGBTQ+ people’s phones in Egypt gave the following account:

Before Omar leaves home in the morning, he carefully uninstalls the apps on his phone one by one - no WhatsApp, no Facebook, no Grindr.

"The paranoia is constant," said the 19-year-old gay Egyptian man, who asked the Thomson Reuters Foundation not to identify his home town or real name for his safety.

If a policeman searched his phone, a single WhatsApp conversation or Facebook selfie could be enough to see Omar prosecuted under laws banning "debauchery" and "prostitution" - regularly used in Egypt to criminalise citizens for being gay.²¹⁹

²¹⁷ Al Jazeera, [Netflix film Perfect Strangers challenges Middle East taboos](#), 4 February 2022

²¹⁸ Afsaneh Rigot, [Digital Crime Scenes: The Role of Digital Evidence in the Persecution of LGBTQ People in Egypt, Lebanon, and Tunisia](#), 7 March 2022, pp. 32, 48

²¹⁹ Reuters, [Sentenced for a selfie: Middle East police target LGBTQ+ phones](#), 8 March 2022

The April 2022 report on sexual violence in detention in Egypt between 2015 and 2022 by the Freedom Initiative and the Egyptian Front for Human Rights found the following information on abuse and sexual violence for LGBTQ+ individuals in police stations, at National Security Agency sites, and in prisons:

In Police Stations [...]

For LGBTQ+ individuals, police stations are particularly rife with sexual abuse and violence. The gendered nature of sexual violence is very clear in these instances as victimization often occurs amidst an onslaught of homophobic slurs by both officers and other detainees in the holding cell. Low ranking officers are notorious for grabbing gay men, trans women, and non-binary folk by their genitalia. Grabbing someone from behind or shoving a finger into their anus, in this context, is used to connote the lack of a detainee's masculinity and manhood as a means of degradation.²²⁰ Officers, according to an interview conducted with a human rights lawyer, call on the detainees to perform a variety of daily tasks, referring to them only as 'khawalat', faggots.

In their recollection of an instance of rape against a refugee, Mahmoud, the researcher in a human rights organization, noted "low ranking officers would tell the detainees in the holding cell, 'he's a faggot. Fuck him. Enjoy it.'" Mahmoud was later raped in the police station by two different men. [...]

²²⁰ Aghacy, *Masculine Identity in the Fiction of the Arab East since 1967*.; Personal correspondence with Hannah ElSisi, March 23, 2021. Aghacy and ElSisi's work theorizing on the nature of gendered violence in Egypt and Syria specifically inform this analysis.

The USDOS annual report on human rights practices in Egypt in 2021, published in April 2022, wrote that: "On May 6, border guards prevented two transgender Israelis from entering Sinai for tourism because they did not appear to belong to the sex listed in their passports".²²¹

The article by the New Arab in July 2022 on the lack of gender-affirming health care in Middle East nations, including Egypt, wrote that:

The already marginalised transgender communities of the Middle East have seen their rights dwindle even further in the past several years, as an alarming number of Arab Middle Eastern countries have passed laws restricting or banning their access to gender-affirming health care and legal gender recognition.

The result is that transgender people in these countries are pushed into risky underground medical treatments, or compelled to seek asylum in more tolerant countries rather than stay in places where being transgender is, as one Egyptian activist described it, "a death sentence."

Egypt led the region in cracking down on transgender people: In 2003, the country's medical syndicate amended its code of ethics and added article 43, which banned doctors from providing any sex-change treatments.

These legal changes are often driven by conservative religious narratives and the façade of protecting the values of society –and resisting the West.

²²⁰ The Freedom Initiative and Egyptian Front for Human Rights, [No One is Safe: Sexual Violence Throughout the Life Cycle of Detention in Egypt: 2015-2022](#), 7 April 2022, pp. 17-18

²²¹ USDOS, [2021 Country Report on Human Rights Practices: Egypt](#), 12 April 2022

“Conservative socio-religious narrative has been labelling transgender identities as Western and a danger to the concept of family,” says Ayoub El-Hamri, regional coordinator of Transat, a regional transgender advocacy group.

“These legal changes are a product of those narratives and the moral panic religious figures have been promoting against transgender people.” [...]

In Egypt, article 43 stipulated that sex-change medical interventions shall only be allowed after a full chromosome map to ensure that the person has a “biological need” to receive that medical treatment.

It also mandates that gender-affirming health care will be made available only after receiving approval from a sex reassignment committee.

The committee was established in 2003 to review applications from those who wish to receive gender-affirming health care and included a representative of Al-Azhar – Egypt’s highest religious authority – to ensure that every case is medically compatible with Sharia.

Violation of this amendment placed doctors under professional and criminal liability, [...]. [...]

[...] in Egypt, underground medical markets sprung up to take advantage of transgender people’s desperation. Those markets often come with huge risks, as sources of hormones are unknown, and surgeries often take place in ill-equipped home clinics.

In 2021, Ezz El-Din, a 26-year-old transgender man, died after a botched surgery in an underground Egyptian clinic.

Furthermore, legal gender recognition is out of the question, as courts often rely on Sharia to make their judgment on the matter and employ medical opinions to verify whether the person truly has intersex characteristics or not. [...]

"The mismatch between their gender identity and their ID papers makes them an easy target for vice police," says Maryam Chaine, a Cairo-based lawyer.

"I receive different cases where transgender people are just targeted or harassed for who they are. Even in cases where transgender people are the victim of social attacks, the police arrest them instead. In detention, verbal and physical abuse are common and transgender people are especially targeted because of their identity." [...]

"Being transgender in Egypt or other Middle Eastern countries is a death sentence," says Salma, an Egyptian transgender activist who now resides in the Netherlands.

"I am not the first or the last person to leave – many of my friends from different countries also left for Europe, and many more will. A drastic change in the region's policies is needed to allow us to breathe." [...]

Currently, the Egyptian parliament, together with the medical syndicate, is discussing new medical liability law. One can be hopeful that this new law will remove the discriminatory ban that the current code of ethics has enacted on transgender bodies since 2003.²²²

In September 2022, Al Jazeera published an article on controversies around some Netflix content in Gulf countries, also stating that: “The Marvel movie Doctor Strange and the Multiverse of Madness was [...] banned in April by [...] Egypt for LGBTQ references”.²²³

Edge Media Network also reported in September 2022 that:

²²² The New Arab, [The Middle East has an anti-transgender bills problem](#), 22 July 2022

²²³ Al Jazeera, [Gulf nations demand Netflix remove ‘offensive’ content](#), 7 September 2022

Egypt's media regulator demanded Wednesday that Netflix and other streaming services adhere to this majority Muslim country's "societal values" – a veiled reference to programs featuring members of the LGBTQ community.

The statement came a day after Gulf Arab countries asked Netflix to remove "offensive content" on the streaming service, apparently targeting programs that show gays and lesbians.

According to the Egyptian government's statement, streaming services should comply with "societal principles and values of the country" they are streaming in. The statement called for them to undertake "necessary measures if they air content contradicting values of the society." [...]

Egypt's movie industry, long celebrated in the Mideast, also bans films and programs from featuring gays and lesbians.²²⁴

The meeting minutes with a Human Rights Watch analyst, published in the September 2022 COI brief report on the situation of LGBT persons in Egypt by the Danish Immigration Service, wrote the following with regards to legal gender recognition:

17. In Egypt, there is a distinction between 'sex change' referring to gender affirming surgery for transgender people and 'sex reassignment' for intersex individuals. An individual who undergoes a sex change operation is not qualified for legal gender recognition, while individuals who undergo a sex reassignment surgery are allowed to change their name and gender.

18. Since 2003, a review committee under Egypt's Ministry of Health comprising medical authorities and religious leaders (a representative from Egypt's Islamic oversight body Dar el-Ifta) has made decisions about whether an individual can obtain a sex change or a sex reassignment procedure and whether they can obtain legal gender recognition at all. In 2003, the medical code of ethics was amended resulting in doctors being banned from performing surgery on transgender patients. Since then, individuals who want to receive legal recognition of their new sex from the state have been continuously denied, because there is the mentioned distinction between sex change and sex reassignment. There have been a few cases where transgender individuals could obtain a legal gender recognition, but it was based on proclaiming a sex reassignment surgery and not a sex change surgery. [...]

20. In 2020 the head of the Sex Reassignment Committee at the National Doctors Syndicate indicated that between 2014 and 2017, 87 cases had been approved for "physical reasons" but cases based on "gender identity disorder" - which is how transgender people usually get diagnosed, before they are referred to legal gender recognition - were all denied. There has not been more recent statistics on how many transgender individuals were able to change their name or gender, based on the gender identity disorder diagnosis.²²⁵

Rainbow Egypt posted on their Facebook page in November 2022 a summary of violations against LGBTQI+ persons that had taken place between September 2021 and September 2022, and recorded that: in November 2021 "'Eternals' movie [was] banned in Egyptian cinemas for including homosexual characters"; in April 2022 "Marvel's 'Doctor Strange' Sequel [was] Banned in Egypt Over LGBTQ+ Character"; in June 2022 "Disney's 'Lightyear' [was] Banned in Egypt Over LGBTQ+ Character" and there was a "[h]uge attack on 'Disney' in the Egyptian Media for what they claim[ed was] 'Promoting

²²⁴ Edge Media Network, [Egypt Warns Streamers about 'Societal Values' \(aka LGBTQ+ Content\)](#), 8 September 2022

²²⁵ The Danish Immigration Service, [Country of Origin \(COI\) Brief Report – Egypt: Situation of LGBT persons](#), September 2022, p. 22

Homosexuality””; in July 2022 ““Thor: Love and Thunder” [was] Banned in Egypt Over LGBTQ+ Character”; in August 2022 “Disney+ To Remove LGBTQ Content in Middle East to Comply With Local Censors”; and in September 2022 “Egypt’s Supreme Council for Media Regulation (SCMR) issued a statement in which it announced it would issue regulatory rules and licenses for streaming services such as Netflix and Disney+ in light of content which runs contrary to the country’s values”.²²⁶

January – May 2023

The January 2023 BBC News article on the online entrapment of LGBT persons in Egypt by police stated that: “Covering any of these issues inside Egypt itself has been banned since 2017, when the country’s Supreme Council for Media Regulation imposed a media blackout on LGBT representation except if the coverage “acknowledge[s] the fact that their conduct is inappropriate””.²²⁷

The February 2023 Human Rights Watch report into digital targeting and its offline consequences for LGBT people in the Middle East and North Africa wrote on the homophobia and harassment one gay Egyptian man continues to receive:

Amr, a 33-year-old Egyptian gay man, spoke about the consequences of his online entrapment and subsequent detention in 2018:

I still suffer from Post-Traumatic Stress Disorder, and I cannot afford therapy. I get sudden bursts of coldness and anger. I isolate myself and fear checkpoints and state agents in public. I still get harassed at checkpoints and my phone gets searched with excessive verbal humiliation. I even received bullying by airport security in December 2020, when they saw the case on my record, they said, “You’re a faggot and you are going abroad to get fucked.”²²⁸ [...]

²²⁸ Human Rights Watch phone interview with Amr, January 14, 2022.²²⁸

The same report also detailed the experiences of LGBTQ+ individuals with the police in the context of having been extorted by gang members:

On September 13, 2021, Mahdy, a 28-year-old gay man from Cairo, said he was extorted by a man he had met on Instagram, with whom he spoke for two months before agreeing to meet him and have sexual relations. He said:

We went to his place at night and had sex. After we finished, he told me that he knew everything about me, including my work, my house, and who my father is. He lived in my area as well. He said that he wouldn’t leave me alone until I paid him 10,000 Egyptian pounds [US\$636]. He snatched my phone and refused to leave without getting paid. I had to pay the amount so I could escape him. He called me two days later asking for a new mobile phone. He told me that he would tell my father otherwise, and he sent me a video of our sexual encounter, which he took

²²⁶ Rainbow Egypt, [Facebook post - Highlights of 1 year \(from September 2021 to September 2022\)](#), 30 November 2022

²²⁷ BBC News, [How Egyptian police hunt LGBT people on dating apps](#), 30 January 2023

²²⁸ Human Rights Watch, [“All This Terror Because of a Photo”: Digital Targeting and Its Offline Consequences for LGBT People in the Middle East and North Africa](#), 21 February 2023, p. 95

without my paying attention. I wasn't responding because I did not know what to do. I consulted with a lawyer, and he said that there is a 50 percent chance that he would go to prison, but also there will be a case against me for immoral conduct. This is why I cannot turn to the law for help.¹⁰⁹

Despite Mahdy's payment, the extortionist shared the video with his work colleagues and people in his residential area. Mahdy quit his job and stopped going out in public in his area due to the "the stigma and the public shaming," he said. The extortionist, accompanied by others, later went to Mahdy's house to threaten him. "I heard them detail the ways they would torture me," Mahdy said. "It was a blatant threat to my life. If my father sees the video, that would be the end of me."¹¹⁰ [...]

Majd, a 38-year-old gay man from Egypt, and Ismail, a 23-year-old gay man from Egypt, told Human Rights Watch that a gang extorted them on Grindr in August 2021 [...]. [...]

Ismail wept as he was telling the story, so Majd continued:

I managed to open the door of our apartment and scream for help, so they got scared and left from the back exit, only taking Ismail's phone with them. The police came because of the screaming and asked us what happened, we said it was a theft attempt. The police told us to file a report, but we did not, and I thought that the incident had ended there, only to find [the two men who tried to blackmail us] waiting for me outside my place a few days later. Wanting to cause a scene, they dragged me to a populated square in Cairo, started calling me a "faggot" while beating me up in front of everyone, and broke my phone.¹²⁸

When the police intervened, the man they had met on Grindr told the police that Majd was gay and showed them their WhatsApp chats, which contained messages about gay sex and stickers (a WhatsApp feature) that showed images of men having sex. Police officers insulted Majd and Ismail with homophobic slurs, handcuffed them, and took them to the Helwan police station in Cairo, where they were detained for four days.¹²⁹ [...]

Baha', a 24-year-old gay man from Alexandria, Egypt, was robbed by a man he met on Facebook, who then attacked him one evening in February 2021 while they were on a date. [...]

After the attack against him, Baha' immediately blocked the man he met on Facebook and went to the nearest police station, near Al-Namous Square in Cairo, to report the attack.

I told the police that I was walking and a group of men attacked and robbed me. I was accompanied by officers to the location where I was attacked. I distanced myself from them and opened my Facebook account from a pedestrian's phone to try to get the attackers' account details. One of the officers saw me, snatched the phone from my hand, and found out that I was gay from my private Facebook groups. They brought me back to the station and started interrogating me. One officer said, "I know you're a faggot, so stop lying and tell me about your relation to the attacker." I told him the whole story. They said, "Do you fuck or get fucked?" "What have you done with the guy?" I was threatened with an anal exam and also with the military court's interference as I am in the army.¹³⁶ [...]

¹⁰⁹ Human Rights Watch phone interview with Mahdy, October 7, 2021.

¹¹⁰ Ibid. [...]

¹²⁸ Human Rights Watch phone interview with Majd and Ismail, October 14, 2021.

¹²⁹ Ibid. [...]

¹³⁶ Human Rights Watch phone interview with Baha', October 22, 2021.²²⁹

²²⁹ Human Rights Watch, ["All This Terror Because of a Photo": Digital Targeting and Its Offline Consequences for LGBT People in the Middle East and North Africa](#), 21 February 2023, pp. 44, 52-53, 55-56

The February 2023 Association for Freedom of Thought and Expression (AFTE) report on banning the LGBT community from appearing in the Egyptian media stated the following:

The anti-LGBT campaign in Egypt was renewed after the animation company “Disney” pledged to produce more cartoon characters that support homosexuality during 2022 due to the poor representation of LGBT people in the media and in the entertainment business. The Egyptian authorities responded^[6] to the move by banning the screening of the Lightyear cartoon in Egypt, claiming that it contains homosexual scenes.

In the same context, MP Enas Abdel Halim submitted a request^[7] in June 2020 to block the “Disney” website for promoting homosexuality. [...]

The Press and Media Regulation Law No. 180 of 2018 gives the SCMR [Supreme Council for Media Regulation] the right to regulate the media in order to guarantee the protection of press and media freedom by ensuring that media outlets and press institutions adhere to the standards, principles and ethics of the profession, as well as the requirements of national security. This allows the SCMR to ban the publication or the broadcast of any content that it may deem violating the profession and its ethics or threatening the national security. [...]

6 Not the first time.. Disney movie banned in Arab countries over homosexuality allegations, Masrawy, published in June 2022, last visited in August 2022; <https://bit.ly/3Z5VaDe>

7 A new move in Egypt against “Disney” because of homosexuality, Russia Today, published in June 2022, last visited in August 2022; <https://bit.ly/3KmAT8y>²³⁰

An article in February 2023 in Democracy for the Arab World Now (DAWN) MENA by Ahmed Shihab-Eldin, a journalist and producer who had completed a two-year-long documentary investigation with the BBC called “Queer Egypt Under Attack”, stated that: “By essentially outlawing public discussion of gender and sexual orientation in society, Egypt's government effectively ensures that these concepts remain taboo, and simultaneously, a welcome tool to distract from the broader and protracted crisis most Egyptians are enduring under Sisi's regime. The state is able to maintain a false narrative: that LBGTQ+ rights are merely a Western device to corrupt and even delegitimize its religious and national authority”.²³¹

Freedom House's annual report, released in March 2023, stated that: “Discrimination against women, LGBT+ people, and other groups remain serious problems, as do high rates of sexual and gender-based violence” and that “Christians, Shiite Muslims, people of color, and LGBT+ people face discrimination and are denied access to rights, which in turn affects their ability to participate in political life”.²³² Similar statements were written in the 2022 and 2021 annual reports.²³³

²³⁰ Association for Freedom of Thought and Expression (AFTE), [“They have no presence!” - On banning the LGBT community from appearing in the Egyptian media](#), 23 February 2023

²³¹ Democracy for the Arab World Now (DAWN) MENA, [How Sisi's Regime Is Ruthlessly Targeting Egypt's Queer Community](#), 27 February 2023

²³² Freedom House, [Freedom in the World 2023: Egypt](#), March 2023

²³³ Freedom House, [Freedom in the World 2022: Egypt](#), 24 February 2022; Freedom House, [Freedom in the World 2021: Egypt](#), 3 March 2021.

The USDOS annual report on human rights practices in Egypt in 2022, published in March 2023, stated that:

The Egyptian Medical Syndicate allows for gender-affirming treatment including surgery, with approval by a special committee composed of medical doctors and al-Azhar clergy, according to international media, citing a local LGBTQI+ activist. The committee relied on a fatwa that stipulates gender-affirming treatment must be “medically necessary” and justified by a “biological,” not a “mental” matter. Thus, according to HRW, the surgery was allowed only for intersex persons, which left transgender individuals to seek treatment from unregulated and often unsafe clinics.²³⁴

The report further stated that:

According to a local independent media outlet, the Ministry of Education issued a mandate, based on a recommendation from the Ministry of Interior, to integrate the concepts of “sexual education, sexual harassment, and physical violence” into public school curricula with a specific focus on renouncing homosexuality. These curriculum changes were reportedly to be reinforced with posters, pamphlets, and other media highlighting the “dangers of abnormal behaviors” and to feature the participation of school medical providers, psychologists, social workers, and both Muslim and Christian religious educators.²³⁵

The report also wrote that: “Opinions supporting LGBTQI+ rights cannot be expressed in state-controlled media”.²³⁶

At the end of March 2023, an article in Deutsche Welle on LGBTQ rights in Egypt reported that: “In 2022, Egypt's Ministry of Education issued a new directive to combat homosexuality and associated ideas in media outlets and started promoting anti-LGBTQ awareness campaigns in schools”.²³⁷

In April 2023, the UN Human Rights Committee published its concluding observations on the fifth periodic report of Egypt, in which it stated that: “9. The Committee is concerned about continuing reports of discrimination, stigmatization, harassment and violence, including by law enforcement officials, against persons on the basis of their real or perceived sexual orientation or gender identity, and that these serious crimes are not investigated and punished”.²³⁸

The ILGA World Database page for Egypt reported the following:

In August 2022 the Ministry of Education and Technical Education issued instructions to all educational directorates calling for the implementation of awareness campaigns for students, to promote “good behaviour”, “manners” and religious values. This was reportedly done in an effort to counter the presence of “homosexuality” seen in international streaming and broadcast services like Netflix.

²³⁴ USDOS, [2022 Country Report on Human Rights Practices: Egypt](#), 20 March 2023

²³⁵ USDOS, [2022 Country Report on Human Rights Practices: Egypt](#), 20 March 2023

²³⁶ USDOS, [2022 Country Report on Human Rights Practices: Egypt](#), 20 March 2023

²³⁷ DW (Deutsche Welle) News, [LGBTQ rights in Egypt: Queer community battles crackdown](#), 30 March 2023

²³⁸ UN Human Rights Committee, [Concluding observations on the fifth periodic report of Egypt](#), 14 April 2023, p. 2

In September 2022, as reported by the media, the Ministry of Education and Technical Education ordered educational directorates to integrate concepts of sexual education, sexual harassment and sexual violence into the basic education curriculum, aiming to "protect children from imitating deviant sexual behaviours", i.e. homosexuality. The ministry of education has reportedly instructed educational directorates to place posters that raise awareness of the "dangers of so-called abnormal sexual behaviours" in schools across the country. [...]

In 2021 a Disney film, Eternals, was banned in Egypt, reportedly for featuring a gay character. Other instances of banned media include Netflix film 'Ashab Wala A'aaz' that was deemed to offend Egyptian values by promoting homosexuality and adultery. A lawsuit was filed against all websites that published this film, where prosecutors demanded the websites to be taken down. In June 2022, the Economic Court in Cairo ruled in favour of the prosecution, ordering the websites to be blocked in Egypt. Other films, such as Lightyear and Dr. Strange 2, were banned due to portraying LGBTI contents.

In June 2022, the state-controlled Supreme Media Council of Egypt announced the launch of a "safe media for kids" campaign with the main purpose of "confronting ideas that promote homosexuality", specifically for media produced by Disney. The initiative seems to seek to curate content catered for children in Egypt to curb the promotion of "abnormal ideas".

In September 2022, the Supreme Council for Media Regulation issued a press release (2022) announcing that streaming services such as Netflix and Disney+ will need to comply with Egyptian moral standards and values to acquire licences to be broadcast. This seems to imply that these platforms will have to block LGBT-related content in Egypt.²³⁹

c. Harassment and violence

For additional relevant information consult also section [III., b. Homophobia and transphobia in government institutions](#) and section II. Legal Framework, [ii. Treatment in detention facilities](#).

2020

In March 2020, ANKH Association (Arab Network for Knowledge about Human Rights) and the Cairo Institute for Human Rights Studies (CIHRS), among other organisations, published an appeal for the release of Eman Al-Helw and Hossam Ahmad from detention in Egypt, stating that:

February 28 marked one year since the arrests of actress and human rights defender Eman Al-Helw and transgender man Hossam Ahmad. [...]

Earlier this month, on March 3, 2020, the Prosecution issued yet another decision to renew the detention of Al-Helw and Ahmad for another 45 days.

For over one year, Eman Al-Helw and Hossam Ahmad have been held on false charges, only because of their peaceful activities. They have also been constantly subjected to various forms of harassment, physical and psychological abuse. Since the first day of their detention, they have been held in an underground cell in a police station, with no access to fresh air or sunlight, as the women's prisons refuse to take them because they don't "look like women".

²³⁹ International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA World), [ILGA World Database: Egypt page](#), undated [last accessed 30 June 2023]

During a recent interview, Hossam explained: “I am tired of being brought to hospitals again and again, and having my genitals exposed there... The problem is that because Eman is staying with me, anything that happens to me also happens to her.”²⁴⁰

The statement released by Bedayaa Organization in June 2020 after the death by suicide of activist Sarah Hegazy noted that: “LGBTIQ persons are frequently subjected to a wide range of violations during the interrogation and investigation phases including torture, sexual and physical assault, coerced anal examination and bullying in detention places”.²⁴¹

The September 2020 Human Rights Watch article on the August 2020 arrest of witnesses to a gang rape in 2014 wrote that:

Egyptian security agencies in late August 2020 arbitrarily arrested a man and three women who were witnesses to a high-profile gang rape case from 2014 that recently came to light, Human Rights Watch said today. Security also arrested two of the witnesses’ acquaintances. [...]

The authorities had encouraged witnesses of the rape to come forward, which they did in early August. They now stand accused of consensual same-sex sexual conduct, “inciting debauchery,” personal drug use, and “misuse of social media,” a charge frequently used against peaceful government critics. [...]

Two activists said that authorities subjected the two detained men to forced anal examinations, a practice denounced by African and international human rights bodies, which Egyptian authorities routinely carry out to seek “proof” of same-sex conduct.²⁴²

The October 2020 Human Rights Watch report on the arrest, abuse, and torture of LGBT people in Egypt by security forces noted that:

Egyptian police and National Security Agency officers arbitrarily arrest lesbian, gay, bisexual, and transgender (LGBT) people and detain them in inhuman conditions, systematically subject them to ill-treatment including torture, and often incite fellow inmates to abuse them, Human Rights Watch said today. [...]

In late August, Egyptian security forces, likely from the National Security Agency, arrested two men who witnessed a high-profile gang rape in Cairo’s Fairmont Nile City Hotel in 2014 and were to give evidence about the case. [...] Judges renewed their detention several times, and prosecutors subjected them to forced anal examinations, a practice which Egyptian authorities routinely carry out to seek “proof” of same-sex conduct, despite it being denounced as abusive and in violation of international law. [...]

Several LGBT Egyptians said that after the August arrests in the Fairmont case, they feared the crackdown would only intensify, and several had fled the country. [...]

Hossam Ahmed, 27

²⁴⁰ ANKH Association (Arab Network for Knowledge about Human Rights) and the Cairo Institute For Human Rights Studies (CIHRS) et al., [Egypt: As coronavirus threatens to spread in prisons, immediately release Eman Al-Helw, Hossam Ahmad and other peaceful political detainees](#), 25 March 2020

²⁴¹ Bedayaa Organization, [Tons of Oppressions Resulted in PRIDE](#), 18 June 2020

²⁴² Human Rights Watch, [Egypt: Gang Rape Witnesses Arrested, Smeared: Personal Data Used in Abusive Prosecutions](#), 11 September 2020

Hossam Ahmed, a transgender man, was arrested in a café in Cairo on February 28, 2019 and detained in an undisclosed location for four days before being presented to prosecutors on March 4. He was charged with “joining a terrorist group and misusing social media to commit a crime punishable by law.” Although a court ordered Ahmed released on September 15, 2020, he remained in pretrial detention for an additional week before he was eventually released on September 22.

Despite undergoing gender-affirming medical interventions, and his self-identification as a transgender man, Ahmed’s ID card says “female.” While he was detained in a women’s prison in Abdeen, Cairo, he said, he was subjected to physical examinations and prohibited from continuing his hormonal treatment and gender-affirming surgery.

Human Rights Watch obtained a statement he wrote from prison February 21, 2020, through a France-based LGBT rights organization:

Every day feels like a year. Everyone who enters here is scared of my [trans identity] and harasses me physically and emotionally. The police officers enjoy harassing me. They call me by the name on my ID. The women detained alongside me here tell the officers, “His name is Hossam.” The officers beat and torture these women to make them say that I did things that never happened. We sleep on a rotten and smelly mattress with no covers. The government only sends us bread. But all the food comes from visitors. If I don’t get visitors for three days, I don’t eat for three days.

All I’m asking for is to be treated as a human being and be called Hossam. I’m so tired of being regularly brought to the hospital so they can check my genitals. My bones hurt, my knees are ruined, I have weird spots on my body, fleas and bugs and lice everywhere, and bite marks. I feel like I’ve been here for 100 years.²⁴³

In the November 2020 list of issues and questions in relation to the combined eighth to tenth periodic reports of Egypt, presented by the UN CEDAW, “reports of abuse of women and girls in detention, including ill-treatment of transgender women, by security and prison personnel” were referenced.²⁴⁴

2021

The 2021 Human Rights Watch World Report, covering events of 2020 and published in January 2021, wrote on Egypt that: “Egypt continued to arbitrarily arrest and detain people based on their sexual orientation or gender identity and subjected them to torture and ill-treatment in detention, including forced anal examinations”.²⁴⁵

The USDOS annual report on human rights practices in Egypt in 2020, published in March 2021, wrote that: “There were reports of arrests and harassment of LGBTI individuals. [...] Rights groups and activists reported harassment by police, including physical assault and forced payment of bribes to provide information concerning other LGBTI individuals or to avoid arrest”.²⁴⁶

²⁴³ Human Rights Watch, [Egypt: Security Forces Abuse, Torture LGBT People - Arbitrary Arrests, Discrimination, Entrapment, Privacy Violations](#), 1 October 2020

²⁴⁴ UN Committee on the Elimination of Discrimination against Women, [List of issues and questions in relation to the combined eighth to tenth periodic reports of Egypt](#), 17 November 2020, p. 7

²⁴⁵ Human Rights Watch, [World Report 2021: Events of 2020](#), 13 January 2021, p. 215

²⁴⁶ USDOS, [2020 Country Report on Human Rights Practices: Egypt](#), 30 March 2021

In 2021, Bedayaa Organization released a report answering FAQs on the situation for LGBTQI people in Egypt. On the abuse and violence faced by LGBTI persons in detention, it wrote that:

The Egyptian detention centres are known for widespread abuses, verbal, mental and physical violence are common practices by the Egyptian Police. In the absence of strong state institutions that oversee the Police and ensure the rule of law within the legal system, the Police is given de-facto immunity from any accountability when it comes to torture. Torture became the norm, expected as a package that comes with the arrest. In LGBTI cases abuses are causally related to their sexual orientation or gender identity, as it is common for the police to use the person sexuality or gender identity to incite inmates against them or to enact verbal and physical violence.²⁴⁷

2022

In Amnesty International's January 2022 submission to the UN Human Rights Committee ahead of the adoption of the list of issues for the fifth periodic report of Egypt at its 134th session, it stated: "Authorities also continue to harass, intimidate and prosecute defenders of LGBTI rights and other people publicly discussing LGBTI issues. Authorities have detained at least one trans woman in an all-male prison, where she was subjected to sexual assault including by medical staff and where she was held in prolonged solitary confinement purportedly for her protection. Her complaints to courts were dismissed".²⁴⁸

The April 2022 article by the Tahrir Institute for Middle East Policy on challenges for transgender people in the Middle East and North Africa wrote on Egypt that:

In detention, transgender people are often placed in cells that do not correspond to their gender identity, and are subjected to ill-treatment that can amount to torture, including sexual violence by security forces and other detainees, being confined in solitary cells for extended periods, and forced anal examinations. Masha, a 34-year-old transgender woman who was arrested in Egypt and sentenced in 2020 to three years for "inciting and practicing debauchery," spoke of being confined in a makeshift solitary cell inside a police station in Cairo for almost a year: "I had to endure endless abuse by the police. I was raped multiple times. For the police, we deserved to be raped as part of the punishment."²⁴⁹

The April 2022 report on sexual violence in detention in Egypt between 2015 and 2022 by the Freedom Initiative and the Egyptian Front for Human Rights found the following information on sexual violence faced by LGBTQ+ individuals in police stations, at National Security Agency sites, and in prisons:

²⁴⁷ Bedayaa Organization, [10 FAQs about LGBTIQs situation in Egypt](#), 2021, p. 11

²⁴⁸ Amnesty International, [Egypt - Submission to the UN Human Rights Committee – 134th session \(28 February – 25 March 2022\), list of issues](#), 17 January 2022, p. 2

²⁴⁹ The Tahrir Institute for Middle East Policy, [Tough Territory for Transgender People in the Middle East and North Africa](#), 7 April 2022

Security officers are intentional in how they use sexual violence. The arrests of LGBTQ+ individuals are often rife with instances of sexualized and gendered violence. In an interview conducted with a human rights lawyer, she spoke about an incident she consulted on involving a gay man in Egypt.¹² Khaled was going to meet a man he had met over Grindr, a social networking app for people from the LGBTQ+ community.¹² At his date's house, he realized he was being entrapped and that his date was a police officer luring him to arrest him. Khaled was beaten by police officers, verbally assaulted, and raped with a finger that one of the officers inserted in his anus. [...]

Our research identified 57 cases of sexual violence in police stations. Instances of sexual violence that men endured ranged from groping to rape with an instrument. An interview with someone present with a victim shared that a man held on a criminal charge was asked to squat in line alongside other detainees. Upon his refusal, a higher-ranking officer charged towards him, held him from his penis and testicles and continued to tighten his grip and twist his fist yelling "what is it that you did not want to do you faggot?!" The detainee squatted as demanded as the officer loosened the grip. [...]

In Police Stations [...]

For LGBTQ+ individuals, police stations are particularly rife with sexual abuse and violence. The gendered nature of sexual violence is very clear in these instances as victimization often occurs amidst an onslaught of homophobic slurs by both officers and other detainees in the holding cell. Low ranking officers are notorious for grabbing gay men, trans women, and non-binary folk by their genitalia. Grabbing someone from behind or shoving a finger into their anus, in this context, is used to connote the lack of a detainee's masculinity and manhood as a means of degradation.²⁴ Officers, according to an interview conducted with a human rights lawyer, call on the detainees to perform a variety of daily tasks, referring to them only as 'khawalat', faggots.

In their recollection of an instance of rape against a refugee, Mahmoud, the researcher in a human rights organization, noted "low ranking officers would tell the detainees in the holding cell, 'he's a faggot. Fuck him. Enjoy it.'" Mahmoud was later raped in the police station by two different men. Another non-binary individual who is a refugee was also raped by another criminal detainee. In an interview with a victim, Alaa recalled the times they were raped and how it happened:

In the holding cell at the police station, our gender identities are almost immediately exposed. Officers deal with us differently than other detainees. In a number of incidents, while in the bathroom in the cell, for instance, a fellow detainee would approach me with their erect penis and demand that I touch it or perform oral sex. Refusal is tricky because you could be beaten severely. Sleeping was another issue. We would all sleep close to each other on the floor from over-crowdedness. While sleeping one night, I felt an erect penis on my lower back. Before I could scream or make any motions, the detainee attempting to rape me put a razor on me indicating that any motions on my end would trigger a violent response on his. I refused and fought as much as I could that time. There were two other times where I just couldn't fight back. I was raped twice in two separate instances in the same way.²⁵

- Alaa

For trans women, police stations are often sites of sexual violence as well. Sarah,²⁶ a trans woman, was going to meet a date off Grindr before she realized she was entrapped. She found a police car waiting for her and an officer opposite her arrested her and escorted her to the police station. She stayed in the police station for three months. According to a human rights researcher who worked on her case, she woke up a number of times to detainees trying to rape her in her sleep. The researcher noted that Sarah was raped at least once by a detainee in the police station.

We also found at least seven instances of anal examinations of gay men and a trans woman. At least one of these detainees was a minor. [...]

At National Security Agency (NSA) Sites

Our research indicates that sexual violence occurs most often in NSA buildings, to the extent that it is a near systematic feature of detention at these sites. Of the 655 instances of sexual violence that we have documented, 523 of them happened in NSA sites. These violations ranged from electrocution of genitals to rape (oral, anal, and/or vaginal), and were perpetrated against men, women, and trans or nonbinary individuals. The most common form of sexual violence documented at the NSA was electrocution of genitals. [...]

Notably missing here are documentations of cases of sexual violence against members of the LGBTQ+ community. While we do not claim that none have occurred in NSA sites, as we do document one incident of an anal examination against a trans man, the NSA interfaces most commonly with political detainees. Members of the LGBTQ+ community are most often held under criminal cases and therefore not enmeshed within the NSA's ecosystem. [...]

In Prisons [...]

We also documented instance of anal examinations of a trans man and a trans woman. Upon entry, a prison officer called for their medical examination, and they were transferred to a hospital in Cairo. Both detainees reportedly endured anal examinations by the presiding physicians. These examinations, while not requested by either the prosecutor's office or prison authorities directly, were conducted in what they described as a very demeaning way that amounted to sexual violence.⁶¹ [...]

Findings [...]

The sexualized nature of violence was evident even in supposedly routine or medicalized examinations or searches: gay men, for instance, were subject to unnecessary anal examinations, a form of rape. A manifestation of this gendered nature of violence includes instances in which detainees from the LGBTQ+ community are often forced to perform demeaning chores in police stations, like cleaning the bathrooms and mopping the floors. They are forced to do this as a form of emasculation. [...]

Class can also play a significant role in the extent to which one endures sexual violence in Egypt. According to a human rights lawyer, after being entrapped on Grindr and abused during the process of arrest, by the time a gay man made it to the police station authorities had realized that the detainee belonged to a prominent, wealthy family in Egypt. The types of sexual violence that other members of the LGBTQ+ community endured were not levied against him. [...]

12 Based on case number A586 [...]

24 Agachy, *Masculine Identity in the Fiction of the Arab East since 1967*.; Personal correspondence with Hannah Elsis, March 23, 2021. Agachy and ElSisi's work theorizing on the nature of gendered violence in Egypt and Syria specifically inform this analysis.

25 Based on case number A655

26 Based on case number A644 [...]

61 Based on case number A123²⁵⁰

In May 2022, the International Service for Human Rights (ISHR) and the Committee for Justice (CFJ) called for the African Commission to issue public statements condemning the violations detainees in Egypt face, stating that: "In Al-Qanater female prison, [women] face torture and gender-based violence

²⁵⁰ The Freedom Initiative and Egyptian Front for Human Rights, [No One is Safe: Sexual Violence Throughout the Life Cycle of Detention in Egypt: 2015-2022](#), 7 April 2022, pp. 16-20, 23, 25, 31-32

in custody with impunity, including humiliating vaginal searches, sexual harassment, and also forced genital examinations for transgender women”.²⁵¹

The July 2022 Guardian article on calls for the UN to move COP27 from Egypt wrote that:

A White House adviser and his partner have called on the United Nations to move a key climate change summit from Egypt due to the country’s treatment of LGBTQ people, citing fears that they and other activists would be targeted by security forces if they attend the talks.

The couple, Jerome Foster and Elijah McKenzie-Jackson, have written to Patricia Espinosa, executive secretary of the United Nations Framework Convention on Climate Change (UNFCCC), to condemn the choice of Egypt as host of the Cop27 talks due to its “LGBTQ+ torture, woman slaughter and civil rights suppression” and that the decision “places our life in danger in the process of advocating for the life of our planet”. [...]

[...] climate activists have voiced concerns about the ability of protesters, indigenous rights groups and others to access the event. Sameh Shoukry, Egypt’s foreign minister, has said the government will assign “a facility adjacent to the conference centre” to contain activists, with a coalition of human rights groups warning this risks curtailing people’s ability to protest world leaders’ inaction on the climate crisis. [...]

Foster, a 20-year-old US activist who is an adviser to the White House on environmental justice issues, said that he worried he could be arrested or imprisoned because of his sexuality if he went to Egypt.

“Being gay in Egypt is scary. We aren’t going to put our lives at risk and we don’t want anyone else to have their lives at risk,” he told the Guardian. “It’s terrifying. My family is highly religious and it was really hard to even talk about all this with them, the idea of going to a country with that sort of extra fear is traumatizing.”

Mckenzie-Jackson, an 18-year-old British climate activist, said the UNFCCC needed to move the conference or risk failing to uphold its own stated values, which includes a prohibition of any discriminatory behavior against people for their sexual orientation or gender identity at any event held by the body. [...]

While same-sex relationships aren’t explicitly banned in Egypt, the country’s security forces have used laws designed to protect against public “debauchery” to harass, arrest, imprison and even torture LGBTQ people, according to human rights groups. One of the co-signatories to Foster and McKenzie-Jackson’s letter is Ahmed Alaa, an Egyptian who was imprisoned for three months after waving a rainbow flag at a concert.

Rasha Younes, a Middle East and North Africa LGBTQ rights researcher at Human Rights Watch, said it is not uncommon for security forces to drag people from the streets solely based on their gender expression or to entrap them through dating apps or social media by pretending to be romantically interested in them, only to then arrest them, throw them in prison and encourage other inmates to abuse them.

“The evidence we’ve collected on entrapment suggested a coordinated policy by Egyptian authorities to target LGBT people,” Younes said. “Anyone going to Cop27 should be concerned and should take precautions, particularly with their online activity. But of course we are even more concerned for people who live in Egypt already.”

²⁵¹ The International Service for Human Rights (ISHR) and the Committee for Justice (CFJ), [Egypt must take the necessary steps to improve prison conditions](#), 17 May 2022

“Under [Egyptian president] Abdul Fattah al-Sisi, authorities have waged a persecution against those perceived to be gay or transgender, there have been widespread abuses,” she added. “The problem is systematic and huge. Cop27 provides an opportunity for civil society to pay attention to what’s happening on the ground in Egypt.”²⁵²

The article by Human Rights Watch in November 2022 on the failure of the Egyptian authorities to protect vulnerable refugees and asylum seekers from sexual violence reported on the following experience of one transgender woman in Egypt:

The transgender woman refugee said that a group of Egyptian men raped her in a private car after abducting her at knifepoint in January 2022. She said she did not file a police report about the incident because of a previous experience in 2020 at a Cairo police station, where she was arbitrarily detained in a men’s cell on “morality” charges due to her gender identity, during which time a police employee sexually assaulted her. [...] Eman said she never considered reporting the incident to the police after her experience in detention serving a prison sentence on “morality” charges linked to her gender identity in 2020 at a Cairo police station, where she was sexually assaulted by a police officer:

I spent six months at this police station, and police there treat people like me as a slave. Once I arrived at the station, the police took me to the thugs who control the cells and offered me to whoever pays most. I was raped more than once by other inmates. I saw people detained for no reason, sometimes they arrested people who visited the police station to file reports. I can’t go to police stations in Egypt. They degrade and hate people like me and will find any way to detain someone like me.

One day a police officer came to the cell where I was being held and asked all inmates to go out to the corridor except for me. When everyone went out, he asked me to take off my shirt and looked at my breasts. He said, “How could these naturally be your breasts? How are they this big?” Then he started to touch me; after he finished, he made a scene pretending that I was harassing him and started beating me on my face until I bled from my nose.²⁵³

January – May 2023

A mid-term report submitted in January 2023 by the Egyptian Taskforce for Human Rights (including the Cairo Institute for Human Rights Studies) to the UPR mechanism at the UN stated that: “Security forces have committed crimes of sexual violence against detained men, women, children, and members of the LGBTQI+ community, as documented by human rights organizations”.²⁵⁴

The joint NGO submission for the review of Egypt by the Human Rights Committee, published in January 2023 by the Committee for Justice (CFJ) and eight other organisations, stated that:

²⁵² The Guardian, [UN urged to move Cop27 from Egypt over ‘LGBTQ+ torture’](#), 15 July 2022

²⁵³ Human Rights Watch, [Egypt: Sexually Abused Refugees Find No Justice](#), 24 November 2022

²⁵⁴ The Egyptian Taskforce for Human Rights, [A Crisis by Design: The Systemic Nature of Human Rights Violations in Egypt – Mid-term UPR Report](#), 25 January 2023, p. 7

Contrary to the State's response, cases of targeting LGBTQ+ individuals are still taking place in Egypt especially by using the internet to entrap and arrest them. The arrests of LGBTQ+ individuals are often rife with instances of sexualized and gendered violence. [...]

Egyptian police, prosecution and courts persecute homosexuality, transgender women's identities and consensual same-sex acts between men or men and trans women under provisions of Egypt's Law no. 10/1961 on Combating Prostitution (most notably, the vague and overbroad crime of "habitual debauchery", among others). A central feature of this persecution is forced anal examinations, performed by the Justice Ministry's Forensic Medical Authority (FMA) upon referral from the prosecution, against individuals accused of "habitual debauchery". [...]

This rise in prosecution of real or perceived sexual and gender differences in Egypt is characterized by periodic State and media induced moral panics surrounding group arrests on grounds of "debauchery" every few months since 2013. Other forms of torture and ill-treatment also precipitate from such arrests, including verbal threats and insults, beatings, threats of sexual violence, and incitement of other intimates to abuse the individual. [...]

Increasingly EIPR [Egyptian Initiative for Personal Rights] has documented the use of forced examinations extends beyond charges of "habitual debauchery" under law 10/1961. [...] Moreover, the referral of individuals to the Forensic Medical Authority (FMA) for forced anal examinations continues to this day. In the 12 months between September 2021 and September 2022, EIPR documented 18 cases using charges of "habitual debauchery" against 37 individuals. In some of these cases, referral of defendants by the prosecution to the FMA for forced anal examinations were documented. [...]

NGOs documented - from the period of 2015 to 2022 - 655 incidents of sexual violence conducted by security personnel against 544 victims including [...] 30 members of the LGBTQ community [...]. Sexual based violence is rife in Egyptian detention facilities, and in particular in National Security Agency sites, where authorities use gender and surrounding social norms to increase victims' pain and suffering. No type or demographic is spared, with attacks recorded against women, men, children, trans and non-binary persons. Attacks take on different forms, purposes, and targets—in some cases embodying an expression of personal or state power, while in others being a means of punishment and in others still a means to extract a confession. Physical attacks are often accompanied by verbal abuses who use slurs or references to honor, modesty, and chastity to increase the psychological and social impact of the victim. These sexualized attacks are not the result of a small group of "bad apple" perpetrators, they are systematic. Most detainees reporting instances of sexual violence experienced the same lifecycle of violations—beginning with psychological and physical torture through threats, sexual harassment, virginity tests for women, anal examination for gay men, beating, electric shocks, sexual assaults and rape, and trumped-up charges relating to the victims' exercise of the rights of opinion, expression, or assembly.²⁵⁵

The February 2023 Human Rights Watch report into digital targeting and its offline consequences for LGBT people in the Middle East and North Africa wrote on the ill-treatment, sexual violence, and inhuman conditions in detention, including in Egypt:

Maamoun, a 24-year-old gay man from Egypt, described an instance in February 2021 when he suspected police officers had used Grindr to entrap him [...]

²⁵⁵ Committee for Justice (CFJ) et al., [Joint NGO submission for the review of Egypt by the Human Rights Committee: 137th session \(27 February to 24 March 2023\)](#), 30 January 2023, pp. 7-8, 10-11

At 1:30 a.m., Maamoun was transferred to the Qasr El-Nil police station, where he was placed in solitary confinement due to his HIV status, he said. At 8 a.m., police took Maamoun to Abdeen Court, where he said he was held in insanitary conditions until his interrogation [...]. [...]

He continued:

On Monday, I went to the Abdeen court again for investigation, and I was put in that same terrible room. When I returned to the Qasr El-Nil police station, they changed my prison cell and placed me with high-profile felons. I was terrified and asked to be returned to my old cell, but the prison guard demanded 500 Egyptian pounds (US\$32) and a phone card as a bribe. I experienced continuous sexual assault. One of the detainees with me in the cell forced me to confess that I was gay, and he sexually assaulted me in exchange for protection. This went on for a week, and other detainees sexually harassed me as well, while I was sleeping, and then when I was showering. We were 45 people in a tiny cell, and they were using drugs the entire time.⁶⁷

After Maamoun spent 10 days in pretrial detention without charge, the judge ordered his release, he said. Ayman, a 23-year-old gay man from Egypt, said he was entrapped on Grindr and arrested by police while he was out with three of his friends at a café in Cairo, on November 17, 2020. [...]

After two days, at the public prosecutor's office, Ayman said he endured further mistreatment and insults. [...]

Sexual Violence

Tina, a 34-year-old trans woman sex worker from Cyprus, referred to in the previous section, said she was raped more than 100 times in the 290 days she was in detention, including 22 times in the first 15 days, which she recorded in her diary. She recounted her ordeal to Human Rights Watch:

The chief police officer, who introduced himself as such, told me that if I were younger, he would marry me. He told me that he was the boss there and that if I wanted to leave, I must have sex with him. I evaluated the situation and decided to do it so I may return home. While we had sex, every few minutes someone knocked at the door. When he finished, I was forced to have sex with two other police officers at the court as well. I am a sex worker, and I am used to sex for business and for pleasure, but that was rape.²⁰⁷

Tina said that police officers then took her to the Nasr City police station, where one police officer told her, "Welcome to hell." She believes five men raped her on the first night in the station, and she was also raped by two men when she went to court. She was detained near the police station's entrance when she returned.

At around 5 a.m., eight men came inside my room and forced me to undress so that they could search me. When I got naked, they took out their phones and took videos of me. That was the worst night of my life, I felt that my soul was violated.²⁰⁸

During the 15 days while I was waiting for my court hearing, I was raped 22 times; I know that because I wrote it all in my diary. I went to court again, and my pretrial detention was extended for another 15 days. During that time, I signed a paper the first day of the court, perhaps it was a confession, but I did not have a lawyer so I could not tell and they did not allow me to call a lawyer. I knew I had rights, but there was nothing I could do in Egypt, especially for [a transgender person] like me.²⁰⁹

Her torture and sexual abuse continued:

In April 2020, police officers barged in with a big rope and they forcibly inserted it in my anus. My anus was damaged to an extent that I had to undergo surgery when I got to Cyprus. The reason I waited to get to Cyprus to do the surgery was because I did not know that area was damaged because I was suffering from malnutrition while at the police station. I eventually noticed the

damage when I got to Cyprus and started eating better—I was bleeding from my anus for nine months. [Nine months after verdict,] I weighed 42 kilograms.

[While in pretrial detention] I did not have energy to do anything, I could not even stand up. I did not have a bed. I had a water bottle to urinate in it, as I could not walk to the bathroom anymore. I had no water, no food. Once a month, the officers would order food and ask me if I wanted to order anything, but I refused because I was afraid it would have negative repercussions. I chose starvation over being raped again. One police officer there told me that incarcerated women get raped as a form of punishment.²¹⁰

Tina's physical health steadily deteriorated in detention due to malnutrition and the sexual abuse.

The only time I ate was when other inmates gave me some of the food they had. I tried to commit suicide several times there because I was exhausted from all the pain and the extreme dirty state of my room. The chief officer then called my embassy and asked them to get a representative to see me or move me to a hospital, because I was in a critical condition. The diplomat came 20 days after, he [was mad and upset] after he saw me, and I was immediately moved to the Heliopolis public hospital on September 27. A woman came in to examine me, but because I was trans, another doctor came and asked me to take off my clothes. I asked him why and he said it was to see my tattoos. I gathered all the energy I had left and ran out of that room. I wanted to go back to my room at the police station—I preferred to be with those policemen than be raped by the medical staff.²¹¹ [...]

Nour, the 31-year-old gender non-binary person from Zagazig, Egypt, referred to above who uses they/them pronouns, described the physical and sexual abuse, as well as poor conditions, they faced in detention:

[The police officer] said that I am a khawal [Egyptian term for “faggot”] and that he would not let me go without giving me what I deserved. He beat me up and punched my head and ears. I still cannot hear properly because of this. Another officer sexually harassed me. It was at night, and everyone was sleeping. He was touching my intimate parts, then he rubbed his dick on my ass and put his hand on my mouth so that I would not make a sound. Three detainees, ordered by police officers, also threatened me with a mousse knife and brought me to the bathroom, took off my clothes, and did an anal test on me. They then beat me on my groin and intimate parts, skull, and buttocks. I slept in a tiny room, which had about 100 detainees and no space to lie down, let alone fall asleep. It was also poorly ventilated and infested with insects. I got a skin disease there.²¹³ [...]

67 Human Rights Watch phone interview with Maamoun, October 28, 2021. [...]

72 Human Rights Watch phone interview with Ayman, December 8, 2021. [...]

74 Ibid. [...]

174 Human Rights Watch phone interview with Tina, September 15, 2021.

175 Ibid.

176 Ibid.

177 Ibid. [...]

180 “Egypt: Gang Rape Witnesses Arrested, Smeared,” Human Rights Watch news release.

181 Rasha Younes, “Egypt Detains Men for Alleged Sexual Orientation, Alongside Alleged Rapists,” Human Rights Watch dispatch.

182 Ibid.

183 “Egypt: Gang Rape Witnesses Arrested, Smeared,” Human Rights Watch news release.

184 Rasha Younes, “Justice Stalled in Egypt’s ‘Fairmont’ Rape Case,” Human Rights Watch dispatch. [...]

207 Human Rights Watch phone interview with Tina, September 15, 2021.

208 Ibid.

209 Ibid.

210 Ibid.

211 Ibid.

213 Human Rights Watch phone interview with Nour, October 6, 2021.²⁵⁶

The same report wrote on the homophobia and harassment one gay Egyptian man continues to receive:

Amr, a 33-year-old Egyptian gay man, spoke about the consequences of his online entrapment and subsequent detention in 2018:

I still suffer from Post-Traumatic Stress Disorder, and I cannot afford therapy. I get sudden bursts of coldness and anger. I isolate myself and fear checkpoints and state agents in public. I still get harassed at checkpoints and my phone gets searched with excessive verbal humiliation. I even received bullying by airport security in December 2020, when they saw the case on my record, they said, "You're a faggot and you are going abroad to get fucked."228 [...]

228 Human Rights Watch phone interview with Amr, January 14, 2022.²⁵⁷

In early March 2023, the UN Human Rights Committee published a summary record of the 3958th meeting, held in February 2023, in which the fifth periodic report of Egypt was considered. Within it, concerns were raised that "Act No. 10 of 1961 was used to criminalize homosexual and transgender persons and that people were subject to stigmatization, harassment, violence and discrimination because of their sexual orientation or gender identity by private individuals and State agents, including law enforcement personnel. The Committee had been informed of cases in which homosexual and transgender persons had been arbitrarily detained and subjected to invasive, unjustified medical examinations that could amount to torture or inhuman or degrading treatment under article 7 of the Covenant".²⁵⁸ Further concerns were voiced that "the State party had not accepted recommendations made at its universal periodic review in 2020 concerning the investigation of cases of harassment and discrimination, including by the police, against lesbian, gay, bisexual, transgender and intersex persons".²⁵⁹

The USDOS annual report on human rights practices in Egypt in 2022, published in March 2023, stated that: "Several incidents of domestic and street violence against LGBTQI+ individuals were reported by

²⁵⁶ Human Rights Watch, ["All This Terror Because of a Photo": Digital Targeting and Its Offline Consequences for LGBT People in the Middle East and North Africa](#), 21 February 2023, pp. 25-29, 73, 75, 86-89

²⁵⁷ Human Rights Watch, ["All This Terror Because of a Photo": Digital Targeting and Its Offline Consequences for LGBT People in the Middle East and North Africa](#), 21 February 2023, p. 95

²⁵⁸ UN Human Rights Committee, [137th session, Summary record of the 3958th meeting*: Held at the Palais Wilson, Geneva, on Tuesday, 28 February 2023, at 3 p.m. - Consideration of reports submitted by States parties under article 40 of the Covenant - Fifth periodic report of Egypt](#), 6 March 2023, p. 4

²⁵⁹ UN Human Rights Committee, [137th session, Summary record of the 3958th meeting*: Held at the Palais Wilson, Geneva, on Tuesday, 28 February 2023, at 3 p.m. - Consideration of reports submitted by States parties under article 40 of the Covenant - Fifth periodic report of Egypt](#), 6 March 2023, p. 8

local rights groups, including one case during the year in which authorities allegedly facilitated assault against a detained LGBTQI+ person”.²⁶⁰

Amnesty International’s annual 2022/23 report on the state of the world’s human rights, published in March 2023, stated on Egypt that: “In April, security forces arrested four men and two transgender women at a mall in Cairo and briefly detained them solely on the grounds of their gender identity and their actual or perceived sexual orientation. They reported being verbally and physically abused. One of the transgender women said she was sexually harassed and forced to strip naked and remove her hijab”.²⁶¹

Freedom House’s annual report for Egypt, released in March 2023, stated that “[...] LGBT+ people [...] face various forms of discrimination and harassment”.²⁶² Similar statements were written in the 2022 and 2021 annual reports.²⁶³

In April 2023, the UN Human Rights Committee published its concluding observations on the fifth periodic report of Egypt, in which it stated that: “9. The Committee is concerned about continuing reports of discrimination, stigmatization, harassment and violence, including by law enforcement officials, against persons on the basis of their real or perceived sexual orientation or gender identity, and that these serious crimes are not investigated and punished”.²⁶⁴

d. Discrimination

In the October 2021 summary record for the eightieth session and 1823rd meeting of the UN CEDAW, considering the eighth to tenth periodic reports of Egypt, the following point was recorded: “Intersectional discrimination affected all women and girls who were unable to exercise their rights based on their poverty, rural status, ethnic origin, cultural or religious practices or sexual orientation”.²⁶⁵

i. Access to state-owned housing

The USDOS annual report on human rights practices in Egypt in 2020, published in March 2021, wrote that: “Information was not available on official or private discrimination in [...] housing [...] based on

²⁶⁰ USDOS, [2022 Country Report on Human Rights Practices: Egypt](#), 20 March 2023

²⁶¹ Amnesty International, [Annual Report 2022/23: The State of the World's Human Rights - Egypt 2022](#), 27 March 2023

²⁶² Freedom House, [Freedom in the World 2023: Egypt](#), March 2023

²⁶³ Freedom House, [Freedom in the World 2022: Egypt](#), 24 February 2022; Freedom House, [Freedom in the World 2021: Egypt](#), 3 March 2021.

²⁶⁴ UN Human Rights Committee, [Concluding observations on the fifth periodic report of Egypt](#), 14 April 2023, p. 2

²⁶⁵ UN Committee on the Elimination of Discrimination against Women, [Eightieth session - Summary record of the 1823rd meeting* - Held at the Palais des Nations, Geneva, on Tuesday, 26 October 2021, at 10 a.m. - Consideration of reports submitted by States parties under article 18 of the Convention \(continued\): Combined eighth to tenth periodic reports of Egypt](#), 28 October 2021, p. 4

sexual orientation and gender identity. There were no government efforts to address potential discrimination”.²⁶⁶

The USDOS annual report on human rights practices in Egypt in 2021, published in April 2022, wrote that: “Information was not available on discrimination in [...] housing [...] based on sexual orientation and gender identity. There were no government efforts to address potential discrimination”.²⁶⁷

ii. Access to public health services

The Alliance of Queer Egyptian Organizations’ (AQEO) statement on their Facebook page in March 2020 regarding the UPR outcome for Egypt wrote that “trans-persons are hindered from processing their official documents, face constant discrimination and exclusion [...] receiving healthcare”.²⁶⁸

In April 2020, Human Rights Watch released an article on the challenges of accessing HIV treatment in Egypt during the pandemic. It stated:

The government on March 9, 2020 designated the country’s fever hospitals, the only centers where people living with HIV can get this medication, as testing centers for Covid-19. Egyptians living with HIV told Human Rights Watch that they are “too fearful” to go there to get their medication for fear of contracting coronavirus. [...]

On March 9, the spokesperson for the Egyptian Cabinet announced that the fever hospitals across the country, responsible for treating infectious diseases, would receive people for the Covid-19 test and temporary quarantine. This includes the three fever hospitals in Cairo – the Imbaba, Abbassiya, and Helwan hospitals.

The government did not say how it would reduce any risk to people with HIV of increased exposure to the coronavirus when retrieving their medication from the same hospitals. [...]

Two gay men living with HIV told Human Rights Watch that even before the Covid-19 pandemic, they were uncomfortable visiting government hospitals because they faced stigma and discrimination on the grounds of their sexual orientation.

Egypt should permit nongovernmental organizations trusted by marginalized groups to operate drop-in centers providing HIV testing and treatment services during the Covid-19 crisis and beyond, Human Rights Watch said. The authorities should ensure that people do not need to travel long distances, particularly during the Covid-19 outbreak, to get treatment. According to media reports citing official statements, only 14 centers are serving the country’s 27 governorates.

Outside Egypt’s fever hospitals, private and government hospitals do not provide HIV treatment, and there have been several incidents of patients being denied treatments or surgery, including for other illnesses, when they are found to be HIV patients.²⁶⁹

²⁶⁶ USDOS, [2020 Country Report on Human Rights Practices: Egypt](#), 30 March 2021

²⁶⁷ USDOS, [2021 Country Report on Human Rights Practices: Egypt](#), 12 April 2022

²⁶⁸ Alliance of Queer Egyptian Organizations (AQEO), [Facebook post - Statement regarding the Universal Periodic Review Outcome – Egypt](#), 15 March 2020

²⁶⁹ Human Rights Watch, [Egypt: Covid-19 Threatens Treatment for HIV Patients](#), 22 April 2020

At the end of May 2020, the International Bar Association's Human Rights Institute (IBAHRI) released its weekly edition of their Covid-19 Human Rights Monitor, stating that: "in Egypt, clinics where HIV patients collected medication are being used as Covid-19 testing centres, and LGBTQI+ persons are hesitant to visit".²⁷⁰

A June 2020 update by EuroMed Rights on the impact of COVID-19 on human rights in Egypt stated that:

Women are at higher risk of being negatively impacted by the effects of COVID-19. Most particularly, those already marginalised, such as refugees, women with disabilities, LGBTI women, women living in rural areas, are of particular concern. [...]

In Egypt, homosexuality is legal on paper, but de facto illegal, and legal gender recognition is not accessible. Under "normal" circumstances, access to healthcare for LGBTI people is particularly difficult. Homosexuality is repressed through charges of "debauchery", and trans and intersex people's identities are pathologised, resulting in institutional violence, torture, discrimination and arbitrary detentions.⁴³ In a sanitary crisis, LGBTI people might not even seek medical assistance, which puts them at higher risk. [...]

43 ANKH France, Universal Periodic Review, statement concerning LGBTQI+ right in Egypt, 2020.²⁷¹

An article published in Al-Monitor in June 2020 on the struggles of Egypt's gay community stated the following: "Being openly gay in Egypt is difficult because of societal norms and LGBTQI+ individuals face many issues, with violence from both the state and civilians being the most obvious, Darwish [gender and human rights officer with the Egyptian Initiative for Personal Rights] said. [...] Other structural issues, like the intervention of the medical system through anal examinations, forms of corrective therapy or lack of medical attention and services are also harmful, Darwish explained".²⁷²

The USDOS annual report on human rights practices in Egypt in 2020, published in March 2021, wrote that: "Information was not available on official or private discrimination in [...] access to education or health care based on sexual orientation and gender identity. There were no government efforts to address potential discrimination".²⁷³ It did note that: "The health-care system provided anonymous counseling and testing for HIV, free adult and pediatric antiretroviral therapy, and support groups".²⁷⁴

The report of Bedayaa Organization, ANKH Association (Arab Network for Knowledge about Human Rights), and the Alliance of Queer Egyptian Organizations (AQEO) on 11 May 2021, twenty years after the Queen Boat / Cairo 52 incident, wrote that transgender people in Egypt face "[d]ifficulties to access hormone therapy treatment from pharmaceutical outlets, and the lack of its alternatives from

²⁷⁰ International Bar Association, [IBAHRI Covid-19 Human Rights Monitor: Issue 6 – Thursday 28 May 2020](#), 29 May 2020

²⁷¹ EuroMed Rights, [How COVID-19 is affecting human rights in Egypt](#), updated 18 June 2020, pp. 4-5

²⁷² Al-Monitor, [Death of activist Sarah Hegazy highlights struggle of Egypt's gay community](#), 18 June 2020

²⁷³ USDOS, [2020 Country Report on Human Rights Practices: Egypt](#), 30 March 2021

²⁷⁴ USDOS, [2020 Country Report on Human Rights Practices: Egypt](#), 30 March 2021

contraceptives, and if they were located, pharmacies resist and refuse dispensing them”.²⁷⁵ It also noted that:

As for intersex persons, the Egyptian medical system recognizes intersexuality as a disorder of sex development (DSD) while there are no specialized centres for DSD in Egyptian governorates that provide diagnostic services for intersexuality, leaving diagnosis and management to the expertise of individual physicians in research centres and universities. This subjects intersex babies to violations at the hand of doctors who interfere by identifying the baby’s sex at birth.

In regards to healthcare for LGBTQI+ persons living with HIV, state counselling and testing centres’ personnel practice discrimination and homophobia against LGBTQI+ persons. Number of centres was permanently reduced with lack of medicine available which impacts the health of people living with HIV. This reflects the Egyptian state’s underestimation of the health of people living with HIV.²⁷⁶

In May 2021, a research article was published in the Journal of Acquired Immune Deficiency Syndromes on interruptions to HIV prevention and treatment services during the Covid-19 pandemic for men who have sex with men. With data collected in April and May 2020 through a survey on the gay social networking app, Hornet, the research found that out of those who reported they were living with HIV [10.8%], “[g]reater than 40% reported being unable to access their provider in [...] Egypt (2/5)”.²⁷⁷

Reuters posted an article in June 2021 on LGBT+ conversion therapy content on Facebook, and stated that: “In Egypt, medical professionals offering conversion therapy services are part of the mental health care system, local LGBT+ groups say”.²⁷⁸

The 2021 Bedayaa Organization report answering FAQs on the situation for LGBTQI people in Egypt wrote that:

The Egyptian medical system recognizes³² intersexuality as a disorder of sex development (DSD) and/or other disorders such as congenital adrenal hyperplasia (CAH). Moreover, health care centres in Egyptian governorates do not provide diagnostic services for intersexuality, leaving diagnosis and management to the expertise of individual physicians in research centres 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

²⁷⁵ Bedayaa Organization, ANKH Association (Arab Network for Knowledge about Human Rights) and the Alliance of Queer Egyptian Organizations (AQEO), [Twenty years - Cairo 52](#), 11 May 2021, p. 8

²⁷⁶ Bedayaa Organization, ANKH Association (Arab Network for Knowledge about Human Rights) and the Alliance of Queer Egyptian Organizations (AQEO), [Twenty years - Cairo 52](#), 11 May 2021, p. 9

²⁷⁷ A Rao et al., “[Perceived Interruptions to HIV Prevention and Treatment Services Associated With COVID-19 for Gay, Bisexual, and Other Men Who Have Sex With Men in 20 Countries](#)”, *Journal of Acquired Immune Deficiency Syndromes*, May 2021

²⁷⁸ Reuters, [INSIGHT-LGBT+ conversion therapy: banned on Facebook, but thriving in Arabic](#), 3 June 2021

examined or are lost to follow-up and, in the absence of adequate medical care, subsequently experience both social and psychological difficulties.

Regarding psychological treatment, numerous professional and pedagogical violations were documented in relation to Sexual Orientation and Gender Identity (SOGI). Some doctors and psychiatrists treat the LGBTI community in ways that diverge from international standards.³³ Some 52 members of the LGBTI community said they experienced various unorthodox practices from well-known psychiatrists in the past four years. These include behaviour 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 families, 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.³⁴ [...]

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

33 Many advocates treating homosexuality with behavioural therapy and drugs such as sedatives, hormone suppressants, and anti-depressants

34 See the ICD from WHO and the DSM from the APA.²⁷⁹

A 2022 report on the effects of violence against LGBTI persons on their enjoyment of the right to health, submitted by ILGA World to the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, stated the following with regards to Egypt:

In Egypt, access to healthcare for LGBTI women is particularly challenging, as same-sex sexual acts are repressed through charges of debauchery, and trans and intersex people's identities are pathologized. This results in institutional violence, torture, discrimination and arbitrary detentions, and therefore LGBTI women/persons might not even seek medical and psychological assistance, which puts them at a higher risk of illness and mental health conditions. Moreover, neither official nor private sectors in Egypt offer safe sexual and reproductive health services designed explicitly for LGBTI women.²⁷ [...]

27 HRW (2020) [Egypt: Security Forces Abuse, Torture LGBT People. Arbitrary Arrests, Discrimination, Entrapment, Privacy Violations](#)²⁸⁰

The USDOS annual report on human rights practices in Egypt in 2021, published in April 2022, wrote that: "Information was not available on [...] or access to education or health care based on sexual orientation and gender identity. There were no government efforts to address potential discrimination".²⁸¹

The meeting minutes with a Human Rights Watch analyst, published in the September 2022 COI brief report on the situation of LGBT persons in Egypt by the Danish Immigration Service, wrote that:

²⁷⁹ Bedayaa Organization, [10 FAQs about LGBTIQs situation in Egypt](#), 2021, pp. 16-17

²⁸⁰ International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA World), [Violence and its impact on LGBTI people's right to physical and mental health: Submission to the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health](#), 18 January 2022, pp. 8-9

²⁸¹ USDOS, [2021 Country Report on Human Rights Practices: Egypt](#), 12 April 2022

11. At the height of the Covid-19 pandemic, Human Rights Watch documented a lack of access to healthcare for gay men and transgender women living with HIV in Egypt. The three fever hospitals in Cairo, where infectious diseases are treated, were the places where individuals could go to obtain their HIV medication. These hospitals were converted into Covid-19 testing centres, which created a crisis where individuals could not retrieve their life saving medication due to fear of contracting coronavirus.

13. HRW has also documented the stigma that LGBT individuals faced by health professionals at the fever hospitals during the pandemic. They were verbally abused, they were unable to obtain their medication, and they were ridiculed based on their HIV status. Civil society actors have not been able to provide the same services for LGBT people, which they used to provide, due to the restrictive NGO law and other restrictions imposed on civil society by the Egyptian government. This situation has resulted in LGBT people de facto being denied access to basic services as they cannot turn to the government sponsored centres for care.

13. Individuals who are detained, arrested, or questioned on morality charges are facing extreme difficulty in securing any kind of employment or healthcare due to their record. Morality charges usually stay on an individual's record for up to three years, which prohibits them from traveling and from accessing basic services, and it may subject them to additional arbitrary arrests and discrimination.²⁸²

1. Access to gender affirming surgery and legal gender recognition for transgender persons

2020

The May 2020 BBC News article about the Egyptian actor, Hisham Selim, speaking out in support of his transgender son, stated that: "Although transitioning is legal in Egypt, the process is long and complex. It involves medical tests, psychological treatment and approval from both doctors and religious clerics".²⁸³

Al-Monitor published an article in December 2020 on discrimination against transgender people in Egypt, writing that:

People who do not identify with the sex assigned to them at birth or who are making the transition to align their sex with their gender identity are having a tough time in Egypt. [...]

Before the operation, they undergo a complicated psychological assessment. After that, they are given medications to help them align their gender identity with the sex they are assigned at birth, before they undergo reassignment surgery. The surgery cannot be carried out without approval from Al-Azhar.

The religious establishment is divided on the issue. [...]

The Islamic Research Academy, the decision-making body of Al-Azhar, says it studies each transition request separately in the light of medical reports submitted to it by the hospitals. The academy then either approves the required reassignment surgery or rejects it.

²⁸² The Danish Immigration Service, [Country of Origin \(COI\) Brief Report – Egypt: Situation of LGBT persons](#), September 2022, p. 21

²⁸³ BBC News, [Hisham Selim, famed Egyptian actor, praised over transgender son](#), 10 May 2020

"The whole thing depends on the report referred to us by specialized medical institutions," Hamed Abu Taleb, a member of the academy, told Al-Monitor. "We do not have specific rules for the reassignment process."

Some of the nation's top clerics vehemently oppose these transitions, contributing to the presence of a social culture that vilifies people making or thinking of making a transition.

Former mufti Sheikh Ali Gomaa said transitions portend the destruction of society.²⁸⁴

2021

France 24's article in June 2021 on a transgender woman in Egypt fighting for her rights and overcoming challenges in the country wrote that:

The Egyptian Medical Syndicate allows for sex reassignment surgeries only with the "approval of a special committee" comprised of medical doctors and clergy from Al-Azhar -- Sunni Islam's leading seat of learning, based in Cairo.

The committee relies on a fatwa, or religious edict, that stipulates sex reassignment surgery must be justified by a "biological" issue and "not a mental one", explained the activist.

The syndicate's bylaws demand "blood and hormone tests, chromosome analysis and minimum of two years of psychotherapy and hormonal treatment", requirements that exclude many transgender people wanting GCS, though there are no official statistics available on the community in Egypt.

The committee only meets sporadically, and there has not been a designated Al-Azhar sheikh for at least two years, said the activist, who asked to remain anonymous.

"No operation can be carried out without the agreement of Al-Azhar."²⁸⁵

Mada Masr's article in August 2021 on the death of a trans man in Giza as a result of complications arising from sex reassignment surgery wrote that:

A 26-year-old trans man named Ezz Eddin died on Saturday as a result of complications arising from sex reassignment surgery he had undergone the prior week at a private hospital in Dokki, Giza.

Ezz Eddin had chosen to have the surgery at a hospital that was unauthorized to perform it, since the official committee that issues permission for hospitals to do sex reassignment surgeries has not met to process the procedures for years, Malak al-Kashif, a gender issues activist, told Mada Masr.

Doctors performed a hysterectomy on Ezz Eddin, but since they did not have official permission for the surgery Ezz Eddin left on the same day as the surgery instead of staying as an in-patient for observation, Kashif said. Ezz Eddin felt ill and returned to the hospital for a follow-up a few days after the procedure. His condition deteriorated and he went into a coma for several hours before he died on Saturday evening.

Lawyer Nesma al-Khatib, who was in contact with Ezz Eddin before his death, told Mada Masr that his family has not pressed any legal charges in relation to his death because they did not support Ezz Eddin's transition. Doctors Syndicate council member Ibrahim al-Zayat also said that it would be impossible to file a lawsuit to seek justice for Ezz Eddin's death since there is no proof that the doctor performed the procedure to begin with.

²⁸⁴ Al-Monitor, [Transgender Egyptians face abuse, discrimination for asserting their identity](#), 9 December 2020

²⁸⁵ France 24, [Transgender woman battles for 'dignity' in conservative Egypt](#), 2 June 2021

People wishing to have sex reassignment surgery in Egypt have to go through long, complex procedures. They must first apply to the Sex Reassignment Committee at the national Doctors Syndicate, which subjects applicants of the procedure to a series of physical tests. Each case is then reviewed by urologists and gynecologists, and is finally referred to a psychotherapist. The mental assessment process generally takes no less than two years during which time psychologists assess the case and have a say in whether it is “necessary” or not to refer the applicant for surgery. A seven-member committee made up of doctors and one representative from the religious institution of Al-Azhar will make a final decision about whether or not to approve the candidate’s application for surgery.

If approved, the applicant can have surgery at the state’s expense at a public hospital such as Al-Hussein University Hospital, Demerdash or Qasr al-Aini, or at a private hospital, and will be able to acquire the documentation needed to alter the sex recorded in their official documents.

Zayat told Mada Masr that, in practice, the Doctors Syndicate’s committee has not met for years because the Al-Azhar representative refuses to attend, putting thousands of applicants in limbo on a waiting list.

“I went through all these stages myself. And even though I completed all my sex reassignment surgeries abroad, my papers with the government are still held up awaiting the committee’s approval. Therefore, my identification card still says male,” Kashif said.

The lawyer and Kashif both called on the Health Ministry and the Doctors Syndicate to resume the Sex Reassignment Committee meetings and facilitate surgical procedures at public hospitals to prevent the deaths of others like Ezz Eddin.

“Ezz Eddin and others [like him] are victims of the lack of safe options to exercise their right to transition. There are people who don’t die, but may suffer permanent disabilities as a result of undergoing the procedures in untrustworthy places,” Khatib said.²⁸⁶

Similarly, the November 2021 OpenGlobalRights article on the discriminatory system for transgender people in Egypt and the death of Ezz Eldin, a 26-year-old transgender man, in August of that year, wrote:

August 26 should have been a day of celebration for Ezz Eldin, a 26-year-old transgender man, but it ended in tragedy. He bled to death after he was prematurely discharged following a gender-affirmation surgery in an underground clinic, transgender activists told Human Rights Watch.

Ezz Eldin, who also went by Ahmed Fares, need not have died, and what should have been a life-affirming surgery instead became a life-threatening procedure in an unauthorized clinic. A dysfunctional, discriminatory system left him with no surgical alternative. This is the situation for transgender people in Egypt who are denied access to appropriate health care under a government that discriminates against them and withholds legal gender recognition.

His desperate attempts to get the care he needed arose, in part, due to discord between religious and medical authorities. The impasse originated almost two decades ago and revolves around the extent at which religious authorities should have a say in medical matters. It is based on a fatwa, or religious edict, that permitted medical intervention only for intersex people, who are born with characteristics that vary from what is considered typical for female or male bodies.

Transgender individuals, whose gender differs from the sex they were assigned at birth, were disqualified. This confusing, contradictory, and discriminatory policy has left transgender people in Egypt with very few choices—if they want surgery, unregulated and often unsafe clinics are the only options.

²⁸⁶ Mada Masr, [Deterred from official healthcare, 26-yr-old dies after sex reassignment surgery](#), 31 August 2021

In 2003, Egypt's Health Ministry established a review committee within the Medical Syndicate for people wanting "sex reassignment surgery." However, the volunteer committee met irregularly, had no legal authority, and was required to include a representative from Egypt's Islamic oversight body, Dar Al Ifta. This led to the anomalous situation of a religious authority participating in medical policy, based on their understanding of religion, not science. In accordance with the fatwa, Dar Al Ifta drew a distinction between "sex change," referring to gender affirming surgery for transgender people, and "sex reassignment," referring to surgery for people with intersex characteristics.

Medical authorities were reluctant to refer transgender patients to surgery, out of deference for their religious counterparts. In 2003, the Medical Syndicate amended the Medical Code of Ethics to ban doctors from performing surgery on transgender patients to further please the religious authorities, who believed that sex reassignment surgeries should only be allowed for intersex individuals [sic].

Doctors who perform such surgery risk a professional liability, and legal repercussions under article 244 of Egypt's Penal Code. In several documented cases, prosecutors and judges punished doctors who had performed these operations under the guise of causing a "permanent disability" to transgender patients. This caused a spike in the cost of gender-affirming care, as fewer doctors were willing to take this risk. According to several transgender people we talked to, gender-affirming surgeries could cost anywhere from 7,000 EGP (445 USD) to 25,000 EGP (1,560 USD).

Notwithstanding these barriers, the Medical Syndicate indicated in 2013 that it was willing to consider individual transgender applicants under certain onerous conditions, including two years of psychiatric observation. This was to demonstrate to the religious authorities that the applicant tried to resolve the issue through psychiatric treatment but to no effect. But even this narrow window was closed under pressure from Dar Al Ifta in 2014.

In 2017, religious and medical representatives appeared to have resolved their differences by agreeing that the religious authorities would have the final say. However, the committee remained so dysfunctional that it asked the government to dissolve it and transfer responsibility for handling cases to the Health Ministry or Justice Ministry.

In a landmark 2016 case, a transgender man requested legal gender recognition from the state, but an administrative court denied his request, based on the aforementioned fatwa, and after the Forensic Medical Authority said that "the plaintiff underwent a sex change operation and not a sex reassignment one." Thus, the plaintiff violated the Shari'a principles, which only allows surgeries for intersex individuals.

The court added that parliament should "issue laws to regulate the matter and to clear the confusion about the process, on the condition that the new laws would be compatible with Islamic Shari'a." and that "the medical syndicate is a body only responsible to look after the welfare of its members and is not in a position to review requests for sex reassignment surgeries."

This ruling highlighted the negative impact of having religious authorities determine the health care needs of transgender people, a task for which they are wholly unqualified.

The lack of access to health care for transgender people gave rise to an underground medical business that is dangerous and expensive, with unsupervised treatment in unlicensed centers, without avenues for accountability. Many transgender people in Egypt who want surgery are left with no choice but to take this risk.

Ezz Eldin could have received the care he needed had the Egyptian authorities remedied this systemic failure and established an administrative procedure that facilitates transgender people's access to gender affirming medical care.

Egypt's legislative and executive branches should carry out urgent reforms to create a legal gender recognition system recognized by all government departments. The Medical Syndicate should rescind its

ban on surgery for transgender people, and religious bodies, such as Dar Al-Ifta, should end their interference in medical matters. Medical school curricula should also be changed to include medical training for gender affirming procedures.²⁸⁷

The 2021 Bedayaa Organization report answering FAQs on the situation for LGBTQI people in Egypt wrote that:

[...] the Egyptian state does not recognize trans-sexualism, as there are no legal articles that allows this procedure to happen, instead there are bylaws within the medical syndicate that also does not allow a person to transition rather “reassign” their gender as seen in Chapter (3) Article (43) in the Egyptian Medical Syndicate code of ethics:

“A doctor is prohibited from conducting sex change operations, as for sex reassignment surgeries it is allowed after receiving the approval from the special committee on sex reassignment in the medical syndicate and after having the case doing all the required hormonal and chromosome tests and after the case has spent at least two years of psychological and hormonal therapy²⁷”

The official “Fatwa” from El-Azhar²⁸ and other religious figures confirms, that for a person to go through any kind of sexual reassignment operation, they first have to prove that the issues they are having are biological and not mental [...].

[...] With all these legal challenges, access to good health care is almost impossible unless you come from an upper social class, where money and power can award you with all what you need, as such there is a private costly underground medical system that operates in parallel to the official state system that provides healthcare to the trans community in Egypt with very high fees and undertrained medical staff who are not familiar with the needs of trans persons. The results are catastrophic in some cases.³⁰ The same goes to the process of changing gender remarks on the person ID, as there is no legal structure, and the law does not recognize transgender people, that created another underground system that works within the official system at the civil registry where “bribes” and “connections” are often used as a mean to change a person gender remarks on their ID. [...]

27 <http://www.ems.org.eg/emsadmin/uploads/userfiles/file/الْمُهَنْهَرُ اِدَابِ لَدَى حَقِّة.pdf>

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

30 <https://www.almasryalyoum.com/news/details/1183960>²⁸⁸

2022

The January 2022 article by Malak El-Kashif at the Tahrir Institute for Middle East Policy on transgender policy in Egypt stated that:

Egypt purports to have a medical procedural system that gives transgender people the right to attain medical reports and syndicate approvals, undergo corrective surgeries, and obtain national identity cards with their new identities.

I began gender correction procedures almost seven years ago, and I have not finished them yet. [...]

²⁸⁷ OpenGlobalRights, [A discriminatory system killed a transgender man in Egypt](#), 10 November 2021

²⁸⁸ Bedayaa Organization, [10 FAQs about LGBTQIQs situation in Egypt](#), 2021, pp. 13-14

As for medical approvals, the syndicate committee in charge of gender reassignment surgeries, known as the “Gender Correction” Committee, is composed of many doctors of various medical specialties with a religious scholar from al-Azhar among them— a necessary institution for the Medical Syndicate to use to hang onto the religious authority. During the last months of 2018, public hospitals stopped issuing referrals for transgender people to the syndicate, and with the absence of a religious scholar in the committee from 2013 to 2019, it completely ceased to function and stopped giving transgender people approvals. As a result, we were put on a waiting list for years and years, entirely stopping our lives. Meanwhile, we had to resort to private doctors and agreed to undergo gender correction surgeries in secret with no other alternatives—with no recourse in the case of medical error or malpractice.

“Ahmad Fares” known as “Ezz” died on August 28—a week after undergoing gender correction surgery performed by a private doctor Ashraf Al-Sebaie. Ezz, like any transgender person in Egypt, was aware that he could not attain a governmental medical report. He was also aware that he would not obtain approval from the Medical Syndicate, which, even after resuming its work in 2019, gave approvals to intersex people and denied them to transgenders. Consequently, Ezz decided to undergo a gender correction surgery in a private hospital so that he could start his life, work, and rent a house like any transgender person abandoned by his family. He worked odd jobs provided by his friends, but he faced social obstacles, including robbery and physical violence at his workplace. After moving between demanding jobs, Ezz finally collected enough money to undergo the operation.

After undergoing his first gender correction surgery, Ezz was forced to leave the hospital after only one day—due to doctor’s fear that an inspection committee might pass by the hospital and find that he had performed the surgery on a transgender man without syndicate approval. Despite the risky surgery and his precarious health condition, Ezz was forced to leave the hospital. Due to his inability to work and the absence of job opportunities for transgender people in Egypt, Ezz moved between the houses of his friends. A few days after he had undergone surgery, everyone was surprised at the news of his death due to physical complications and internal hemorrhaging.

The news of his death was shared widely on social media platforms and covered by many news websites that mentioned the name of the doctor and the private hospital in which the surgery was performed. However, the Egyptian Medical Syndicate took no action against this doctor although it, through its intransigence and bureaucratic suspension, represents a main reason that Ezz underwent this surgery at the hands of a private doctor who lacked the capability to perform this type of surgery. On top of that, the competent authorities did not investigate his indirect murder in the same way they investigate fabricated cases against transgender women accused of “debauchery.” No one lifted a finger, and the case was rapidly forgotten, and so was Ezz! Therefore, we remind you today of Ezz and his suffering and case, which is the case of all transgender people in Egypt; however, it is only him who paid the heavy price of bringing it to light.²⁸⁹

The April 2022 article by the Tahrir Institute for Middle East Policy on challenges for transgender people in the Middle East and North Africa wrote on Egypt that:

Transgender people in Egypt face a lack of legislative or procedural frameworks allowing them to obtain gender-affirming healthcare and legal gender recognition. In 2003, Egypt’s Health Ministry established a review committee within the Medical Syndicate for people wanting “sex reassignment surgery.” However,

²⁸⁹ The Tahrir Institute for Middle East Policy, [Transgender Policy in Egypt: Murder by Medical Bureaucracy](#), 18 January 2022

the volunteer committee met irregularly, had no legal authority, and was required to include a representative from Egypt's Islamic oversight body, Dar Al Ifta.

In 2020, the head of the committee indicated that "between 2014 and 2017, 87 cases had been approved for 'physical' reasons but none based on 'gender identity disorder'." This medical position is influenced by the Islamic Shari'a, as according to some interpretations, there is a distinction between "sex change," referring to gender-affirming surgery for transgender people, and "sex reassignment," referring to surgery on people with intersex characteristics, with only the latter permitted under such interpretations.

In the absence of government-sponsored gender-affirming healthcare, a dangerous and expensive underground medical industry has emerged resulting in unsupervised treatment in unlicensed centers, without avenues for accountability. Many transgender people in Egypt who seek surgery are left with no choice but to take this risk. On August 26, 2021, Ezz Eldin, a 26-year-old Egyptian transgender man, bled to death after he was prematurely discharged following a surgery in an underground clinic to affirm his gender.

Salma, a 27-year-old Egyptian transgender activist, said, "The Medical Syndicate's sex reassignment committee stopped giving approvals, and transgender people who want to undergo surgeries had no choice but to do it in an underground hospital. Even before, Al-Azhar [Egypt's religious authority] stood in the way of transgender people getting approval even if they had all the needed medical papers, as in their view only intersex people should undergo [sex reassignment surgery]."

Nada, a 28-year-old Egyptian transgender woman, spoke about her experience undergoing surgery in an underground clinic: "For these private doctors, it is nothing but a trade. They charged me around 7000 EGP [\$445] for the first operation and the experience was very hard and painful for me. The doctors were not friendly, and I had to leave before I even recovered."²⁹⁰

The article by the New Arab in July 2022 on the lack of gender-affirming health care in Middle East nations, including Egypt, wrote that:

The already marginalised transgender communities of the Middle East have seen their rights dwindle even further in the past several years, as an alarming number of Arab Middle Eastern countries have passed laws restricting or banning their access to gender-affirming health care and legal gender recognition.

The result is that transgender people in these countries are pushed into risky underground medical treatments, or compelled to seek asylum in more tolerant countries rather than stay in places where being transgender is, as one Egyptian activist described it, "a death sentence."

Egypt led the region in cracking down on transgender people: In 2003, the country's medical syndicate amended its code of ethics and added article 43, which banned doctors from providing any sex-change treatments. [...]

In Egypt, article 43 stipulated that sex-change medical interventions shall only be allowed after a full chromosome map to ensure that the person has a "biological need" to receive that medical treatment.

It also mandates that gender-affirming health care will be made available only after receiving approval from a sex reassignment committee. [...]

Violation of this amendment placed doctors under professional and criminal liability, [...]. [...]

[...] in Egypt, underground medical markets sprung up to take advantage of transgender people's desperation. Those markets often come with huge risks, as sources of hormones are unknown, and surgeries often take place in ill-equipped home clinics.

²⁹⁰ The Tahrir Institute for Middle East Policy, [Tough Territory for Transgender People in the Middle East and North Africa](#), 7 April 2022

In 2021, Ezz El-Din, a 26-year-old transgender man, died after a botched surgery in an underground Egyptian clinic. [...]

Currently, the Egyptian parliament, together with the medical syndicate, is discussing new medical liability law. One can be hopeful that this new law will remove the discriminatory ban that the current code of ethics has enacted on transgender bodies since 2003.²⁹¹

The meeting minutes with a Human Rights Watch analyst, published in the September 2022 COI brief report on the situation of LGBT persons in Egypt by the Danish Immigration Service, wrote that:

16. There is a divide between the religious and the medical authorities in Egypt, which evolves around the extent to which the religious authorities should have a say in medical matters. There is a fatwa, which permits medical intervention only for intersex people who are born with characteristics that vary from what is considered female and male bodies. However, transgender individuals are often disqualified from accessing gender affirming medical care, which leaves them with very few choices. If they want surgery, they need to go to the unregulated, unsafe clinics where Human Rights Watch has documented cases of people dying after surgery.

17. In Egypt, there is a distinction between 'sex change' referring to gender affirming surgery for transgender people and 'sex reassignment' for intersex individuals. An individual who undergoes a sex change operation is not qualified for legal gender recognition, while individuals who undergo a sex reassignment surgery are allowed to change their name and gender.

18. Since 2003, a review committee under Egypt's Ministry of Health comprising medical authorities and religious leaders (a representative from Egypt's Islamic oversight body Dar el-Ifta) has made decisions about whether an individual can obtain a sex change or a sex reassignment procedure and whether they can obtain legal gender recognition at all. In 2003, the medical code of ethics was amended resulting in doctors being banned from performing surgery on transgender patients. Since then, individuals who want to receive legal recognition of their new sex from the state have been continuously denied, because there is the mentioned distinction between sex change and sex reassignment. There have been a few cases where transgender individuals could obtain a legal gender recognition, but it was based on proclaiming a sex reassignment surgery and not a sex change surgery.

19. There is a lack of LGBT related health care services, which encourages the underground medical business. There has been no reform on legal gender recognition.

20. In 2020 the head of the Sex Reassignment Committee at the National Doctors Syndicate indicated that between 2014 and 2017, 87 cases had been approved for "physical reasons" but cases based on "gender identity disorder" - which is how transgender people usually get diagnosed, before they are referred to legal gender recognition - were all denied. There has not been more recent statistics on how many transgender individuals were able to change their name or gender, based on the gender identity disorder diagnosis.²⁹²

The UK Government's Human Rights and Democracy Report for 2021, published in December 2022, stated that: "Government discrimination and a lack of access to gender affirming health care for transgender people was blamed for the death in August of 26 year old transgender man Ezz Eldin, also

²⁹¹ The New Arab, [The Middle East has an anti-transgender bills problem](#), 22 July 2022

²⁹² The Danish Immigration Service, [Country of Origin \(COI\) Brief Report – Egypt: Situation of LGBT persons](#), September 2022, p. 22

known as Ahmed Fares, following a gender-reassignment surgery conducted at an underground clinic”.²⁹³

The USDOS annual report on human rights practices in Egypt in 2022, published in March 2023, stated that: “The Egyptian Medical Syndicate allows for gender-affirming treatment including surgery, with approval by a special committee composed of medical doctors and al-Azhar clergy, according to international media, citing a local LGBTQI+ activist. The committee relied on a fatwa that stipulates gender-affirming treatment must be “medically necessary” and justified by a “biological,” not a “mental” matter. Thus, according to HRW, the surgery was allowed only for intersex persons, which left transgender individuals to seek treatment from unregulated and often unsafe clinics”.²⁹⁴

i. Access to state employment (e.g. civil service)

No relevant information could be found amongst the sources consulted within the time frame for this report.

ii. Access to public education

The Alliance of Queer Egyptian Organizations’ (AQEO) statement on their Facebook page in March 2020 on the UPR outcome for Egypt wrote that “trans-persons are hindered from processing their official documents, face constant discrimination and exclusion from education [...]”.²⁹⁵

The 2021 Bedayaa Organization report answering FAQs on the situation for LGBTQI people in Egypt wrote that: “Even though lesbian, bisexual, and queer women do not face the same legal discrimination other groups face, they face different forms of social and family violence e.g., [...] deprivation from education, work and travel”.²⁹⁶

The USDOS annual report on human rights practices in Egypt in 2021, published in April 2022, wrote that: “Information was not available on [...] access to education or health care based on sexual orientation and gender identity. There were no government efforts to address potential discrimination”.²⁹⁷ The previous annual report covering 2020 had published the same information.²⁹⁸

²⁹³ UK Government and UK Foreign, Commonwealth & Development Office, [Human Rights & Democracy: The 2021 Foreign, Commonwealth & Development Office Report](#), 9 December 2022, p. 50

²⁹⁴ USDOS, [2022 Country Report on Human Rights Practices: Egypt](#), 20 March 2023

²⁹⁵ Alliance of Queer Egyptian Organizations (AQEO), [Facebook post - Statement regarding the Universal Periodic Review Outcome – Egypt](#), 15 March 2020

²⁹⁶ Bedayaa Organization, [10 FAQs about LGBTIQs situation in Egypt](#), 2021, p. 4

²⁹⁷ USDOS, [2021 Country Report on Human Rights Practices: Egypt](#), 12 April 2022

²⁹⁸ USDOS, [2020 Country Report on Human Rights Practices: Egypt](#), 30 March 2021

Rainbow Egypt posted on their Facebook page in November 2022 a summary of violations against LGBTQI+ persons between September 2021 and September 2022, and recorded that in March 2022 a “school expelled a student for being homosexual without any warning”.²⁹⁹

IV. Societal Attitudes Towards LGBTQI+ Individuals

In March 2020, Pink News released an article about Malak El-Kashif, a trans activist and human rights defender in Egypt, who had been detained and kept in solitary confinement in a prison for men (and later released) in 2019. The article wrote: “A trans activist from Egypt has said she is treated like “the enemy” in her own country, where LGBT+ people’s identities are generally not accepted. Malak El-Kashif said that people in Egypt who declare themselves to be “different” should be “ready for war”, according to ABC News”. “The society will stomp on you and treat you like you are the enemy,” she said”.³⁰⁰

The May 2020 BBC News article about the Egyptian actor, Hisham Selim, speaking out in support of his transgender son, wrote that:

Last Sunday, Hisham Selim took viewers by surprise when he spoke openly about 26-year-old Nour's step - a rare occurrence in the conservative country.

Two days later, Selim was again interviewed on TV, this time accompanied by Nour - previously Noura. It prompted a wave of support, with LGBT activists seeing it as a boost.

In Egypt, a religiously conservative society, the LGBT community is widely stigmatised.

Transgender people, however, are comparatively more accepted by society and government in Egypt than gay people.³⁰¹

A June 2020 article by Sarah El Sirgany for CNN on the death due to suicide of Sarah Hegazi wrote that:

Hegazi’s friends reported her death, circulated a suicide note and shared an outpouring of messages of solidarity, grief and anger. Their mourning was soon hijacked by hateful messages.

On social media, posts about Hegazi that ended with the traditional condolences, “May God Have Mercy on her,” were followed by comments saying “she is not worthy of His Mercy,” and a torrent of expletives targeting her sexuality. [...]

After her death, online trolls and commenters said her advocacy for LGBTQ rights was a greater crime than her “sinful sexuality.”

“Sarah committed a crime against religion and society by supporting homosexuality and publicizing her homosexuality and atheism,” one user wrote on Facebook.

Others used expletives and derogatory terms while arguing that she would be denied God’s mercy and rot in hell. In Egypt’s Twittersphere, her name was trending along with “People of Lot,” a reference to a Quranic passage about punishment for homosexuality.

²⁹⁹ Rainbow Egypt, [Facebook post - Highlights of 1 year \(from September 2021 to September 2022\)](#), 30 November 2022

³⁰⁰ Pink News, [Egyptian trans activist says she is treated like ‘the enemy’ and is ‘ready for war’ with her own country](#), 30 March 2020

³⁰¹ BBC News, [Hisham Selim, famed Egyptian actor, praised over transgender son](#), 10 May 2020

"The most humiliating and infuriating part in her death are those gloating in it," her friend Amr Mohamed said in a video posted on Facebook. Addressing these people, he added, "She died after detention, torture and expulsion ... what religion that would reward you for insulting a dead person?" [...]

In the note she wrote before her death, she said: "To my siblings, I tried to survive and I failed. Forgive me. To my friends, experiences have been cruel and I'm too weak to resist. Forgive me. To the world, you have been extremely cruel, but I forgive."³⁰²

The article published in Al-Monitor in June 2020 on the struggles of Egypt's gay community stated the following:

Being openly gay in Egypt is difficult because of societal norms and LGBTQI+ individuals face many issues, with violence from both the state and civilians being the most obvious, Darwish [gender and human rights officer with the Egyptian Initiative for Personal Rights] said. [...]

Mohamed Alborgi, founder of the LGBTQI+ organization Rainbow Egypt, told Al-Monitor, "The majority of LGBTQI individuals in Egypt are living in fear."

He explained that anxiety, depression, chronic stress and fear are common mental health issues. "Being an outspoken ally or an LGBTQ+ individual in Egypt is an act of heroism. It could mean losing ties with family, losing friends and the social support network, being fired from work or physical and verbal violence in public and private spaces without finding a legal system to gain your rights back or report these offenses."³⁰³

Al-Monitor's December 2020 article on discrimination against transgender people in Egypt stated that:

People who do not identify with the sex assigned to them at birth or who are making the transition to align their sex with their gender identity are having a tough time in Egypt.

Family members who are uncomfortable with the sex assigned to them at birth are considered a nuisance and shame and something that has to be kept secret. In front of society, the same members are viewed as perverts, sometimes apostates.

"Everybody bullies transgender people, including state institutions, the media and ordinary people," Reda al-Danbouki, director of the local Women's Center for Guidance and Legal Awareness nongovernmental organization, told Al-Monitor. "There is a need for opening a nationwide dialogue on this issue." [...]

Some of the nation's top clerics vehemently oppose these transitions, contributing to the presence of a social culture that vilifies people making or thinking of making a transition.

Former mufti Sheikh Ali Gomaa said transitions portend the destruction of society.

"This process entails a destruction of families and consequently the destruction of the whole society," Gomaa wrote on his own website.

In a country where people live by religion, such fatwas cause suffering to transgender Egyptians. They also turn the public against them. Statistics about crimes committed against transgenders are not available because most of these crimes go unreported. If they are reported, there is usually no mention of the real causes behind them.

Mushira Khaled (a pseudonym), does everything possible to hide the story of her transition.

³⁰² CNN, [How one gay Egyptian woman stood up to homophobia and paid the ultimate price](#), 17 June 2020

³⁰³ Al-Monitor, [Death of activist Sarah Hegazy highlights struggle of Egypt's gay community](#), 18 June 2020

Khaled, in her mid-30s, had to leave her home village in Giza province and live in the northern coastal city of Alexandria where nobody knows her.

"I became everybody's enemy in the village before and after I underwent reassignment surgery," Khaled told Al-Monitor. "My neighbors used to look at me and say things behind my back whenever I passed by them."

A neighbor spit in her face, another threatened to stab her and a third tried to rape her.

"I thought of committing suicide, but my mother finally decided that we should move and live somewhere else," Khaled said. [...]

Renowned Egyptian actor Hesham Selim, who supported his son's transition, became the center of criticism for standing by his transgender son.

[Farida] Ramadan was a successful schoolteacher in the coastal city of Damietta. She stopped going to school a few years ago after facing exhaustion from playing the role of a man. She was fired from her job. Her case made headlines last month when she appealed her firing to the minister of education.

The minister said she did not have the right to return to work because she was absent for too long.

Nonetheless, he called on people not to bully her.

To earn a living, Ramadan worked at a patisserie shop in Damietta. But she was harassed by those around her because of her occasional expression of her female gender identity.

Her breaking moment came when her colleagues learned she had a Facebook page in which she expressed her gender identity freely and frankly.

"This was when everybody turned openly against me," Ramadan said.

Ramadan left Damietta to start a new life in the Nile Delta province of Beheira. After undergoing sex reassignment surgery, she went to a police station in her native town to receive official documentation. This was when she wore a woman's dress for the first time in her life.

"I watched as people looked contemptuously at me," Ramadan said. "For the first time, I was not afraid of their looks."

Few people have similar courage to face society and express their gender identity openly and without fear. Ramadan knows of people who shudder at the prospect of expressing their identity and have to live a dual life.

Some have to live as men, even though they identify as female — and others as women, even though they identify as male.

This suffering, observers say, should alert legislators to the need for a legal process that organizes gender transitions.

"Our society is badly in need of cultural change when it comes to the issue of transitioning," Nadia Radwan, a sociology professor at Port Said University, told Al-Monitor. "Gross injustice is done to those who suffer gender identity problems."³⁰⁴

The USDOS annual report on human rights practices in Egypt in 2020, published in March 2021, wrote that: "HIV-positive individuals faced significant social stigma and discrimination in society and the workplace"³⁰⁵.

France 24's article in June 2021 on a transgender woman in Egypt fighting for her rights and overcoming challenges in the country wrote that:

³⁰⁴ Al-Monitor, [Transgender Egyptians face abuse, discrimination for asserting their identity](#), 9 December 2020

³⁰⁵ USDOS, [2020 Country Report on Human Rights Practices: Egypt](#), 30 March 2021

Unemployed today, she has had myriad odd jobs, all of which she has lost due to stigma.

On top of that, neighbours shunned her and some health professionals and officials "insulted and assaulted her", including sexually, she said.

"Those who transition from women to men are in a better situation than us (transgender women) and more socially accepted."

In a rare moment of support for the transgender community last May, veteran actor Hisham Selim announced he was fully behind his son Nour's transition from female to male, eliciting an outpouring of sympathy as well as fierce public debate.

Six months later, after a television show brought Ramadan on to tell her story, during which she talked of her wish to teach again, Education Minister Tarek Shawki urged Egyptians to "accept" transgender people -- a first.

But the Bedayaa activist maintains this renewed public conversation doesn't equal concrete improvement for the lot of transgender people in Egypt. [...]

In 2017, LGBTQ+ activist Sarah Hegazi was jailed after waving a rainbow flag at a concert.

She was tortured while in detention, according to rights groups, and sought asylum in Canada following her release.

Hegazi died by suicide last year, sparking a global outpouring of grief.

"Both Nour and Farida received support because society believes that transitioning is a 'correction'," the Bedayaa activist said.

But when Nour publicly voiced his support for Hegazi, compassion quickly turned to "anger and attacks".

And while Shawki had announced he would offer a fixed-term contract to the former teacher, the pledge came to nothing.

- 'I haven't given up' -

Four years ago, Ramadan found a welcome home in a village in the northern Beheria governorate.

Every month, the villagers, with their own meagre savings, help her financially to cover her essentials.

"Farida was created by God just like everyone else," Ramadan's neighbour Om Menna told AFP.

Neighbours call her Om Alaa (Alaa's mother), a name she gave herself when she was young and dreaming of becoming a mother.

"Everyone calls me that in the village and it fills me with joy," Ramadan said.

While she has found a community that accepts her, she is still fighting to "live with dignity".

"I just want to work," said Ramadan, who is preparing a lawsuit to claim her rights.

"I won't keep silent. I'm tired, but I haven't given up."³⁰⁶

Pink News posted an article in June 2021 on conversion therapy content proliferating on Arabic Facebook, noting the following Egyptian individuals:

One of the most prolific Arabic conversion "therapists", Awsam Wasfy, has over 150,000 followers on a page where he advertises his abilities to "cure" homosexuality.

Also active on Facebook is Heba Kotb, who has over 2 million followers and performs anal exams as part of a "sexual assessment".

She said Facebook was a key "channel" to interact with patients, particularly during the pandemic, and has dedicated staff who respond to Facebook inquiries.

³⁰⁶ France 24, [Transgender woman battles for 'dignity' in conservative Egypt](#), 2 June 2021

"I have treated no less than 3,000 cases of gays, all over the Arab world," she claimed, boasting a "100 per cent success rate".³⁰⁷

The latest edition of ILGA World's "Our Identities under Arrest" report, released in December 2021, stated that:

In September 2020, there were reports of investigations being carried out on two women who announced that they had married each other. News of the marriage spread on social media and a lawyer who founded the conservative "Keep It Clean" campaign indicated to local media that he would file a complaint with police. It seems, however, that investigations revealed that the announcement was fake and that the two women were left alone thereafter, though tremendous public outcry against them remained.⁷² [...]

*72 This entry has been redacted for the safety of those in involved. For more information, please contact ILGA World.*³⁰⁸

The 2021 Bedayaa Organization report answering FAQs on the situation for LGBTQI people in Egypt wrote that:

Looking to the fact of the conservative and patriarchal nature of the Egyptian society, which believes that being a male is the highest social status as such you must fit the social norms of what a man should look and act, abandoning such privilege by being feminine male or trans person is something that must be punished.

That idea also reflects a lack of understanding by the Egyptian legal authorities of what being a trans woman is, as trans women are often seen as feminine gay men who are dressed as women to seduce other men into committing sexual acts. [...]

Even though lesbian, bisexual, and queer women do not face the same legal discrimination other groups face, they face different forms of social and family violence e.g., corrective therapy, forced marriage, marital rape, forced confinement inside homes and deprivation from education, work and travel. [...]

Even though homosexuality is not mentioned in the Egyptian penal code, the LGBTI community in Egypt face state persecution and social stigma. [...]

[...] hotel employees and neighbours usually report to police any individuals who look, act, or announce his/her affiliation to LGBTI community.

Many cases have been documented for LGBTI persons who announced publicly his/her orientation, they have been subjected to social and family violence²⁶ or arrests in case of someone report the case to police. [...]

26 <https://raseef22.com/article/1072422-well-leave-you-a-nice-memento-on-your-pretty-face-how-hate-messages-and-threats-forced-a-gay-man-to-flee-egypt>³⁰⁹

³⁰⁷ Pink News, [Barbaric conversion therapy content still 'thriving' on Arabic Facebook despite so-called ban](#), 4 June 2021

³⁰⁸ International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA World), [Our Identities Under Arrest: A global overview on the enforcement of laws criminalising consensual same-sex sexual acts between adults and diverse gender expressions](#), 15 December 2021, p. 132

³⁰⁹ Bedayaa Organization, [10 FAQs about LGBTIQs situation in Egypt](#), 2021, pp. 4-5, 12

A February 2022 report by the Lebanese NGO, Social Media Exchange (SMEX), on the doxxing of vulnerable persons in the region found that: "Doxxing in Egypt, Jordan, Lebanon and Tunisia seem to disproportionately impact the most vulnerable groups and individuals in society, including activists, women and LGBTQ+ people".³¹⁰

The USDOS annual report on human rights practices in Egypt in 2021, published in April 2022, wrote that: "Legal discrimination and social stigma impeded LGBTQI+ persons from organizing or advocating publicly in defense of their rights".³¹¹

The article by the New Arab in July 2022 on the lack of gender-affirming health care in Middle East nations, including Egypt wrote that:

Furthermore, legal gender recognition is out of the question, as courts often rely on Sharia to make their judgment on the matter and employ medical opinions to verify whether the person truly has intersex characteristics or not. [...]

"The mismatch between their gender identity and their ID papers makes them an easy target for vice police," says Maryam Chaine, a Cairo-based lawyer.

"I receive different cases where transgender people are just targeted or harassed for who they are. Even in cases where transgender people are the victim of social attacks, the police arrest them instead. In detention, verbal and physical abuse are common and transgender people are especially targeted because of their identity." [...]

"Being transgender in Egypt or other Middle Eastern countries is a death sentence," says Salma, an Egyptian transgender activist who now resides in the Netherlands.

"I am not the first or the last person to leave – many of my friends from different countries also left for Europe, and many more will. A drastic change in the region's policies is needed to allow us to breathe."³¹²

With regards to societal treatment, the meeting minutes with a Human Rights Watch analyst, published in the September 2022 COI brief report on the situation of LGBT persons in Egypt by the Danish Immigration Service, wrote that:

21. Many LGBT people live a low-key life by practicing self-censorship, however it is becoming increasingly difficult to maintain privacy, and the risk of being outed or revealed may come from many directions, including private individuals. LGBT people may also risk being monitored, extorted and blackmailed by gangs, primarily working in Cairo, who sometimes themselves are LGBT persons. There have been incidents in recent years where expressing anything related to sexual identity, e.g. support of LGBT rights, has been enough to be targeted by either private individuals or the authorities.

22. Individuals coming from higher income backgrounds who have access to class power can live a relatively normal life if the authorities do not target them. They have to maintain a low profile and avoid

³¹⁰ Social Media Exchange (SMEX), [Doxxing of Residential Information Targeting Vulnerable Groups: Online and Offline harms](#), 8 February 2022

³¹¹ USDOS, [2021 Country Report on Human Rights Practices: Egypt](#), 12 April 2022

³¹² The New Arab, [The Middle East has an anti-transgender bills problem](#), 22 July 2022

any interactions with security forces, for instance at a checkpoint, at a café or at a police station, which may lead to their phones being searched and their LGBT identity disclosed.

23. There is a disproportionate favouring of transgender identity over gay identity in the sense that being transgender in Egypt is more acceptable than being a gay man. Whereas transgender people are perceived as persons suffering from a “fault or error”, which needs correction, gay men are perceived as immoral individuals conducting a deviant act that is not “correctable”. Therefore, if someone comes out as transgender in an average Egyptian family, s/he may have received more public sympathy than an individual who comes out as gay.³¹³

Rainbow Egypt posted on their Facebook page in November 2022 a summary of violations against LGBTIQ+ persons between September 2021 and September 2022, and recorded that in October 2021 there was an “attack on “Superman” cartoon for including homosexual character”; in January 2022 that “Netflix’s Arabic version of ‘Perfect Strangers’ spark[ed] controversy over ‘violating social values’ because of including a homosexual character”; in February 2022 “[c]ontinuing the attack on Netflix’s Arabic version of ‘Perfect Strangers’ sparks controversy over ‘violating social values’ because of including a homosexual character”; in May 2022 there was the “[s]igmatizing [of] gay men because of the spreading of “Monkeypox” virus”; and in August 2022 there was “a hate campaign against “Booking” [possibly reference is made here to Booking.com] for supporting LGBTIQ community”.³¹⁴

The February 2023 Human Rights Watch report into digital targeting and its offline consequences for LGBT people in the Middle East and North Africa gave the following information about stigma and societal backlash in Egypt:

On September 13, 2021, Mahdy, a 28-year-old gay man from Cairo, said he was extorted by a man he had met on Instagram, with whom he spoke for two months before agreeing to meet him and have sexual relations. [...]

Despite Mahdy’s payment, the extortionist shared the video with his work colleagues and people in his residential area. Mahdy quit his job and stopped going out in public in his area due to the “the stigma and the public shaming,” he said. The extortionist, accompanied by others, later went to Mahdy’s house to threaten him. “I heard them detail the ways they would torture me,” Mahdy said. “It was a blatant threat to my life. If my father sees the video, that would be the end of me.”¹¹⁰ [...]

Majd, a 38-year-old gay man from Egypt, and Ismail, a 23-year-old gay man from Egypt, told Human Rights Watch that a gang extorted them on Grindr in August 2021. [...] Ismail and Majd were forced to change their residence after they were outed in the neighborhood. They also stopped using social media and dating applications because they did not believe there were enough safety measures to guarantee their protection online. [...]

109 Human Rights Watch phone interview with Mahdy, October 7, 2021.

110 Ibid. [...]

³¹³ The Danish Immigration Service, [Country of Origin \(COI\) Brief Report – Egypt: Situation of LGBT persons](#), September 2022, pp. 22-23

³¹⁴ Rainbow Egypt, [Facebook post - Highlights of 1 year \(from September 2021 to September 2022\)](#), 30 November 2022

128 Human Rights Watch phone interview with Majd and Ismail, October 14, 2021.³¹⁵

The USDOS annual report on human rights practices in Egypt in 2022, published in March 2023, stated that: “Legal discrimination and social stigma impeded LGBTQI+ persons from organizing or advocating publicly in defense of their rights. Additionally, there was widespread public support for discrimination against this community”.³¹⁶

a. Representation in media and social media

The July 2020 report of the Special Rapporteur on the promotion and protection of the freedom of opinion and expression stated that: “Debauchery” presents another potential mechanism for the restriction of artistic expression. Although similar to a general attack on freedom of expression for public morals, debauchery is unique in that it tends to involve restrictions pertaining to allegedly indecent or overtly sexual content or content that runs against perceived sexual social norms. Debauchery is also most commonly seen when being used to restrict the art of women or LGBT persons. Egypt has been reportedly been forceful in its use of debauchery laws to attack otherwise allowable artistic expression”.³¹⁷

The Human Rights Watch article in September 2020 on the August 2020 arrest of witnesses to a gang rape in 2014 wrote that:

Egyptian security agencies in late August 2020 arbitrarily arrested a man and three women who were witnesses to a high-profile gang rape case from 2014 that recently came to light, Human Rights Watch said today. Security also arrested two of the witnesses’ acquaintances.

The prosecutor general ordered the release of three of the six on August 31 but is pressing charges against all of them for violating laws on “morality” and “debauchery” that are vague, discriminatory, and open to abuse. Pro-government media have subjected them to a coordinated smear campaign [...].

Smear Campaign

After their arrest, videos and photos showing scenes of some of the detained witnesses’ private lives have been leaked online. One video shows several women and a man who appear to be drunk, and other videos show intimate behavior. Activists said they believe that security forces leaked the photos and videos to smear and intimidate the witnesses. [...]

Since August 31, pro-government websites and journalists have published reports that stigmatize the rape survivor, witnesses, and activists involved in the case. Some government-affiliated media websites are reframing the gang rape as a “group sex party” and alleging that security investigations revealed “the biggest network of homosexuality.” One pro-government journalist, who is also a lawyer, said in a now-removed Facebook post that she submitted a complaint to the prosecutor general about several activists

³¹⁵ Human Rights Watch, [“All This Terror Because of a Photo”: Digital Targeting and Its Offline Consequences for LGBT People in the Middle East and North Africa](#), 21 February 2023, pp. 42, 44, 52-53,

³¹⁶ USDOS, [2022 Country Report on Human Rights Practices: Egypt](#), 20 March 2023

³¹⁷ UN Human Rights Council, [Research report on artistic freedom of expression: Report of the Special Rapporteur on the promotion and protection of the freedom of opinion and expression](#), 24 July 2020, p. 13

whom she accused of fabricating the rape allegations to “tarnish Egypt’s image” and to “spread homosexuality.”³¹⁸

The September 2020 Al Jazeera article on Egypt’s rising digital authoritarianism stated that:

In the most prominent instance, women’s reports of a violent Fairmont Hotel gang rape sent shockwaves through Egypt in July. The public prosecution ignored the constant calls by women and campaigners to investigate the case. When it finally took action, it also decided to detain three key female witnesses. These courageous women are now facing charges of inciting debauchery, drug use, and attempting to damage the image of the Egyptian state.

Egypt’s pro-state outlets pursued an aggressive smear campaign against them, disseminating their private information and videos online. These outlets reframed the rape allegedly perpetrated by privileged young Egyptian men into a story of sex parties and “homosexual perverts”.³¹⁹

Al-Monitor’s December 2020 article on discrimination against transgender people in Egypt stated that: ““Everybody bullies transgender people, including state institutions, the media and ordinary people,” Reda al-Danbouki, director of the local Women’s Center for Guidance and Legal Awareness nongovernmental organization, told Al-Monitor. “There is a need for opening a nationwide dialogue on this issue””.³²⁰

The February 2021 article in New Lines Magazine on LGBTQ rights in the Arab world stated:

Despite the crackdown, Egypt’s online community has taken up the cause of spreading awareness about the gay community. “Building up from 2013 to this day, the attitude towards gay rights began to slightly improve in Egypt because of the growing online initiatives calling for change,” Fouad [one of the underground cofounders of a group called Solidarity with LGBTQ Egypt that documents crackdowns] said.

In November, Egyptian Minister of Education Tarek Shawki called for acceptance of transgender individuals to prevent abuse. On a locally aired TV show, Shawki highlighted the importance of exploring different paths to accept transgender rights. [...]

Egyptian civil rights groups have long been silent about gay rights and have only criticized how the media demonizes the LGBTQ community, calling it “unethical journalism,” according to Fouad. [...]

In 2014, Tunisia launched its first magazine covering LGBTQ news called Gayday.

However, the Arab queer community finds it difficult to replicate such scenarios in countries such as [...] Egypt, where the Supreme Council for Media Regulation, which supervises the press in the country, bans the press from interviewing LGBTQ individuals and promoting their content.³²¹

The USDOS annual report on human rights practices in Egypt in 2020, published in March 2021, wrote that: “In a televised statement in early May, prominent actor Hisham Selim spoke openly about his son’s gender change and inability to change his identity card from female to male”.³²²

³¹⁸ Human Rights Watch, [Egypt: Gang Rape Witnesses Arrested, Smeared: Personal Data Used in Abusive Prosecutions](#), 11 September 2020

³¹⁹ Al Jazeera, [Egypt’s rising digital authoritarianism](#), 24 September 2020

³²⁰ Al-Monitor, [Transgender Egyptians face abuse, discrimination for asserting their identity](#), 9 December 2020

³²¹ New Lines Magazine, [A Place for LGBTQ Rights in the Arab World?](#), 26 February 2021

The May 2021 article by the International Service for Human Rights (ISHR) on discrimination against LGBTIQ+ people in Egypt stated that: “the system also takes advantage of the lack of awareness, lack of correct information, and unjustified fear of HIV and uses State-owned media to broadcast hate speech toward people living with HIV. [...] During the past years, and as a result of the political and social atmosphere that encourages hatred and the rejection of the other, hate speech against LGBTIQ+ people has spread widely, especially on social media”.³²³

On 11 May 2021, Bedayaa Organization, ANKH Association (Arab Network for Knowledge about Human Rights) and the Alliance of Queer Egyptian Organizations (AQEO) released a report twenty years after the Queen Boat / Cairo 52 incident, writing that the Egyptian state “[foments] moral panic through exceptional media coverage of LGBTQI+ cases of arrest. Media coverage includes defamation and demonizing of persons arrested through the use of exaggerated headlines with degrading terms that describes them as a threat to the society itself and its values”.³²⁴

The UK Government’s Human Rights and Democracy Report for 2020, published in July 2021, stated that: “In January, after interviewing an LGBT+ individual, TV host Mohamed Al-Ghaity was sentenced to a year in prison for contempt of religion, incitement of debauchery, and immorality”.³²⁵

In October 2021, an article was published by African Arguments exploring the increasing representation of and information around sexuality available on social media in Egypt. It stated:

Through Arabic language accounts that are unprecedented in their boldness, sexual radicals are targeting shame, taboo, silence, and sexual repression. Orgasms, masturbation, anal sex, abortion, being queer, how to ask for what you want from a sexual partner, consent – nothing is off limits. [...]

Shrouk El Attar, a queer Egyptian engineer who sought asylum in the UK, started the [Dancing Queer](#) account to campaign for LGBT+ people, including through the talk show “el Kanaba” (The Couch), which airs on Instagram Live.

“I started it because I didn’t see many things – if any – around me in Arabic... about LGBT+ that are positive and I felt I had this platform and this privilege of being able to speak about these things safely,” they say. El Attar’s guests have included queer and trans activists such as [Dalia el-Faghal](#), Malak El Kashef, and Nour Hisham Selim.

“It was really hard to find anything in Arabic that wasn’t ‘they are hellbound’ or ‘they are the people of Lot/Sodomites’ and all of that stuff,” says El Attar. “It’s shit that I can’t use my own mother tongue, that I’m not as good at it or I’m not as comfortable speaking in it because my language was unkind to me.”³²⁶

³²² USDOS, [2020 Country Report on Human Rights Practices: Egypt](#), 30 March 2021

³²³ The International Service for Human Rights (ISHR), [Egypt | Stop prosecuting and harassing LGBTIQ+ individuals and organisations](#), 11 May 2021

³²⁴ Bedayaa Organization, ANKH Association (Arab Network for Knowledge about Human Rights) and the Alliance of Queer Egyptian Organizations (AQEO), [Twenty years - Cairo 52](#), 11 May 2021, pp. 6-7

³²⁵ UK Government and UK Foreign, Commonwealth & Development Office, [Human Rights & Democracy: The 2020 Foreign, Commonwealth & Development Office Report](#), 8 July 2021, p. 44

³²⁶ African Arguments, [Egypt’s sexual revolutionaries tackling the tyranny within](#), 20 October 2021

The latest edition of ILGA World's "Our Identities under Arrest" report, released in December 2021, stated that:

[...] a clear State-backed policy of targeting of persons based on their SOGIE through provisions against public indecency, sex work, adultery, rape and others is at play, though social attitudes, a vocal religious sector, the need for political scapegoating during times of instability and a hostile media landscape all interact in myriad ways.²⁹ [...]

Examples of Enforcement [...]

In September 2020, there were reports of investigations being carried out on two women who announced that they had married each other. News of the marriage spread on social media and a lawyer who founded the conservative "Keep It Clean" campaign indicated to local media that he would file a complaint with police. It seems, however, that investigations revealed that the announcement was fake and that the two women were left alone thereafter, though tremendous public outcry against them remained.⁷² [...]

²⁹ EIPR, *The Trap: Punishing sexual difference in Egypt* (2017); OHCHR, *UA EGY 17/2017* (2017); "The Policies of Suppressing Sexual Rights in Egypt", *The Legal Agenda*, 2 February 2018; "Rights of LGBTQ People in Egypt: Between State, Society, and de facto Criminalisation", in: ILGA World, *State-Sponsored Homophobia 13th edition* (2019), 520-522; "'Clean the Streets of Faggots'" Digital Targeting of LGBT People by Middle East/North Africa Governments", *Human Rights Watch*, 4 August 2021. [...]

⁷² This entry has been redacted for the safety of those in involved. For more information, please contact ILGA World.³²⁷

The Arab Network for Human Rights Information (ANHRI) produces a weekly newsletter analysing Egyptian media representation that week. For the week of the 7-13 December 2021, it reported on an episode shown by Egyptian broadcaster Nashaat Al-Daihi on 7 December stating that "The Egyptian Initiative for Human Rights (EIPR), headed by Hossam Bahgat, issued a statement about Patrick George Zaki, researcher in gay community rights, as some newspapers reported"; ANHRI commented that "Patrick is a postgraduate student at the University of Bologna, Italy and a researcher in gender issues. But, Nashaat deliberately described him as a researcher in gay rights in order to inflame the anger of viewers against him given the societal rejection of the issue".³²⁸

The 2021 Bedayaa Organization report answering FAQs on the situation for LGBTQI people in Egypt wrote that:

Most media portrayal of cross-dressing or homosexuality has been negative in keeping with the traditional cultural and religious values of most Egyptians. More liberal portrayal of LGBTI issues in films and other forms of media tend to be subjected to government censorship or criticism from social conservatives. They mostly tend to feature a wealthy Egyptian man who has been raped when he was a child and having an affair with a lower-class man or other usual stereotypes of femininity as an affiliation

³²⁷ International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA World), [Our Identities Under Arrest: A global overview on the enforcement of laws criminalising consensual same-sex sexual acts between adults and diverse gender expressions](#), 15 December 2021, pp. 126, 131

³²⁸ Arab Network for Human Rights Information (ANHRI), [The Egyptian Media in a Week Newsletter \(Issue 20\) - From 7-13 December 2021](#), 15 December 2021

to homosexuality or prostitution. However, these approaches promote public calls from social conservatives to censor or ban these films' exhibition, and sometimes the Egyptian censorship board request deletion of certain scenes in the films.

After a rainbow flag was raised at a concert in September 2017, the Supreme Media Council, that is responsible for media in Egypt and tasked with improving and elevating media performance,³⁶ banned any gay people from appearing in print or audio-visual media unless it was to admit their sin and repent.³⁷ [...]

36 Statement from the council <https://tinyurl.com/y9yjlfnn>

37 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."³²⁹

The January 2022 article by Malak El-Kashif at the Tahrir Institute for Middle East Policy on transgender policy in Egypt stated that:

Egyptian media touts Egypt to have relatively good medical, legal, and social standards for transgender people in comparison to other countries of the region, especially pointing to the number of transgender people who have revealed their gender identities in recent years. Egypt purports to have a medical procedural system that gives transgender people the right to attain medical reports and syndicate approvals, undergo corrective surgeries, and obtain national identity cards with their new identities.

I began gender correction procedures almost seven years ago, and I have not finished them yet. As an Egyptian transgender woman, I can make it clear that we do not have the protections that the media claims that we have.³³⁰

The February 2022 Al Jazeera article discussing the backlash in the Middle East and North Africa after the release of "Perfect Strangers" on Netflix wrote:

The film is Netflix's first Arabic movie and quickly became the most watched in the streaming company's website in the region after it was released on January 20. It gathered particular criticism in Egypt over a scene where Egyptian actress Mona Zaki's character is seen taking off her underwear from underneath her dress. At some point one of the male characters comes out as gay, surprising his childhood friends.

Egyptian member of parliament Mostafa Bakri said in a TV interview that the film targeted family values and said Egypt should "ban Netflix". There were other calls to prohibit the film in the country and threats of lawsuits over its "promotion" of homosexuality.³³¹

The September 2022 Al Jazeera article on controversies around some Netflix content in Gulf countries also stated that: "The Marvel movie Doctor Strange and the Multiverse of Madness was [...] banned in April by [...] Egypt for LGBTQ references".³³²

³²⁹ Bedayaa Organization, [10 FAQs about LGBTIQs situation in Egypt](#), 2021, p. 18

³³⁰ The Tahrir Institute for Middle East Policy, [Transgender Policy in Egypt: Murder by Medical Bureaucracy](#), 18 January 2022

³³¹ Al Jazeera, [Netflix film Perfect Strangers challenges Middle East taboos](#), 4 February 2022

Edge Media Network also reported in September 2022 that:

Egypt's media regulator demanded Wednesday that Netflix and other streaming services adhere to this majority Muslim country's "societal values" – a veiled reference to programs featuring members of the LGBTQ community.

The statement came a day after Gulf Arab countries asked Netflix to remove "offensive content" on the streaming service, apparently targeting programs that show gays and lesbians.

According to the Egyptian government's statement, streaming services should comply with "societal principles and values of the country" they are streaming in. The statement called for them to undertake "necessary measures if they air content contradicting values of the society." [...]

Egypt's movie industry, long celebrated in the Mideast, also bans films and programs from featuring gays and lesbians.³³³

The meeting minutes with a Human Rights Watch analyst, published in the September 2022 COI brief report on the situation of LGBT persons in Egypt by the Danish Immigration Service, wrote that: "Journalists or people with platforms cannot discuss LGBT issues without risks of being arrested. The Egyptian journalist Mohamed el-Gheiti who was homophobic but discussed homosexuality on his show was sentenced to one year in prison".³³⁴

Rainbow Egypt posted on their Facebook page in November 2022 a summary of violations against LGBTQI+ persons that had taken place between September 2021 and September 2022, and recorded that: in October 2021 there was an "[a]ttack on 'Superman' cartoon for including homosexual character"; in November 2021 "'Eternals' movie [was] banned in Egyptian cinemas for including homosexual characters"; in January 2022 "Netflix's Arabic version of 'Perfect Strangers' spark[ed] controversy over 'violating social values' because of including a homosexual character"; in February 2022 there was a "[c]ontinuing [of] the attack on Netflix's Arabic version of 'Perfect Strangers' sparks controversy over 'violating social values' because of including a homosexual character"; in April 2022 "Marvel's 'Doctor Strange' Sequel [was] Banned in Egypt Over LGBTQ+ Character"; in June 2022 "Disney's 'Lightyear' [was] Banned in Egypt Over LGBTQ+ Character" and there was a "[h]uge attack on 'Disney' in the Egyptian Media for what they claim[ed] was 'Promoting Homosexuality'"; in July 2022 "'Thor: Love and Thunder' [was] Banned in Egypt Over LGBTQ+ Character"; in August 2022 "Disney+ To Remove LGBTQ Content in Middle East to Comply With Local Censors"; and in September 2022 "Egypt's Supreme Council for Media Regulation (SCMR) issued a statement in which it announced it would issue regulatory rules and licenses for streaming services such as Netflix and Disney+ in light of content which runs contrary to the country's values".³³⁵

³³² Al Jazeera, [Gulf nations demand Netflix remove 'offensive' content](#), 7 September 2022

³³³ Edge Media Network, [Egypt Warns Streamers about 'Societal Values' \(aka LGBTQ+ Content\)](#), 8 September 2022

³³⁴ The Danish Immigration Service, [Country of Origin \(COI\) Brief Report – Egypt: Situation of LGBT persons](#), September 2022, p. 21

³³⁵ Rainbow Egypt, [Facebook post - Highlights of 1 year \(from September 2021 to September 2022\)](#), 30 November 2022

The January 2023 BBC News article on the online entrapment of LGBT persons in Egypt by police stated that: "Covering any of these issues inside Egypt itself has been banned since 2017, when the country's Supreme Council for Media Regulation imposed a media blackout on LGBT representation except if the coverage "acknowledge[s] the fact that their conduct is inappropriate". [...] LGBT community advocates, many of them in exile, are divided over whether the problems in Egypt should be highlighted in the media or tackled behind the scenes".³³⁶

The February 2023 Association for Freedom of Thought and Expression (AFTE) report on banning the LGBT community from appearing in the Egyptian media stated the following:

The anti-LGBT campaign in Egypt was renewed after the animation company "Disney" pledged to produce more cartoon characters that support homosexuality during 2022 due to the poor representation of LGBT people in the media and in the entertainment business. The Egyptian authorities responded[6] to the move by banning the screening of the Lightyear cartoon in Egypt, claiming that it contains homosexual scenes.

In the same context, MP Enas Abdel Halim submitted a request[7] in June 2020 to block the "Disney" website for promoting homosexuality. [...]

6 Not the first time.. Disney movie banned in Arab countries over homosexuality allegations, Masrawy, published in June 2022, last visited in August 2022; <https://bit.ly/3Z5VaDe>

7 A new move in Egypt against "Disney" because of homosexuality, Russia Today, published in June 2022, last visited in August 2022; <https://bit.ly/3KmAT8y>³³⁷

The USDOS annual report on human rights practices in Egypt in 2022, published in March 2023, stated that:

Al-Azhar International Center for Electronic Fatwas issued a statement on June 9 denouncing the "systematic diabolical plan to normalize the immoral crime of homosexuality in Muslim societies" through entertainment content directed at children. The center claimed the entertainment industry sought to normalize "the immoral crime of homosexuality" in Muslim societies "through systematic satanic plans," destroying family moral and social values, distorting identity, and tampering with social security and stability. Local actors and commentators objected to what they perceived as an imposition of foreign values from different cultures with the inclusion of homosexual characters in children's productions, according to media reports. Social media users called for the government to ban Disney content, and censors banned two Disney films due to brief scenes involving gay characters that Disney reportedly declined to delete.³³⁸

³³⁶ BBC News, [How Egyptian police hunt LGBT people on dating apps](#), 30 January 2023

³³⁷ Association for Freedom of Thought and Expression (AFTE), ["They have no presence!" - On banning the LGBT community from appearing in the Egyptian media](#), 23 February 2023

³³⁸ USDOS, [2022 Country Report on Human Rights Practices: Egypt](#), 20 March 2023

The report further wrote that “Intimidation and the risk of arrest greatly restricted open reporting and contributed to self-censorship” and that “Opinions supporting LGBTQI+ rights cannot be expressed in state-controlled media”.³³⁹

The March 2023 Deutsche Welle article on LGBTQ rights in Egypt reported that: “In 2022, Egypt's Ministry of Education issued a new directive to combat homosexuality and associated ideas in media outlets and started promoting anti-LGBTQ awareness campaigns in schools”.³⁴⁰

The ILGA World Database page for Egypt reported the following:

In August 2022 the Ministry of Education and Technical Education issued instructions to all educational directorates calling for the implementation of awareness campaigns for students, to promote "good behaviour", "manners" and religious values. This was reportedly done in an effort to counter the presence of "homosexuality" seen in international streaming and broadcast services like Netflix. [...]

In 2021 a Disney film, *Eternals*, was banned in Egypt, reportedly for featuring a gay character. Other instances of banned media include Netflix film 'Ashab Wala A'aaz' that was deemed to offend Egyptian values by promoting homosexuality and adultery. A lawsuit was filed against all websites that published this film, where prosecutors demanded the websites to be taken down. In June 2022, the Economic Court in Cairo ruled in favour of the prosecution, ordering the websites to be blocked in Egypt. Other films, such as *Lightyear* and *Dr. Strange 2*, were banned due to portraying LGBTI contents.

In June 2022, the state-controlled Supreme Media Council of Egypt announced the launch of a "safe media for kids" campaign with the main purpose of "confronting ideas that promote homosexuality", specifically for media produced by Disney. The initiative seems to seek to curate content catered for children in Egypt to curb the promotion of "abnormal ideas".

In September 2022, the Supreme Council for Media Regulation issued a press release (2022) announcing that streaming services such as Netflix and Disney+ will need to comply with Egyptian moral standards and values to acquire licences to be broadcast. This seems to imply that these platforms will have to block LGBT-related content in Egypt.³⁴¹

b. Representation by influential cultural and religious figures

The May 2020 BBC News article about the Egyptian actor, Hisham Selim, speaking out in support of his transgender son, wrote that:

Last Sunday, Hisham Selim took viewers by surprise when he spoke openly about 26-year-old Nour's step - a rare occurrence in the conservative country.

Two days later, Selim was again interviewed on TV, this time accompanied by Nour - previously Noura. It prompted a wave of support, with LGBT activists seeing it as a boost.

In Egypt, a religiously conservative society, the LGBT community is widely stigmatised.

³³⁹ USDOS, [2022 Country Report on Human Rights Practices: Egypt](#), 20 March 2023

³⁴⁰ DW (Deutsche Welle) News, [LGBTQ rights in Egypt: Queer community battles crackdown](#), 30 March 2023

³⁴¹ International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA World), [ILGA World Database: Egypt page](#), undated [last accessed 30 June 2023]

Transgender people, however, are comparatively more accepted by society and government in Egypt than gay people.

Although homosexuality is not explicitly criminalised under Egyptian law, LGBT people are periodically subjected to crackdowns and arrests on the grounds of "debauchery". [...]

In the first interview, on the privately-owned channel Al-Qahira Wa al-Nas, Selim revealed how his son - then aged 18 - first told him about feeling uncomfortable with the gender he was assigned at birth.

"I am living in a body other than my own," he recalled Nour as saying.

"I was not surprised... because from the day [he] was born I felt [his] body was a boy's body. I always suspected this," Selim said.

Selim, 62, praised Nour for being "courageous", especially as "we live in a society where these things are difficult... very difficult".

He also spoke about the challenges his son was facing in getting his gender reflected on his national ID - which expired two years ago - because his transition was not yet complete.

"The problem in Egypt is that we have either female or male; we don't have anything in-between to refer to the transitional stage," Selim said.

Although transitioning is legal in Egypt, the process is long and complex. It involves medical tests, psychological treatment and approval from both doctors and religious clerics.

Only 48 hours later, Selim and Nour were interviewed together by DW Arabic on a yacht moored at the Red Sea resort city of Hurghada.

Nour said he had thought about taking his own life before talking to his father about transitioning.

"I didn't feel I was normal. I didn't feel I could live like that. I didn't see a future for myself," he said. "If I hadn't done this, I would have killed myself."

"I don't think anyone will see me now and say 'no, he should have stayed as Noura'," he added.

Clips from both interviews were widely shared on Egyptian social media, with many expressing admiration for their courage.

Hisham Selim's openness was celebrated by fellow celebrities, LGBT activists and others.

Transgender woman and human rights defender Malak El-Kashif - whose detention at an all-male prison for three months last year on what Amnesty International called "trumped up charges" sparked an international outcry - described the actor's statements "a step forward for the social acceptance of transgender people".

Film director Amr Salama tweeted: "Of course Hisham Salim's position should be saluted, but the more beautiful surprise is the support from most people for his son."

But Hisham Selim's confession that his reaction might not have been the same if his son had wanted to identify as a woman disappointed some people.

"Honestly, when thinking about it I thought, 'Thank God, it's not the other way around,'" he told DW Arabic. "Although I believe both are the same, as an Arab and an Egyptian who's raised believing that men are stronger or have higher status, then it would have definitely been different for me."³⁴²

In June 2020, Reuters published an article detailing how the same Egyptian actor's son was being sued by two Egyptian lawyers for his Instagram post in support of an LGBT+ activist who had recently taken her own life:

³⁴² BBC News, [Hisham Selim, famed Egyptian actor, praised over transgender son](#), 10 May 2020

The transgender son of one of Egypt's most famous actors is being sued for promoting homosexuality among young people after posting on Instagram in support of an LGBT+ activist who died by suicide earlier this month.

Two Egyptian lawyers filed a lawsuit on Tuesday against Noor Hesham Selim, son of film and television star Hesham Selim, after he posted a video on Instagram in response to the death of exiled Egyptian activist Sarah Hegazy.

"It is a conspiracy against Egypt to give up on our culture and morals and let homosexuality spread among young people," Ayman Mahfouz, one of the two lawyers who filed the lawsuit, told Thomson Reuters Foundation by phone on Wednesday.

"Strict action" should be taken against people who seek to destroy Egyptian values and religious beliefs, Mahfouz added.

While homosexuality is not outlawed in Egypt, it is a conservative Muslim society and discrimination against LGBT+ groups is rife, with gay and trans people facing instances of assault and torture, according to Human Rights Watch.

Selim, 26, was thrown into the spotlight last month when his father surprised television viewers by speaking openly about his transition in the hope it would help change social attitudes towards trans people in Egypt.

Selim's support for Hegazy, who was found dead in her apartment in Canada, where she sought asylum in 2018 after being jailed in Egypt for waving a rainbow flag at a pop concert, has triggered further upset among conservatives.³⁴³

The August 2020 report of the Special Rapporteur on gender-based violence and discrimination in the name of religion or belief stated that:

[...] according to some sources, the rising number of hate crimes based on sexual orientation and gender identity worldwide correlates with a steep rise in faith-based groups using interpretations of religious teachings that promote gender-based violence and discrimination to violate the human rights of LGBT+ persons, including, inter alia, their right to life and freedom from torture (A/73/152, paras. 47–48). The Special Rapporteur confirms that these accounts are emblematic of allegations he has received and that have been raised by United Nations human rights experts with the Governments of States including Egypt,²⁶ [...]. [...]

26 See communication EGY 17/2017.³⁴⁴

Al-Monitor's December 2020 article on discrimination against transgender people in Egypt reported that:

Some of the nation's top clerics vehemently oppose these transitions, contributing to the presence of a social culture that vilifies people making or thinking of making a transition.

Former mufti Sheikh Ali Gomaa said transitions portend the destruction of society.

"This process entails a destruction of families and consequently the destruction of the whole society," Gomaa wrote on his own website.

³⁴³ Reuters, [Egyptian actor's trans son sued for Instagram post about LGBT+ activist's suicide](#), 24 June 2020

³⁴⁴ UN Human Rights Council, [Gender-based violence and discrimination in the name of religion or belief: Report of the Special Rapporteur on freedom of religion or belief](#), 24 August 2020, p. 10

In a country where people live by religion, such fatwas cause suffering to transgender Egyptians. [...] Renowned Egyptian actor Hesham Selim, who supported his son's transition, became the center of criticism for standing by his transgender son.

[Farida] Ramadan was a successful schoolteacher in the coastal city of Damietta. She stopped going to school a few years ago after facing exhaustion from playing the role of a man. She was fired from her job. Her case made headlines last month when she appealed her firing to the minister of education. The minister said she did not have the right to return to work because she was absent for too long. Nonetheless, he called on people not to bully her.³⁴⁵

In December 2020, Pink News wrote on plans by an evangelical pastor in Egypt to set up a school to 'treat' homosexuality in young people. The article stated:

Pastor Tony George Rizk, a member of the Evangelicals Association in Egypt and the Middle East, plans to open the school on 26 December in Heliopolis, where he will conduct the harmful practice of conversion therapy on LGBT+ youth.

The pastor, who is also founder of community youth service tC Egypt, said in a statement that the school will run for eight weeks and will target queer youth.

In a statement, Rizk claimed that his school will work with people who want to to [sic] change their sexual orientation.

Without any evidence, Rizk claims that homosexuality can be "treated" and that people are gay due to childhood trauma, sexual abuse and bullying.

He went on to claim that he is setting up the school because he believes he has a responsibility to queer youth, and said a team of "specialists" would work with LGBT+ young people in the school.

Those "specialists" include therapists specialising in sexuality and sex addiction, as well as "survivors" of homosexuality, he claimed.

Rizk went on to reference the Bible's teachings about sexuality, claiming that sex outside of marriage is a sin and that "sin must be dealt with".

He said nobody would be forced to attend his anti-gay school and that they would take in LGBT+ youth who approached him for guidance.

Rizk added: "Recovering from homosexuality is not impossible," according to the *Egyptian Independent*.³⁴⁶

The USDOS annual report on human rights practices in Egypt in 2020, published in March 2021, wrote that: "In a televised statement in early May, prominent actor Hisham Selim spoke openly about his son's gender change and inability to change his identity card from female to male. On June 23, two lawyers filed lawsuits against Selim and his transgender son for an Instagram post that paid tribute to Egyptian LGBT activist Sara Hegazy, who died by suicide in 2020".³⁴⁷

USDOS's annual report on religious freedom in Egypt, published in May 2021, recounted the following:

³⁴⁵ Al-Monitor, [Transgender Egyptians face abuse, discrimination for asserting their identity](#), 9 December 2020

³⁴⁶ Pink News, [Religious extremist sets up makeshift school to 'treat' homosexuality in young people](#), 9 December 2020

³⁴⁷ USDOS, [2020 Country Report on Human Rights Practices: Egypt](#), 30 March 2021

There are four entities currently authorized to issue fatwas (religious rulings binding on Muslims): the al-Azhar Council of Senior Scholars, the al-Azhar Islamic Research Center, the Dar al-Iftaa (House of Religious Edicts), and the Ministry of Awqaf's General Fatwa Directorate. Previously part of the Ministry of Justice, Dar al-Iftaa has been an independent organization since 2007. [...]

On June 16, Dar al-Iftaa issued a series of statements on social media following the death due to suicide of Sarah Hegazy, an Egyptian lesbian activist, writer, and reported atheist. Dar al-Iftaa wrote that "all heavenly religions" prohibit homosexuality and that atheism was an "intellectual problem" and a "psychological disease" requiring treatment. However, the statement continued, Muslims claiming "with full certainty" that a person "will never enter paradise" were "absolutely wrong, because such judgement of who goes to heaven and who does not is up to Allah."³⁴⁸

France 24's article in June 2021 on a transgender woman in Egypt fighting for her rights and overcoming challenges in the country wrote that: "The Egyptian Medical Syndicate allows for sex reassignment surgeries only with the "approval of a special committee" comprised of medical doctors and clergy from Al-Azhar -- Sunni Islam's leading seat of learning, based in Cairo. [...] The committee relies on a fatwa, or religious edict, that stipulates sex reassignment surgery must be justified by a "biological" issue and "not a mental one", explained the activist".³⁴⁹

The latest edition of ILGA World's "Our Identities under Arrest" report, released in December 2021, stated that:

[...] the Egyptian *Dar Al Iftaa* (Islamic advisory body to the government) issued a series of *fatwas* (legal opinions) in 2020, including one condemning homosexuality and outlining the need for medical intervention (i.e., "conversion therapies").²⁸ [...]

[...] a clear State-backed policy of targeting of persons based on their SOGIE through provisions against public indecency, sex work, adultery, rape and others is at play, though social attitudes, a vocal religious sector, the need for political scapegoating during times of instability and a hostile media landscape all interact in myriad ways.²⁹ [...]

“الجدل أثارت وال غفران وال شذوذ الان تحار عن المصري للإف تاء م ت مالا بية ف تاوى ث لاث الوطن ذ ي ا دل ع المزيذ”
[More on Dunya Al-Watan Three consecutive fatwas of the Egyptian fatwa on suicide, homosexuality, and forgiveness sparked controversy], *Alwatan Voice*, 22 June 2020.]

²⁹ EIPR, *The Trap: Punishing sexual difference in Egypt* (2017); OHCHR, *UA EGY 17/2017* (2017); "The Policies of Suppressing Sexual Rights in Egypt", *The Legal Agenda*, 2 February 2018; "Rights of LGBTQ People in Egypt: Between State, Society, and de facto Criminalisation", in: ILGA World, *State-Sponsored Homophobia 13th edition* (2019), 520-522; "'Clean the Streets of Faggots'" Digital Targeting of LGBT People by Middle East/North Africa Governments", *Human Rights Watch*, 4 August 2021."³⁵⁰

In January 2022, New Frame released an article reporting on the homophobic statements of Egyptian footballer Mohamed Aboutrika. It stated that:

³⁴⁸ USDOS, [2020 Report on International Religious Freedom: Egypt](#), 12 May 2021

³⁴⁹ France 24, [Transgender woman battles for 'dignity' in conservative Egypt](#), 2 June 2021

³⁵⁰ International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA World), [Our Identities Under Arrest: A global overview on the enforcement of laws criminalising consensual same-sex sexual acts between adults and diverse gender expressions](#), 15 December 2021, p. 126

[...] in October, he invited global scrutiny when attacking the LGBTQIA+ community. “Our role is to stand up to this phenomenon, homosexuality, because it’s a dangerous ideology and it’s becoming nasty, and people are not ashamed of it anymore. They (the Premier League) will tell you that homosexuality is human rights. No, it is not human rights; in fact, it’s against humanity,” Aboutrika said in the beIN Sports studios. [...]

The coming out of Australia player Josh Cavallo and the Premier League Rainbow Laces campaign prompted Aboutrika’s rant. A torrent of support followed – from Algeria fans at the Arab Cup, to Jordan’s Mahmoud Al-Mardi, a member of the Al Thani family and Egyptian Twitter where #WeAreAllAboutrika trended. [...]

In statements, the Premier League and beIN Sports condemned Aboutrika’s words, but no sanctions followed. The Egyptian legend is also an ambassador for the 2022 World Cup.³⁵¹

An essay written in Manara Magazine, the publication wing of the Cambridge Middle East and North Africa Forum (MENAF), in March 2022 on legal gender recognition law in the MENA region, commented on Egypt that:

Despite not having a law regulating the matter, Egypt established a sex reassignment committee in 2003 to review applications from people who wish to receive gender-affirming health care. Islamic Shari’a plays a role in the livelihood of transgender people in the country, as courts’ verdicts are often governed by Islamic Law.[xiii] [...]

The shift dialing back of granting LGR [legal gender recognition] in Egypt’s judiciary is symptomatic of a steady rise in the influence of Al-Azhar in Egyptian politics and policies. For example, in 2003, a medical committee was established inside Egypt’s medical syndicate to review applications from individuals who wish to undergo gender-affirming health care on the condition that one of the committee members had to be from Al-Azhar. In 2020, Dr. Osama Abdel-Hady, the head of that committee, indicated to ABC News that: “the Al-Azhar representative often refused to attend the meetings, as he disagreed with our medical opinions.... [...]”[xxiii] Thus, since the 1980s, political Islam has been gaining attraction in Egypt, and transgender policies and judicial opinions have been heavily influenced by Islamic Shari’a.[xxiv] [...]

[xiii] Dabash, Ahmed. (2019). The Egyptian Constitution and Transgender rights: Judicial Interpretation of Islamic Norms. 10.13140/RG.2.2.28351.46241.

https://www.researchgate.net/publication/336927596_The_Egyptian_Constitution_and_Transgender_rights_Judicial_Interpretation_of_Islamic_Norms [...]

[xxiii] MICHAEL, MAGGIE, and MARIAM Fam. “In Egypt, Transgender Activist Fights Battle on Many Fronts.” ABC News. ABC News Network. Accessed February 15, 2022. <https://abcnews.go.com/International/wireStory/egypt-transgender-activist-fights-battle-fronts-69829327>.

[xxiv] Noralla, Nora. “Elkarakhana: History of Sex Working in Modern Egypt between Legalization and Criminalization.” cairo52. Cairo 52 Legal Research Institute, June 16, 2021. <https://cairo52.com/2020/11/05/elkarakhana-eng/>.³⁵²

The article by the New Arab in July 2022 on the lack of gender-affirming health care in Middle East nations, including Egypt wrote that:

³⁵¹ New Frame, [Aboutrika’s homophobic rant diminishes his image](#), 15 January 2022

³⁵² Manara Magazine, [Confused Judiciary & Transgender Rights: Inside the MENA Region’s Case Law on Legal Gender Recognition](#), 17 March 2022

The already marginalised transgender communities of the Middle East have seen their rights dwindle even further in the past several years, as an alarming number of Arab Middle Eastern countries have passed laws restricting or banning their access to gender-affirming health care and legal gender recognition. [...] Egypt led the region in cracking down on transgender people: In 2003, the country's medical syndicate amended its code of ethics and added article 43, which banned doctors from providing any sex-change treatments.

These legal changes are often driven by conservative religious narratives and the façade of protecting the values of society –and resisting the West.

“Conservative socio-religious narrative has been labelling transgender identities as Western and a danger to the concept of family,” says Ayoub El-Hamri, regional coordinator of Transat, a regional transgender advocacy group.

“These legal changes are a product of those narratives and the moral panic religious figures have been promoting against transgender people.” [...]

The committee was established in 2003 to review applications from those who wish to receive gender-affirming health care and included a representative of Al-Azhar – Egypt's highest religious authority – to ensure that every case is medically compatible with Sharia. [...]

Furthermore, legal gender recognition is out of the question, as courts often rely on Sharia to make their judgment on the matter and employ medical opinions to verify whether the person truly has intersex characteristics or not.³⁵³

The meeting minutes with a Human Rights Watch analyst, published in the September 2022 COI brief report on the situation of LGBT persons in Egypt by the Danish Immigration Service, wrote that:

16. There is a divide between the religious and the medical authorities in Egypt, which evolves around the extent to which the religious authorities should have a say in medical matters. There is a fatwa, which permits medical intervention only for intersex people who are born with characteristics that vary from what is considered female and male bodies. [...]

18. Since 2003, a review committee under Egypt's Ministry of Health comprising medical authorities and religious leaders (a representative from Egypt's Islamic oversight body Dar el-Ifta) has made decisions about whether an individual can obtain a sex change or a sex reassignment procedure and whether they can obtain legal gender recognition at all.³⁵⁴

Rainbow Egypt posted on their Facebook page in November 2022 with a summary of violations against LGBTQI+ persons between September 2021 and September 2022, and noted that in December 2021 “Ex-footballer Mohamed Abou-Trika calls homosexuality a ‘dangerous ideology’ against the backdrop of the Premier League's Rainbow Laces campaign”.³⁵⁵

³⁵³ The New Arab, [The Middle East has an anti-transgender bills problem](#), 22 July 2022

³⁵⁴ The Danish Immigration Service, [Country of Origin \(COI\) Brief Report – Egypt: Situation of LGBT persons](#), September 2022, p. 22

³⁵⁵ Rainbow Egypt, [Facebook post - Highlights of 1 year \(from September 2021 to September 2022\)](#), 30 November 2022

The USDOS annual report on human rights practices in Egypt in 2022, published in March 2023, stated that:

Al-Azhar International Center for Electronic Fatwas issued a statement on June 9 denouncing the “systematic diabolical plan to normalize the immoral crime of homosexuality in Muslim societies” through entertainment content directed at children. The center claimed the entertainment industry sought to normalize “the immoral crime of homosexuality” in Muslim societies “through systematic satanic plans,” destroying family moral and social values, distorting identity, and tampering with social security and stability. Local actors and commentators objected to what they perceived as an imposition of foreign values from different cultures with the inclusion of homosexual characters in children’s productions, according to media reports. Social media users called for the government to ban Disney content, and censors banned two Disney films due to brief scenes involving gay characters that Disney reportedly declined to delete.³⁵⁶

The report further commented on the role of Al-Azhar clergy: “The Egyptian Medical Syndicate allows for gender-affirming treatment including surgery, with approval by a special committee composed of medical doctors and al-Azhar clergy, according to international media, citing a local LGBTQI+ activist. The committee relied on a fatwa that stipulates gender-affirming treatment must be “medically necessary” and justified by a “biological,” not a “mental” matter”.³⁵⁷

Egypt Independent reported in May 2023 that “The Al-Azhar Observatory for Combating Extremism expressed its solidarity on Monday with Egyptian football player Mostafa Mohamed, after the French football club Nantes imposed a fine on him because of his refusal to participate in a campaign to support homosexuality”.³⁵⁸

In July 2023, Deutsche Welle commented that “The claim that same-sex relationships are not part of the Middle East’s indigenous culture finds support from many officials and religious leaders. One example is Ahmed al-Tayeb, the grand imam of Al-Azhar, the 1,000-year-old seat of Sunni learning in Cairo, Egypt. Al-Tayeb repeatedly calls homosexuality a Western cultural import”.³⁵⁹

c. Impact of societal norms on state attitudes

It is recommended to read this section with the information contained in section [III. Treatment by State Actors, b. Homophobia and transphobia in government institutions](#).

The 2021 Bedayaa Organization report answering FAQs on the situation for LGBTQI people in Egypt wrote that:

³⁵⁶ USDOS, [2022 Country Report on Human Rights Practices: Egypt](#), 20 March 2023

³⁵⁷ USDOS, [2022 Country Report on Human Rights Practices: Egypt](#), 20 March 2023

³⁵⁸ Egypt Independent, [Al-Azhar expresses solidarity with Nantes’ Mostafa Mohamed](#), 23 May 2023

³⁵⁹ DW (Deutsche Welle) News, [LGBTQ activism: Seeking queer love in Middle Eastern history](#), 10 July 2023

Looking to the fact of the conservative and patriarchal nature of the Egyptian society, which believes that being a male is the highest social status as such you must fit the social norms of what a man should look and act, abandoning such privilege by being feminine male or trans person is something that must be punished.

That idea also reflects a lack of understanding by the Egyptian legal authorities of what being a trans woman is, as trans women are often seen as feminine gay men who are dressed as women to seduce other men into committing sexual acts.

With this fact, the Egyptian authorities does not only target gay men and trans women, but also bisexual men, intersex, and gender non-conforming individuals. To put it plainly, it persecutes what appears as contradicting to social norms. [...]

The state derives its popularity from appearing as a protector of the Egyptian values, morality, and traditions. As this current administration came after disposing a right-wing religious regime, they felt the need to prove to the Egyptian society that they did not dispose a religious regime to come with a liberal one that will destroy “Egyptian values and tradition”. In this retrospective, we can see why the Egyptian legal authorities made it their policy to actively discriminate and prosecute any group of people in the society that does not fit within the Egyptian values and tradition. LGBTI community included.³⁶⁰

The article by the New Arab in July 2022 on the lack of gender-affirming health care in Middle East nations, including Egypt wrote that:

Egypt led the region in cracking down on transgender people: In 2003, the country’s medical syndicate amended its code of ethics and added article 43, which banned doctors from providing any sex-change treatments.

These legal changes are often driven by conservative religious narratives and the façade of protecting the values of society –and resisting the West.

“Conservative socio-religious narrative has been labelling transgender identities as Western and a danger to the concept of family,” says Ayoub El-Hamri, regional coordinator of Transat, a regional transgender advocacy group.

“These legal changes are a product of those narratives and the moral panic religious figures have been promoting against transgender people.” [...]

In Egypt, article 43 stipulated that sex-change medical interventions shall only be allowed after a full chromosome map to ensure that the person has a “biological need” to receive that medical treatment.

It also mandates that gender-affirming health care will be made available only after receiving approval from a sex reassignment committee.

The committee was established in 2003 to review applications from those who wish to receive gender-affirming health care and included a representative of Al-Azhar – Egypt’s highest religious authority – to ensure that every case is medically compatible with Sharia.³⁶¹

The article in February 2023 in Democracy for the Arab World Now (DAWN) MENA by Ahmed Shihab-Eldin stated that: “By essentially outlawing public discussion of gender and sexual orientation in society, Egypt's government effectively ensures that these concepts remain taboo, and simultaneously, a welcome tool to distract from the broader and protracted crisis most Egyptians are enduring under Sisi's

³⁶⁰ Bedayaa Organization, [10 FAQs about LGBTIQs situation in Egypt](#), 2021, pp. 4, 7

³⁶¹ The New Arab, [The Middle East has an anti-transgender bills problem](#), 22 July 2022

regime. The state is able to maintain a false narrative: that LGBTQ+ rights are merely a Western device to corrupt and even delegitimize its religious and national authority”.³⁶²

The USDOS annual report on human rights practices in Egypt in 2022, published in March 2023, stated that: “Social media users called for the government to ban Disney content, and censors banned two Disney films due to brief scenes involving gay characters that Disney reportedly declined to delete”.³⁶³

The report further noted that: “Legal discrimination and social stigma impeded LGBTQI+ persons from organizing or advocating publicly in defense of their rights. Additionally, there was widespread public support for discrimination against this community”.³⁶⁴

V. Treatment by Non-State Actors

a. Violence

2020

The Alliance of Queer Egyptian Organizations’ (AQEO) statement on their Facebook page in March 2020 on the UPR outcome for Egypt wrote that “trans-persons are hindered from processing their official documents, face constant discrimination and exclusion from education, workplaces, receiving healthcare, and face social violence without protection”.³⁶⁵

They again posted a statement on their Facebook page in May 2020, which noted that:

One of the main issues in researching or trying to discuss the issue of domestic violence issued against the LGBTQI community in Egypt is the lack of data. There are no clear statistics from the Egyptian government or even international organizations on domestic violence issued against the LGBTQI community.

Despite the work of international women's and children's rights organizations in Egypt as well, we do not have sufficient data on practices such as children's exposure to violations if they express sexual orientation or a different gender identity, no data also about forced marriage and marital rape against lesbian and queer women. Also, violence issued by psychiatrists on the recommendation of parents to compel a change in sexual orientation or gender identity.³⁶⁶

Reuters published an article in August 2020 on a Facebook user in Egypt being harassed online for being perceived as gay and later being harassed and assaulted offline:

³⁶² Democracy for the Arab World Now (DAWN) MENA, [How Sisi's Regime Is Ruthlessly Targeting Egypt's Queer Community](#), 27 February 2023

³⁶³ USDOS, [2022 Country Report on Human Rights Practices: Egypt](#), 20 March 2023

³⁶⁴ USDOS, [2022 Country Report on Human Rights Practices: Egypt](#), 20 March 2023

³⁶⁵ Alliance of Queer Egyptian Organizations (AQEO), [Facebook post - Statement regarding the Universal Periodic Review Outcome – Egypt](#), 15 March 2020

³⁶⁶ Alliance of Queer Egyptian Organizations (AQEO), [Facebook post - #YourSilencelsHeard 2](#), 13 May 2020

Rami was beaten up on the streets of Alexandria, Egypt, in early July by men who he says began harassing him on Facebook for being gay and then tracked him down in real life.

The harassment began after a TikTok video of Rami in front of a rainbow flag was posted on Facebook without his knowledge, prompting a series of threatening messages.

Multiple appeals to Facebook to take down the posts were ignored, he said, as pressure mounts on the company to react more quickly to online threats to the LGBT+ community in Egypt and elsewhere in the Middle East. [...]

"I had to (temporarily) close my account because I received so many threats," Rami, whose real name is being withheld for safety reasons, told the Thomson Reuters Foundation.

"I received a video of someone threatening me, saying, 'If I see you, I'll kill you and hang you at the door.'" In Egypt, a cyber crimes law bans online activity that "violates the sanctity of private life or extensively sends electronic messages...without consent."

Egypt's Communications Ministry, which enforces the law, did not respond to a request for comment. [...]

In June, 22 LGBT+ rights groups mostly in the Middle East urged Facebook to do more to tackle the problem, prompted by a torrent of hate speech following the suicide of the exiled Egyptian LGBT+ activist Sara Hegazi in Canada.

Activists say Facebook can be an essential tool for LGBT+ people in the Arab world, where many face an oppressive legal and social atmosphere, and vague laws against indecency are often used to criminalize sexual activity.

Strong social stigma around homosexuality, amplified by conservative religious entities, has led to low acceptance of gay people across the region.

LGBT+ activists in the area risk social exclusion, prison sentences, and violence by security forces, according to Human Rights Watch. [...]

Another post collected 20 profiles using rainbow flag filters, including Rami's, adding the caption, "watch out for yourself when you're in the street, half the population has turned (gay)."

The post remained online after Thomson Reuters Foundation flagged it to Facebook. [...]

Since his attack, Rami has removed all content from his Facebook account that might indicate he is gay and is trying to leave Egypt. But he said screenshots of his profile are still online.

"People were sending them to my family and colleagues asking if it was me," he said. "I never expected things would turn real."³⁶⁷

Al-Monitor's December 2020 article on discrimination against transgender people in Egypt stated that:

People who do not identify with the sex assigned to them at birth or who are making the transition to align their sex with their gender identity are having a tough time in Egypt. [...]

Some of the nation's top clerics vehemently oppose these transitions, contributing to the presence of a social culture that vilifies people making or thinking of making a transition.

Former mufti Sheikh Ali Gomaa said transitions portend the destruction of society. [...]

In a country where people live by religion, such fatwas cause suffering to transgender Egyptians. They also turn the public against them. Statistics about crimes committed against transgenders are not available because most of these crimes go unreported. If they are reported, there is usually no mention of the real causes behind them.

Mushira Khaled (a pseudonym), does everything possible to hide the story of her transition.

³⁶⁷ Reuters, ['I'll kill you': LGBT+ activists call on Facebook to move faster on Arabic hate speech](#), 12 August 2020

Khaled, in her mid-30s, had to leave her home village in Giza province and live in the northern coastal city of Alexandria where nobody knows her.

"I became everybody's enemy in the village before and after I underwent reassignment surgery," Khaled told Al-Monitor. "My neighbors used to look at me and say things behind my back whenever I passed by them."

A neighbor spit in her face, another threatened to stab her and a third tried to rape her.

"I thought of committing suicide, but my mother finally decided that we should move and live somewhere else," Khaled said.³⁶⁸

2021

At the beginning of 2021, Bedayaa Organization produced its annual report covering events relevant to its legal aid programme from January to December 2020. It reported that:

III. Gangs' Entrapment and Vulnerability to Protection

In late 2020, a double-edged threat to the LGBTIQ+ community gained new momentum. Several incidents in which LGBTIQ+ persons were targeted and attacked by gangs who used force to film LGBTIQ+ individuals in sexual contexts and robbed them of their money and other belongings inside their houses, threatening that they would send the photos and films to the police if they were to report it. LGBTIQ+ persons in Egypt were always at risk of being persecuted and prosecuted on the basis of their sexuality, but now with the recurrence of these types of incidents, this risk is doubled as they are forced to surrender to these gangs otherwise, they would have to face the higher risk of going to prison if they were reported to the police. Some of these gangs were even allegedly informally connected to the police, which sheds lights on the state role of protection and the indirect message of the legitimacy of permitting violence. It is worth mentioning that in January 2021 only we noticed at least one incident per week that include more than one survivor of such infringement.³⁶⁹

France 24's article in June 2021 on a transgender woman in Egypt fighting for her rights and overcoming challenges in the country wrote that "neighbours shunned her and some health professionals and officials "insulted and assaulted her", including sexually, she said".³⁷⁰

The 2021 Bedayaa Organization report answering FAQs on the situation for LGBTIQ people in Egypt wrote that:

Even though lesbian, bisexual, and queer women do not face the same legal discrimination other groups face, they face different forms of social and family violence e.g., corrective therapy, forced marriage, marital rape, forced confinement inside homes and deprivation from education, work and travel. [...]

Egypt has significant deficiencies in legislations that protect women from social violence, domestic violence or violence based on sexual orientation and gender identity. In some cases, we document the cooperation of police officers to bring back lesbian or bisexual women to their parent's house once the

³⁶⁸ Al-Monitor, [Transgender Egyptians face abuse, discrimination for asserting their identity](#), 9 December 2020

³⁶⁹ Bedayaa Organization, [Legal Aid – Annual Report: 2020](#), 2021, p. 4

³⁷⁰ France 24, [Transgender woman battles for 'dignity' in conservative Egypt](#), 2 June 2021

father reported her escape even if she is an “adult” not under his legal guardianship. Their escape usually comes due to long years of domestic violence and house confinement. [...]

In other cases, the neighbours would attack transgender women in their flats and when the transgender women would call the police, the police would arrest them instead of the neighbours for the reason mentioned above.³⁷¹

2022

The January 2022 article by Malak El-Kashif for the Tahrir Institute for Middle East Policy stated that: “As an Egyptian transgender woman, I can make it clear that we do not have the protections that the media claims that we have. Quite to the contrary—we are exposed to community targeting and violence on daily basis”.³⁷²

The same article also spoke out about the challenges Ahmad Fares faced before underdoing gender correction surgery in August 2021, from which he died, stating that: “He worked odd jobs provided by his friends, but he faced social obstacles, including robbery and physical violence at his workplace”.³⁷³

The article by the New Arab in July 2022 on the lack of gender-affirming health care in Middle East nations, including Egypt wrote that:

Furthermore, legal gender recognition is out of the question, as courts often rely on Sharia to make their judgment on the matter and employ medical opinions to verify whether the person truly has intersex characteristics or not. [...]

"The mismatch between their gender identity and their ID papers makes them an easy target for vice police," says Maryam Chaine, a Cairo-based lawyer.

"I receive different cases where transgender people are just targeted or harassed for who they are. Even in cases where transgender people are the victim of social attacks, the police arrest them instead. In detention, verbal and physical abuse are common and transgender people are especially targeted because of their identity." [...]

"Being transgender in Egypt or other Middle Eastern countries is a death sentence," says Salma, an Egyptian transgender activist who now resides in the Netherlands.

"I am not the first or the last person to leave – many of my friends from different countries also left for Europe, and many more will. A drastic change in the region's policies is needed to allow us to breathe."³⁷⁴

The article by Human Rights Watch in November 2022 on the failure of the Egyptian authorities to protect vulnerable refugees and asylum seekers from sexual violence wrote of the following case:

³⁷¹ Bedayaa Organization, [10 FAQs about LGBTIQs situation in Egypt](#), 2021, pp. 4, 14

³⁷² The Tahrir Institute for Middle East Policy, [Transgender Policy in Egypt: Murder by Medical Bureaucracy](#), 18 January 2022

³⁷³ The Tahrir Institute for Middle East Policy, [Transgender Policy in Egypt: Murder by Medical Bureaucracy](#), 18 January 2022

³⁷⁴ The New Arab, [The Middle East has an anti-transgender bills problem](#), 22 July 2022

The transgender woman refugee said that a group of Egyptian men raped her in a private car after abducting her at knifepoint in January 2022. She said she did not file a police report about the incident because of a previous experience in 2020 at a Cairo police station, where she was arbitrarily detained in a men's cell on "morality" charges due to her gender identity, during which time a police employee sexually assaulted her. [...]

Eman said that on January 11, 2022, she went to buy groceries in her neighborhood, Hadayek al-Ahram in Giza. In the shop, some Egyptian men began to harass her:

They approached me and called me "you boy, you girl," because I am a transgender woman. I stayed in the shop until they left to avoid meeting them outside. I went out after they left, but while walking home the same men came out of a nearby car and asked me to get in the car. They threatened me with a pocketknife, so I had to go with them to a remote area. I tried to resist but couldn't; they all raped me and then threw me in the street. [...]

Human Rights Watch reviewed screenshots of threatening WhatsApp messages Eman received. In one of them, an unknown number texted her, "Why you are in Egypt you bitch and slut, I swear I will get you arrested motherfucker; I know you and will reach you."

Human Rights Watch reviewed two photographs Eman shared showing bruises on her body resulting from the 2022 rape.³⁷⁵

January – May 2023

The January 2023 BBC News article on the online entrapment of LGBT persons in Egypt by police stated that:

Criminal gangs are using the same tactics as the police to find LGBT people. They then attack and humiliate them, and extort them by threatening to post the videos online.

I managed to track down two people we are calling Laila and Jamal, who were victims of a video that went viral in Egypt a few years ago. The footage shows them being forced to strip and dance, while being beaten and abused. They are forced at knife point to give their full names and admit they are gay. They told me the duo behind the video - named Bakar and Yahia - are notorious amongst the community.

We saw at least four videos in which Bakar and Yahia either appeared, or could be heard, extorting and abusing LGBT people before they uploaded the videos to Whatsapp, YouTube and Facebook. In one of these videos, an 18-year-old gay man we are calling Saeed is forced to, falsely, say he is a sex worker. I met him to hear about what happened next. He told me that he considered legal action but says his lawyer advised against this, telling him his sexuality would be perceived as more of a crime than the attack he suffered.

Saeed is now alienated from his family. He says they cut him off when the gang sent them the video in a bid to blackmail them too.

"I have been suffering from depression after what happened, with the videos circulating to all my friends in Egypt. I don't go out, and I don't have a phone.

"No-one used to know anything about me."

We've been told about dozens of attacks like this - carried out by multiple gangs. There are only a few reports of attackers being arrested.

³⁷⁵ Human Rights Watch, [Egypt: Sexually Abused Refugees Find No Justice](#), 24 November 2022

It shocked me to learn, in the course of investigation that one gang leader, Yahia, is gay and actively posting online about his own sex work.

But perhaps it gives him a criminal edge - he knows just how vulnerable his targets are. And arguably his own position, as a gay man with little opportunity, fuels his criminality.

We have no evidence that Yahia has been involved in recent attacks, and he has denied involvement in any of the attacks.³⁷⁶

The February 2023 Human Rights Watch report into digital targeting and its offline consequences for LGBT people in the Middle East and North Africa gave the following information about extortion and violence by gang members in Egypt:

In Egypt, LGBT people reported being extorted online by gang members pretending to be LGBT people. After extended periods of chatting online, what begins as a date turns into threats and beatings, often at knifepoint, to extract money from LGBT people. In several cases we documented, extortionists also raped LGBT people using force or manipulating them into having sex while surreptitiously recording the act on their phones to use against them. [...]

On September 13, 2021, Mahdy, a 28-year-old gay man from Cairo, said he was extorted by a man he had met on Instagram, with whom he spoke for two months before agreeing to meet him and have sexual relations. He said:

We went to his place at night and had sex. After we finished, he told me that he knew everything about me, including my work, my house, and who my father is. He lived in my area as well. He said that he wouldn't leave me alone until I paid him 10,000 Egyptian pounds [US\$636]. He snatched my phone and refused to leave without getting paid. I had to pay the amount so I could escape him. He called me two days later asking for a new mobile phone. He told me that he would tell my father otherwise, and he sent me a video of our sexual encounter, which he took without my paying attention. I wasn't responding because I did not know what to do. I consulted with a lawyer, and he said that there is a 50 percent chance that he would go to prison, but also there will be a case against me for immoral conduct. This is why I cannot turn to the law for help.¹⁰⁹

Despite Mahdy's payment, the extortionist shared the video with his work colleagues and people in his residential area. Mahdy quit his job and stopped going out in public in his area due to the "the stigma and the public shaming," he said. The extortionist, accompanied by others, later went to Mahdy's house to threaten him. "I heard them detail the ways they would torture me," Mahdy said. "It was a blatant threat to my life. If my father sees the video, that would be the end of me."¹¹⁰ [...]

Nour, the 31-year-old gender non-binary person who uses they/them pronouns from Zagazig, Egypt, said they were extorted in January 2021 by a man they met on Grindr. They said:

He took me to his house. After some chatting, he turned into a monster. He pulled out a knife and told me to give him everything I had. Then he took my phone, all my money, pointed at a closed door, and told me that behind that door were individuals waiting for his signal to come out and beat me up. He told me that no one would hear me if I screamed. He told me that his landlord knew that he brought "faggots" to beat them up and rob them. There were two hours of shouting and hysteric behavior on his part, and then he forced me to take my clothes off and raped me. He videotaped me and said he would share the video on social media and report me

³⁷⁶ BBC News, [How Egyptian police hunt LGBT people on dating apps](#), 30 January 2023

to the police. I tried to resist at first, but I could not do anything as he pointed his knife at me while he penetrated me. He raped me for around an hour while I was shaking. I felt like it was a nightmare. I could not report it because if I did, I would be the one to suffer. How can I report this crime when the police act similarly to my perpetrator? I know there are thousands of cases like mine that are left in the dark.¹¹⁵ [...]

Majd, a 38-year-old gay man from Egypt, and Ismail, a 23-year-old gay man from Egypt, told Human Rights Watch that a gang extorted them on Grindr in August 2021. Ismail began:

We met a guy on Grindr. We chatted with him for four days before meeting him. He was very kind and kept telling us that he was scared to meet strangers, so we reassured him. He told us very personal stories and asked us to share detailed information about ourselves as well. We felt we trusted him because of his approach and told him everything, including about our respective jobs, the people we lived with, and our address. He came over and we had sex.

An hour after he left, he called us again and told us he wanted to come back and bring a friend with him. They arrived, and his demeanor changed completely, and the guy with him was a vacant-eyed thug. They started moving around the apartment and interrogating us. We told them to leave, but they refused and told us that they were not there to have sex, they were there to turn us in to the police. They said they were both in the military. They told us that either we pay them 70,000 Egyptian pounds (US\$4,451) or they would turn us in to the police. They also demanded we sign an agreement with them. They beat up Ismail. We were terrified.¹²⁷

Ismail wept as he was telling the story, so Majd continued:

I managed to open the door of our apartment and scream for help, so they got scared and left from the back exit, only taking Ismail's phone with them. The police came because of the screaming and asked us what happened, we said it was a theft attempt. The police told us to file a report, but we did not, and I thought that the incident had ended there, only to find [the two men who tried to blackmail us] waiting for me outside my place a few days later. Wanting to cause a scene, they dragged me to a populated square in Cairo, started calling me a "faggot" while beating me up in front of everyone, and broke my phone.¹²⁸ [...]

Ismail and Majd did not know what happened to the two alleged perpetrators. They tried to file a complaint at the police station, but officers refused to register their complaint, they said. Ismail and Majd were forced to change their residence after they were outed in the neighborhood. They also stopped using social media and dating applications because they did not believe there were enough safety measures to guarantee their protection online. After their extortion, they both sought psychological support and began taking medication to cope with the extreme anxiety they were experiencing. Majd described their fears:

We do not feel safe anywhere, especially because we know that those thugs could get to us at any time, and the government will not protect us. We found out through friends that the men who extorted us were an organized gang with one gay member who lures in the victims. They made a lot of money by blackmailing gay men.¹³⁰

Yasin, an 18-year-old gay man from Egypt, was extorted and raped on December 28, 2020, when he was 16, by a gang after he met a gang member on Grindr, only learning later that these men had extorted and raped in a similar manner before. He said:

We spoke very casually and then he invited me to come over to get to know each other as friends. When I got there, he closed the door behind me, and two other men appeared. One of them had a large knife and the other one had a [box]cutter. They told me that I was in captivity, and they demanded I pay them 100,000 Egyptian pounds [US\$6,360] if I ever wanted to leave.

They all raped me and videotaped it on their phones, then they took my phone and wallet, from which they retrieved my family information, and threatened to send the video to my father. I told them that I did not care. Then they told me they'd share the video on my Facebook profile and broadcast it to my WhatsApp contacts. I told them I had a phone worth 7,000 Egyptian pounds (US\$445) and another 3,000 Egyptian pounds (US\$190) in the bank. They were visibly intoxicated and looked like they were on drugs. I left them my phone and password. They let me go and told me that they would call me the next day to meet them and give them the money.¹³¹ [...]

Baha', a 24-year-old gay man from Alexandria, Egypt, was robbed by a man he met on Facebook, who then attacked him one evening in February 2021 while they were on a date. He explained:

As we stood in front of [my date's] building, three men attacked me with an axe and pocketknives. They beat me up and took my phone and money [1,000 Egyptian pounds, or US\$63.67]. They aimed their knives at my body and one of them put the axe against my neck. I tried to keep my composure as they started grabbing my clothes and pushing me around, while insulting me with homophobic slurs. One of them said, "I know you're a faggot and you're coming here to get fucked." The guy I was supposedly on a date with joined them in beating me. They searched me from head to toe and took all my belongings. They threatened me and said, "If we see you or hear anything from you again, we're going to kill you." Then they ran away.¹³⁵ [...]

109 Human Rights Watch phone interview with Mahdy, October 7, 2021.

110 Ibid. [...]

115 Human Rights Watch phone interview with Nour, October 6, 2021. [...]

127 Human Rights Watch phone interview with Majd and Ismail, October 14, 2021. [...]

129 Ibid.

130 Ibid.

131 Human Rights Watch phone interview with Yasin, October 26, 2021. [...]

135 Human Rights Watch phone interview with Baha', October 22, 2021.³⁷⁷

The USDOS annual report on human rights practices in Egypt in 2022, published in March 2023, stated that: "Several incidents of domestic and street violence against LGBTQI+ individuals were reported by local rights groups, including one case during the year in which authorities allegedly facilitated assault against a detained LGBTQI+ person".³⁷⁸

b. Discrimination

i. Access to housing

The article in New Lines Magazine on LGBTQ rights in the Arab world in February 2021 stated:

"Housing discrimination is also common as many LGBTQ individuals are denied housing and, in case they were able to secure a place to live, they are often reported to the police by either their landlords or neighbors," Fouad [one of the underground cofounders of a group called Solidarity with LGBTQ Egypt that

³⁷⁷ Human Rights Watch, ["All This Terror Because of a Photo": Digital Targeting and Its Offline Consequences for LGBT People in the Middle East and North Africa](#), 21 February 2023, pp. 42, 44, 46, 52-56

³⁷⁸ USDOS, [2022 Country Report on Human Rights Practices: Egypt](#), 20 March 2023

documents crackdowns] said. “They are only safe if they manage to buy or rent a place in the suburbs where prices are unaffordable.”

LGBTQ individuals would sometimes arrange to rent a place together to avoid being questioned, which is risky in case of a police raid. In such cases, they could all be arrested, including their landlord, who would be charged with running an “illegal prostitution ring.”³⁷⁹

The USDOS annual report on human rights practices in Egypt in 2021, published in April 2022, wrote that: “Information was not available on discrimination in [...] housing [...] based on sexual orientation and gender identity. There were no government efforts to address potential discrimination”.³⁸⁰

The USDOS annual report on human rights practices in Egypt in 2022, published in March 2023, stated that: “Several cases were reported of LGBTQI+ persons who were threatened by landlords or neighbors to vacate their homes or risk complaints being filed against them with police. There were no government efforts to address potential discrimination”.³⁸¹

ii. Access to work

The Alliance of Queer Egyptian Organizations’ (AQEO) statement on their Facebook page in March 2020 on the UPR outcome for Egypt wrote that “trans-persons are hindered from processing their official documents, face constant discrimination and exclusion from [...] workplaces”.³⁸²

An article published in Al-Monitor in June 2020 on the struggles of Egypt's gay community stated the following:

Being openly gay in Egypt is difficult because of societal norms and LGBTQI+ individuals face many issues, with violence from both the state and civilians being the most obvious, Darwish [gender and human rights officer with the Egyptian Initiative for Personal Rights] said. They also suffer from a lack of legal protection, which means that reporting an attack, harassment or rape to the state is impossible. Other structural issues, like the intervention of the medical system through anal examinations, forms of corrective therapy or lack of medical attention and services are also harmful, Darwish explained. “And all these issues result in economic consequences for the community. Generally people cannot hold jobs well, cannot continue safely in their work or places of study.” [...]

[Mohamed Alborgi, founder of the LGBTQI+ organization Rainbow Egypt] explained that [...] “Being an outspoken ally or an LGBTQ+ individual in Egypt is an act of heroism. It could mean losing ties with family, losing friends and the social support network, being fired from work or physical and verbal violence in public and private spaces without finding a legal system to gain your rights back or report these offenses.”³⁸³

³⁷⁹ New Lines Magazine, [A Place for LGBTQ Rights in the Arab World?](#), 26 February 2021

³⁸⁰ USDOS, [2021 Country Report on Human Rights Practices: Egypt](#), 12 April 2022

³⁸¹ USDOS, [2022 Country Report on Human Rights Practices: Egypt](#), 20 March 2023

³⁸² Alliance of Queer Egyptian Organizations (AQEO), [Facebook post - Statement regarding the Universal Periodic Review Outcome – Egypt](#), 15 March 2020

³⁸³ Al-Monitor, [Death of activist Sarah Hegazy highlights struggle of Egypt's gay community](#), 18 June 2020

Al-Monitor's December 2020 article on discrimination against transgender people in Egypt highlighted the following case:

[Farida] Ramadan, now in her early 50s, was assigned the male sex at birth. In actuality, she lives, feels and thinks like a woman. [...]

Ramadan was a successful schoolteacher in the coastal city of Damietta. She stopped going to school a few years ago after facing exhaustion from playing the role of a man. She was fired from her job.

Her case made headlines last month when she appealed her firing to the minister of education.

The minister said she did not have the right to return to work because she was absent for too long.

Nonetheless, he called on people not to bully her.

To earn a living, Ramadan worked at a patisserie shop in Damietta. But she was harassed by those around her because of her occasional expression of her female gender identity.

Her breaking moment came when her colleagues learned she had a Facebook page in which she expressed her gender identity freely and frankly.

"This was when everybody turned openly against me," Ramadan said.

Ramadan left Damietta to start a new life in the Nile Delta province of Beheira.³⁸⁴

The USDOS annual report on human rights practices in Egypt in 2020, published in March 2021, wrote that: "Information was not available on official or private discrimination in employment [...] based on sexual orientation and gender identity. There were no government efforts to address potential discrimination".³⁸⁵ It did note that: "HIV-positive individuals faced significant social stigma and discrimination in society and the workplace".³⁸⁶

France 24's article in June 2021 on a transgender woman in Egypt fighting for her rights and overcoming challenges in the country wrote that: "Unemployed today, she has had myriad odd jobs, all of which she has lost due to stigma".³⁸⁷

The 2021 Bedayaa Organization report answering FAQs on the situation for LGBTQI people in Egypt wrote that: "Even though lesbian, bisexual, and queer women do not face the same legal discrimination other groups face, they face different forms of social and family violence e.g., [...] deprivation from education, work and travel".³⁸⁸ It further noted that:

Job market for Trans individuals is another challenge, they face stigma, discrimination, and arbitrary dismissal specially when their IDs is not matching their gender identity. [...]

Transgender men and women encounter workplace discrimination and at times harassment. They are miss gendered [sic] and denied entry to bathrooms according to their gender. They may be arbitrarily fired or suspended at work and may not be re-appointed to positions after they change their official

³⁸⁴ Al-Monitor, [Transgender Egyptians face abuse, discrimination for asserting their identity](#), 9 December 2020

³⁸⁵ USDOS, [2020 Country Report on Human Rights Practices: Egypt](#), 30 March 2021

³⁸⁶ USDOS, [2020 Country Report on Human Rights Practices: Egypt](#), 30 March 2021

³⁸⁷ France 24, [Transgender woman battles for 'dignity' in conservative Egypt](#), 2 June 2021

³⁸⁸ Bedayaa Organization, [10 FAQs about LGBTIQs situation in Egypt](#), 2021, p. 3

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.³⁸⁹

The January 2022 article by Malak El-Kashif at the Tahrir Institute for Middle East Policy, speaking about the challenges Ahmad Fares faced before underdoing gender correction surgery in August 2021, from which he died, stated that: “He worked odd jobs provided by his friends, but he faced social obstacles, including robbery and physical violence at his workplace”.³⁹⁰

The USDOS annual report on human rights practices in Egypt in 2021, published in April 2022, wrote that: “Information was not available on discrimination in employment [...] based on sexual orientation and gender identity. There were no government efforts to address potential discrimination”.³⁹¹

The meeting minutes with a Human Rights Watch analyst, published in the September 2022 COI brief report on the situation of LGBT persons in Egypt by the Danish Immigration Service, stated that:

13. Individuals who are detained, arrested, or questioned on morality charges are facing extreme difficulty in securing any kind of employment or healthcare due to their record. Morality charges usually stay on an individual’s record for up to three years, which prohibits them from traveling and from accessing basic services, and it may subject them to additional arbitrary arrests and discrimination.

14. Dozens of individuals interviewed by HRW have reported being unable to secure employment or to move around due to discrimination on the basis of their sexual orientation, gender identity, or gender expression. In many cases, individuals live at home with their parents and practice extreme self-censorship to be able to lead a normal life. For those who cannot practice this type of self-censorship, access to services is very limited.³⁹²

The USDOS annual report on human rights practices in Egypt in 2022, published in March 2023, stated that: “A local rights group reported several cases of discrimination in employment against members of the LGBTQI+ community that forced them into jobs requiring more working hours and less compensation. [...] There were no government efforts to address potential discrimination”.³⁹³

VI. Treatment of LGBTQI+ Organizations and Human Rights Defenders

Little specific information could be found amongst the sources consulted within the time frame for this report. Instead, more broad information on the situation of human rights defenders has been included.

³⁸⁹ Bedayaa Organization, [10 FAQs about LGBTQIQs situation in Egypt](#), 2021, pp. 13, 15

³⁹⁰ The Tahrir Institute for Middle East Policy, [Transgender Policy in Egypt: Murder by Medical Bureaucracy](#), 18 January 2022

³⁹¹ USDOS, [2021 Country Report on Human Rights Practices: Egypt](#), 12 April 2022

³⁹² The Danish Immigration Service, [Country of Origin \(COI\) Brief Report – Egypt: Situation of LGBT persons](#), September 2022, p. 21

³⁹³ USDOS, [2022 Country Report on Human Rights Practices: Egypt](#), 20 March 2023

a. Government recognition of LGBTQI+ NGOs

The 2021 Human Rights Watch World Report, covering events of 2020 and published in January 2021, wrote on Egypt that:

At time of writing, the government has not issued implementing regulations for the draconian NGO law al-Sisi approved in August 2019 despite the requirement that it do so within six months of approving the law, and the stipulation in the new law that existing organizations must re-register within one year. The law prohibits a wide range of activities, such as “conduct opinion polls and publish or make their results available or conduct field research or disclose their results” without government approval. The law allows authorities to dissolve organizations for a wide range of “violations” and imposes fines of up to one million Egyptian pounds (US\$60,000) for organizations that operate without a license or send or receive funds without government approval.³⁹⁴

In April 2021, Human Rights Watch again reported on the implementing regulations for Egypt’s 2019 law regulating nongovernmental organisations, giving the following information:

The implementing regulations (bylaws), published in the Official Gazette under Prime Ministerial Decree 104 of 2021, emphasized restrictions in the law such as prohibiting any work of a “political” nature and added new restrictions that largely negate the essence of freedom of association. [...]

The government issued the implementing regulations almost 17 months after President Abdel Fattah al-Sisi, in August 2019, approved Law 149 of 2019 on Regulating the Work of Civil Associations. Law 149 removed lengthy prison sentences that had been in the previous 2017 law but kept in place most of the draconian restrictions on the work of independent groups.

President al-Sisi’s government has relentlessly cracked down on independent organizations and human rights activists including with arbitrary detentions, unjust prosecutions, travel bans, and asset freezes.

The implementing regulations give organizations until January 2022 to register under Law 149 or risk being dissolved. Law 149 also imposes fines up to one million Egyptian pounds (about US\$64,000) for violating its terms, which would bring the work of most independent organizations to a halt.

The implementing regulations require the Social Solidarity Ministry to maintain a database to include details such as all employees, volunteers, and funders, and “any other documents the minister requires” of all nongovernmental organizations in the country, and guarantee “instant exchange” of such information between the ministry and “relevant authorities.” This amounts to active surveillance by the ministry and security agencies, which are apparently among the main entities referred to as “relevant authorities,” Human Rights Watch said. Associations are required to update such information monthly, including the slightest activity such as new volunteers.

The Social Solidarity Ministry can suspend the work of any organization that violates terms of the law for up to one year, or to ask an administrative court to dissolve the group and seize its assets. The ministry’s staff can carry out unannounced inspections of an organization’s files and activities.

The government claimed that the 2019 law “removed all obstacles” to establishing an organization, saying that it allows the establishment simply by notifying the government. In fact, registration under Law 149 is convoluted, Human Rights Watch said. It requires an organization to provide an unreasonably lengthy and

³⁹⁴ Human Rights Watch, [World Report 2021: Events of 2020](#), 13 January 2021, p. 196

complex set of documents and reports clearly intended to negate the essence of the right to freedom of association and the ability to work without prior government permission.

The law, for instance, requires existing associations to submit detailed reports about all of its past activities, the geographic areas where it worked, its funding sources, and any contracts or agreements of cooperation with any other organizations, in addition to paying a fee of 5,000 Egyptian pounds (\$320) and renting or owning a multi-room office. Failure to submit any document can invalidate its registration, which the authorities can use as a pretext to reject any registration. [...]

The implementing regulations state that, outside of an association, individuals cannot carry out any civic initiative, campaign, or work without prior government permission, which requires complex measures including opening a separate bank account for the activity.

Law 149 prohibits a wide range of activities without prior government approval, such as to “conduct opinion polls and publish or make their results available or conduct field research or disclose their results,” to carry out activities in “border areas,” to “partner or cooperate” with foreign or local organizations, or open branches outside Egypt. The law also employs vaguely worded terms to completely ban other activities, such as ones that do not “match the goals” of the association, or any “political” activity or work that undermines “national security, public order, public morals.” Neither the law nor its implementing regulations provide definitions for any of these terms, which authorities frequently use to ban and punish the peaceful exercise of rights.³⁹⁵

The 2022 Human Rights Watch World Report, covering events of 2021, gave the following update: “In January 2021, the government issued implementing regulations for the 2019 NGO Law, confirming its restrictive nature and extensive government interference. Existing nongovernmental organizations (NGOs) must register under the new law by January 2022 or face being dissolved”.³⁹⁶

The meeting minutes with a Human Rights Watch analyst, published in the September 2022 COI brief report on the situation of LGBT persons in Egypt by the Danish Immigration Service, wrote that: “Civil society actors have not been able to provide the same services for LGBT people, which they used to provide, due to the restrictive NGO law and other restrictions imposed on civil society by the Egyptian government. This situation has resulted in LGBT people de facto being denied access to basic services as they cannot turn to the government sponsored centres for care”.³⁹⁷

The 2023 Human Rights Watch World Report, covering events of 2022, stated that: “In January 2022, The Arab Network for Human Rights Information (ANHRI), one of Egypt’s leading independent human rights organizations, announced that it was ending operations after nearly 18 years. The group was forced to close due to a series of threats, violent attacks, and arrests by the National Security Agency, as well as the looming deadline requiring all nongovernmental organizations (NGOs) to register under the draconian associations law”.³⁹⁸

³⁹⁵ Human Rights Watch, [Egypt: Restrictions on Civic Work Underscored](#), 16 April 2021

³⁹⁶ Human Rights Watch, [World Report 2022 – Events of 2021](#), 13 January 2022, p. 215

³⁹⁷ The Danish Immigration Service, [Country of Origin \(COI\) Brief Report – Egypt: Situation of LGBT persons](#), September 2022, p. 21

³⁹⁸ Human Rights Watch, [World Report 2023: Events of 2022](#), 12 January 2023, p. 194

The article in February 2023 in Democracy for the Arab World Now (DAWN) MENA by Ahmed Shihab-Eldin stated that: “In recent years, NGOs in Egypt focused on protecting LGBTQ+ rights have been forced underground or into exile, but fragile networks of support within the community remain”.³⁹⁹

The ILGA World Database page for Egypt reported the following: “As a result of hostile state and social attitudes, groups have not been able to register their organisations officially and often have to work secretly and anonymously to avoid state persecution. In 2021, a lawsuit was filed in the Administrative Court of the Council of State to withdraw Human Rights Watch's permit to operate in Egypt, invoking, among other reasons, this organization's work in favor of the human rights of LGBTI people”.⁴⁰⁰

b. State treatment of LGBTQI+ activists or those supporting their case or those perceived as such

ANKH Association (Arab Network for Knowledge about Human Rights) released a statement in 2020, reporting that:

This year only, LGBTQI+ activists, defenders, and individuals, have been submitted to arrests and torture, as it has been the case for Malak El-Kashif (who has been released in May), Eman Al-Helw and Hossam Ahmad - the latest two are still being preventively detained with no date of trial. Not only are they suffering from the wild-scale repression on activists and freedom of expression, they are also facing discrimination and abuses by the Egyptian authorities due to their perceived “non-binarity” (i.e they don't fit in the traditional roles, behaviors or apparences [sic] assigned to men and women in the Egyptian society).⁴⁰¹

In February 2020, ARTICLE 19 released a statement calling for the release of detained activist and researcher Patrick George Zaki. It stated that:

ARTICLE 19 is calling for the immediate release of Egyptian activist and researcher Patrick George Zaki, who was arrested at Cairo airport on Friday February 7, 2020. Zaki, a researcher at the University of Bologna, was returning to Egypt for a family visit.

According to the Egyptian Initiative for Personal Rights (EIPR), Zaki was “beaten, subjected to electric shocks, threatened, and questioned about various issues related to his work and activism”. (1)

Saloua Ghazouani Oueslati, Director of ARTICLE 19 MENA said:

“We demand the immediate release of Patrick George Zaki, and an end to the harassment of human rights defenders in Egypt. We believe that Patrick's detention is politically motivated because of his criticism of el-Sisi's regime and his campaigning work on behalf of vulnerable groups in Egypt, whose fundamental rights are under attack.” [...]

³⁹⁹ Democracy for the Arab World Now (DAWN) MENA, [How Sisi's Regime Is Ruthlessly Targeting Egypt's Queer Community](#), 27 February 2023

⁴⁰⁰ International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA World), [ILGA World Database: Egypt page](#), undated [last accessed 30 June 2023]

⁴⁰¹ ANKH Association (Arab Network for Knowledge about Human Rights), [Universal Periodic Review: Statement concerning LGBTQI+ rights in Egypt](#), 2020

Zaki has been an outspoken critic of Egyptian President Abdel Fattah el-Sisi's brutal regime and has campaigned for the rights of women, Christians and the LGBTQ+ community in Egypt. In 2017, he became a gender and human rights researcher for the EIPR before leaving to study in Italy in 2019. [...]

(1) <https://eipr.org/en/press/2020/02/egyptian-human-rights-defender-disappeared-and-tortured-eipr-gender-rights-0>⁴⁰²

Another press release by Amnesty International in November 2020 wrote on the escalating punishment of human rights defenders in Egypt and stated that: “‘Egyptian authorities regularly use unfounded ‘terrorism’ charges to detain and defame human rights defenders in the eyes of the Egyptian public and international community. In reality, the Egyptian authorities view legitimate human rights work like defending LGBTI rights, opposing the death penalty, defending religious minorities and promoting the right to health as terrorism” said Philip Luther”.⁴⁰³

In December 2020, the European Parliament published a resolution on the deteriorating human rights situation in Egypt, noting that “tens of thousands of human rights defenders, including women’s rights activists, LGBTI activists, lawyers, journalists, activists, peaceful dissenters and members of the opposition remain imprisoned in life-threatening conditions”.⁴⁰⁴

The USDOS annual report on human rights practices in Egypt in 2020, published in March 2021, wrote that: “Rights groups and activists reported harassment by police, including physical assault and forced payment of bribes to provide information concerning other LGBTI individuals or to avoid arrest”.⁴⁰⁵

In April 2021, ANKH (Arab Network for Knowledge about Human Rights), the Alliance of Queer Egyptian Organizations (AQEO), and the Cairo Institute for Human Rights Studies (CIHRS), among other organisations, published an open letter to human rights ambassadors around the world regarding the targeting of LGBTQI+ community and activists in Egypt. It stated: “Egyptian human rights and LGBTQI+ activists have been continuously subjected to discrimination and dissemination of false information by the Egyptian government authorities, as well as in the state controlled media. The Egyptian government has targeted LGBTQI+ human rights defenders. [...] Eman al Helw and Hossam Ahmed were arrested on 28 February 2019, the day after the Ramses Station train accident in Cairo, which caused the death of at least 25 people. [...] Al-Helw and Ahmed were released on 17 and 22 September 2020”.⁴⁰⁶

The May 2021 article by the International Service for Human Rights (ISHR) on discrimination against LGBTQI+ people in Egypt stated that: “Despite the strong attempts to marginalize and suppress the

⁴⁰² ARTICLE 19, [Egypt: ARTICLE 19 calls for release of activist and researcher Patrick George Zaki](#), 14 February 2020

⁴⁰³ Amnesty International, [Egypt: Authorities escalate punishment of human rights defenders](#), 24 November 2020

⁴⁰⁴ European Parliament, [Joint motion for a resolution on the deteriorating situation of human rights in Egypt, in particular the case of the activists of the Egyptian Initiative for Personal Rights \(EIPR\)](#), 16 December 2020

⁴⁰⁵ USDOS, [2020 Country Report on Human Rights Practices: Egypt](#), 30 March 2021

⁴⁰⁶ ANKH (Arab Network for Knowledge about Human Rights), the Alliance of Queer Egyptian Organizations (AQEO), and the Cairo Institute for Human Rights Studies (CIHRS) et al., [Egypt: Open letter to human rights ambassadors around the world regarding the targeting of LGBTQI+ community and activists](#), 30 April 2021

LGBTIQ+ community in Egypt and ban their appearance in the media, their presence began to gain support and momentum over the past years, especially after the passing of lesbian activist Sarah Hegazy in her exile in Canada in June 2020. Despite the challenges, human rights defenders and LGBTIQ+ activists remain determined to demand and respect their basic rights and create a space for action”.⁴⁰⁷

A letter in June 2021 to the Egyptian authorities by Amnesty International and sixty-three other organisations stated that: “The authorities have also used morality and debauchery laws to arbitrarily arrest, detain and prosecute survivors and witnesses of sexual and other gender-based violence, women social media influencers, and LGBTQI+ people and activists”.⁴⁰⁸

The UK Government’s Human Rights and Democracy Report for 2020, published in July 2021, stated that: “In January, after interviewing an LGBT+ individual, TV host Mohamed Al-Ghaity was sentenced to a year in prison for contempt of religion, incitement of debauchery, and immorality”.⁴⁰⁹

The latest edition of ILGA World's “Our Identities under Arrest” report, released in December 2021, stated that:

In November 2020 three human rights defenders for the Egyptian Initiative for Personal Rights (EIPR) were arrested and investigated for terrorism while being held in Cairo’s Torah prison. The EIPR advocates on issues of SOGIESC, women’s rights, criminal justice, environmental law and health. The three activists were arrested shortly after meeting with diplomats from several European countries to showcase their work.⁷³ [...]

73 “Verhaftungen in Ägypten nach Treffen mit Schweizer Diplomaten” [Arrests in Egypt after meeting with Swiss diplomats], *SRF*, 22 November 2020.⁴¹⁰

The 2022 BTI country report on Egypt, covering the period 1 February 2019 to 31 January 2021 and published in February 2022, stated that: “Civil society was harshly repressed, and the regime not only targeted political opponents but virtually anyone not complying with norms defined by the rulers, such as atheists, transgender persons, homosexuals or citizens who simply shared the “wrong” content on social media”.⁴¹¹ The report further noted that: “During the period under review, hundreds of bloggers and social media users have been detained for comments criticizing the ruling elite, sharing atheist views or defending homosexuality, among other issues”.⁴¹²

⁴⁰⁷ The International Service for Human Rights (ISHR), [Egypt | Stop prosecuting and harassing LGBTIQ+ individuals and organisations](#), 11 May 2021

⁴⁰⁸ Amnesty International et al., [Egypt: President should act to unshackle freedoms](#), 1 June 2021, p. 2

⁴⁰⁹ UK Government and UK Foreign, Commonwealth & Development Office, [Human Rights & Democracy: The 2020 Foreign, Commonwealth & Development Office Report](#), 8 July 2021, p. 44

⁴¹⁰ International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA World), [Our Identities Under Arrest: A global overview on the enforcement of laws criminalising consensual same-sex sexual acts between adults and diverse gender expressions](#), 15 December 2021, p. 131

⁴¹¹ Bertelsmann Stiftung, [BTI 2022 Country Report: Egypt](#), 23 February 2022, p. 3

⁴¹² Bertelsmann Stiftung, [BTI 2022 Country Report: Egypt](#), 23 February 2022, p. 10

The USDOS annual report on human rights practices in Egypt in 2022, published in March 2023, stated that: “Legal discrimination and social stigma impeded LGBTQI+ persons from organizing or advocating publicly in defense of their rights. Additionally, there was widespread public support for discrimination against this community. Opinions supporting LGBTQI+ rights cannot be expressed in state-controlled media. LGBTQI+ civil society organizations are not allowed to register officially, and the ability to assemble peacefully was extremely limited due to the government’s restriction of assemblies in general, as well as absence of any governmental protection for the community against violence they might face”.⁴¹³

The ILGA World Database page for Egypt reported the following: “As a result of hostile state and social attitudes, groups have not been able to register their organisations officially and often have to work secretly and anonymously to avoid state persecution. In 2021, a lawsuit was filed in the Administrative Court of the Council of State to withdraw Human Rights Watch's permit to operate in Egypt, invoking, among other reasons, this organization's work in favor of the human rights of LGBTI people”.⁴¹⁴

VII. Availability of State Protection

a. Investigation and prosecution of crimes against LGBTQI+ individuals

2020

The Alliance of Queer Egyptian Organizations’ (AQEO) statement on their Facebook page in March 2020 on the UPR outcome for Egypt wrote that “trans-persons [...] face social violence without protection”.⁴¹⁵

An article published in Al-Monitor in June 2020 on the struggles of Egypt's gay community stated the following:

Being openly gay in Egypt is difficult because of societal norms and LGBTQI+ individuals face many issues, with violence from both the state and civilians being the most obvious, Darwish [gender and human rights officer with the Egyptian Initiative for Personal Rights] said. They also suffer from a lack of legal protection, which means that reporting an attack, harassment or rape to the state is impossible. Other structural issues, like the intervention of the medical system through anal examinations, forms of corrective therapy or lack of medical attention and services are also harmful, Darwish explained. “And all these issues result in economic consequences for the community. Generally people cannot hold jobs well, cannot continue safely in their work or places of study.”

Mohamed Alborgi, founder of the LGBTQI+ organization Rainbow Egypt, told Al-Monitor, “The majority of LGBTQI individuals in Egypt are living in fear.”

⁴¹³ USDOS, [2022 Country Report on Human Rights Practices: Egypt](#), 20 March 2023

⁴¹⁴ International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA World), [ILGA World Database: Egypt page](#), undated [last accessed 30 June 2023]

⁴¹⁵ Alliance of Queer Egyptian Organizations (AQEO), [Facebook post - Statement regarding the Universal Periodic Review Outcome – Egypt](#), 15 March 2020

He explained that anxiety, depression, chronic stress and fear are common mental health issues. “Being an outspoken ally or an LGBTQ+ individual in Egypt is an act of heroism. It could mean losing ties with family, losing friends and the social support network, being fired from work or physical and verbal violence in public and private spaces without finding a legal system to gain your rights back or report these offenses.”⁴¹⁶

2021

At the beginning of 2021, Bedayaa Organization produced its annual report covering events relevant to its legal aid programme from January to December 2020. It reported that:

III. Gangs’ Entrapment and Vulnerability to Protection

In late 2020, a double-edged threat to the LGBTQ+ community gained new momentum. Several incidents in which LGBTQ+ persons were targeted and attacked by gangs who used force to film LGBTQ+ individuals in sexual contexts and robbed them of their money and other belongings inside their houses, threatening that they would send the photos and films to the police if they were to report it. LGBTQ+ persons in Egypt were always at risk of being persecuted and prosecuted on the basis of their sexuality, but now with the recurrence of these types of incidents, this risk is doubled as they are forced to surrender to these gangs otherwise, they would have to face the higher risk of going to prison if they were reported to the police. Some of these gangs were even allegedly informally connected to the police, which sheds lights on the state role of protection and the indirect message of the legitimacy of permitting violence.⁴¹⁷

On 11 May 2021, Bedayaa Organization, ANKH Association (Arab Network for Knowledge about Human Rights) and the Alliance of Queer Egyptian Organizations (AQEO) released a report twenty years after the Queen Boat / Cairo 52 incident, writing that: “It is note-worthy that the Egyptian state does not interfere to protect any member of the LGBTQ+ as the state reinforces violence culture and rejection towards the LGBTQ+. In monitored cases of violence from non-state actors, LGBTQ+ persons are not protected when they resort to the police. On the contrary, they are subjected with direct threats of being prosecuted instead”.⁴¹⁸

The 2021 Bedayaa Organization report answering FAQs on the situation for LGBTQ people in Egypt wrote that:

Even though lesbian, bisexual, and queer women do not face the same legal discrimination other groups face, they face different forms of social and family violence e.g., corrective therapy, forced marriage, marital rape, forced confinement inside homes and deprivation from education, work and travel. [...]

Egypt has significant deficiencies in legislations that protect women from social violence, domestic violence or violence based on sexual orientation and gender identity. In some cases, we document the cooperation of police officers to bring back lesbian or bisexual women to their parent’s house once the

⁴¹⁶ Al-Monitor, [Death of activist Sarah Hegazy highlights struggle of Egypt's gay community](#), 18 June 2020

⁴¹⁷ Bedayaa Organization, [Legal Aid – Annual Report: 2020](#), 2021, p. 4

⁴¹⁸ Bedayaa Organization, ANKH Association (Arab Network for Knowledge about Human Rights) and the Alliance of Queer Egyptian Organizations (AQEO), [Twenty years - Cairo 52](#), 11 May 2021, p. 9

father reported her escape even if she is an “adult” not under his legal guardianship. Their escape usually comes due to long years of domestic violence and house confinement. [...]

The Egyptian state condones violence and discrimination against LGBTI community, even though the committed violence is supposed to be punished by law e.g., blackmail, physical attack, accessory to murder and defamation. [...]

In other cases, the neighbours would attack transgender women in their flats and when the transgender women would call the police, the police would arrest them instead of the neighbours for the reason mentioned above.

[...] The state does not intervene to protect trans-people at work when they face arbitrary dismissal, verbal and sexual harassment, bullying, and rights violations.⁴¹⁹

2022

In Amnesty International’s January 2022 submission to the UN Human Rights Committee ahead of the adoption of the list of issues for the fifth periodic report of Egypt at its 134th session, it stated: “Authorities have detained at least one trans woman in an all-male prison, where she was subjected to sexual assault including by medical staff and where she was held in prolonged solitary confinement purportedly for her protection. Her complaints to courts were dismissed”.⁴²⁰

The January 2022 article by Malak El-Kashif for the Tahrir Institute for Middle East Policy stated that:

As an Egyptian transgender woman, I can make it clear that we do not have the protections that the media claims that we have. Quite to the contrary—we are exposed to community targeting and violence on daily basis. Furthermore, with a legislative vacuum regarding the civil rights of transgender people, we cannot file lawsuits against anyone who commits crimes against us. Instead, we can be detained under the counter-debauchery articles of law No. 10 of 1961, which is used to punish homosexual men and transgender women.⁴²¹

The same article also reported on the death of Ahmad Fares after undergoing gender correction surgery and the lack of investigation into it:

“Ahmad Fares” known as “Ezz” died on August 28—a week after undergoing gender correction surgery performed by a private doctor Ashraf Al-Sebaie. Ezz, like any transgender person in Egypt, was aware that he could not attain a governmental medical report. He was also aware that he would not obtain approval from the Medical Syndicate, which, even after resuming its work in 2019, gave approvals to intersex people and denied them to transgenders. Consequently, Ezz decided to undergo a gender correction surgery in a private hospital so that he could start his life, work, and rent a house like any transgender person abandoned by his family. [...]

⁴¹⁹ Bedayaa Organization, [10 FAQs about LGBTIQs situation in Egypt](#), 2021, pp. 3-4, 13, 15

⁴²⁰ Amnesty International, [Egypt - Submission to the UN Human Rights Committee – 134th session \(28 February – 25 March 2022\), list of issues](#), 17 January 2022, p. 2

⁴²¹ The Tahrir Institute for Middle East Policy, [Transgender Policy in Egypt: Murder by Medical Bureaucracy](#), 18 January 2022

After undergoing his first gender correction surgery, Ezz was forced to leave the hospital after only one day—due to doctor’s fear that an inspection committee might pass by the hospital and find that he had performed the surgery on a transgender man without syndicate approval. Despite the risky surgery and his precarious health condition, Ezz was forced to leave the hospital. [...] A few days after he had undergone surgery, everyone was surprised at the news of his death due to physical complications and internal hemorrhaging.

The news of his death was shared widely on social media platforms and covered by many news websites that mentioned the name of the doctor and the private hospital in which the surgery was performed. However, the Egyptian Medical Syndicate took no action against this doctor although it, through its intransigence and bureaucratic suspension, represents a main reason that Ezz underwent this surgery at the hands of a private doctor who lacked the capability to perform this type of surgery. On top of that, the competent authorities did not investigate his indirect murder in the same way they investigate fabricated cases against transgender women accused of “debauchery.”⁴²²

The USDOS annual report on human rights practices in Egypt in 2021, published in April 2022, wrote that: “Authorities did not use antidiscrimination laws to protect LGBTQI+ individuals. [...] There were no government efforts to address potential discrimination”.⁴²³

In May 2022, ahead of COP27, Amnesty International wrote: “There are also concerns around the safety of all participants at COP27, given the Egyptian authorities’ appalling track record in failing to protect women and LGBTI people from discrimination and gender-based violence as well as prosecuting them on bogus “indecentcy”, “morality” or “debauchery” charges, simply for the way they dress, talk and express themselves on social media or for sexual relations between consenting adults”.⁴²⁴

The New Arab published an article in July 2022 on the lack of gender-affirming health care and legal gender recognition in Middle East nations, including Egypt. It quoted a statement from Maryam Chaine, a Cairo-based lawyer: ““I receive different cases where transgender people are just targeted or harassed for who they are. Even in cases where transgender people are the victim of social attacks, the police arrest them instead. In detention, verbal and physical abuse are common and transgender people are especially targeted because of their identity””.⁴²⁵

Amnesty International, reporting on Egypt’s National Human Rights Strategy (NHRS) in September 2022, stated that:

The NHRS claims that the “right to personal freedom” and “right to privacy” are safeguarded in the Constitution and the national laws¹⁸⁵, and that the state guarantees fair compensation for those who have been assaulted.¹⁸⁶ But in practice, violations of the rights to privacy continue unabated against LGBTI individuals. The NHRS is entirely silent on violations against LGBTI individuals and activists, despite

⁴²² The Tahrir Institute for Middle East Policy, [Transgender Policy in Egypt: Murder by Medical Bureaucracy](#), 18 January 2022

⁴²³ USDOS, [2021 Country Report on Human Rights Practices: Egypt](#), 12 April 2022

⁴²⁴ Amnesty International, [Egypt: Lift restrictions on civic space to ensure a successful COP27](#), 23 May 2022

⁴²⁵ The New Arab, [The Middle East has an anti-transgender bills problem](#), 22 July 2022

well-documented patterns of authorities routinely harassing, arresting and prosecuting individuals on the basis of their real or perceived sexual orientation and/or gender identity. [...]

185 SSCHR, NHRS - The Republic of Egypt 2021-2026 (previously cited), p21-22; p42-43

186 SSCHR, NHRS - The Republic of Egypt 2021-2026 (previously cited), p24; p42⁴²⁶

The article by Human Rights Watch in November 2022 on the failure of the Egyptian authorities to protect vulnerable refugees and asylum seekers from sexual violence, or investigation of such instances, stated the following:

One aid worker said that their organization never recommends to lesbian, gay, bisexual and transgender (LGBT) refugees who are sexually assaulted to report incidents to the police, out of fear that police will instead arrest them because of their sexual orientation or gender identity. [...]

The transgender woman refugee said that a group of Egyptian men raped her in a private car after abducting her at knifepoint in January 2022. She said she did not file a police report about the incident because of a previous experience in 2020 at a Cairo police station, where she was arbitrarily detained in a men's cell on "morality" charges due to her gender identity, during which time a police employee sexually assaulted her. [...] Eman said she never considered reporting the incident to the police after her experience in detention serving a prison sentence on "morality" charges linked to her gender identity in 2020 at a Cairo police station, where she was sexually assaulted by a police officer:

I spent six months at this police station, and police there treat people like me as a slave. Once I arrived at the station, the police took me to the thugs who control the cells and offered me to whoever pays most. I was raped more than once by other inmates. I saw people detained for no reason, sometimes they arrested people who visited the police station to file reports. I can't go to police stations in Egypt. They degrade and hate people like me and will find any way to detain someone like me.

One day a police officer came to the cell where I was being held and asked all inmates to go out to the corridor except for me. When everyone went out, he asked me to take off my shirt and looked at my breasts. He said, "How could these naturally be your breasts? How are they this big?" Then he started to touch me; after he finished, he made a scene pretending that I was harassing him and started beating me on my face until I bled from my nose.

Eman said she reported this assault to the chief of the station, but the officer was already suspended. She said later she was pressured to drop it:

Some time after the assault the chief pressured me to drop the complaint. He said to me, "Drop it or I will make your life a hell," and he threatened to fabricate more cases against me. I had to drop the complaint eventually as I am a foreigner and have no one in this country.⁴²⁷

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⁴²⁶ Amnesty International, [Egypt: "Disconnected from reality": Egypt's National Human Rights Strategy covers up human rights crisis](#), 21 September 2022, p. 35

⁴²⁷ Human Rights Watch, [Egypt: Sexually Abused Refugees Find No Justice](#), 24 November 2022

The February 2023 Human Rights Watch report into digital targeting and its offline consequences for LGBT people in the Middle East and North Africa gave the following information about extortion and violence by gang members in Egypt, and lack of response or protection by police:

In Egypt, LGBT people reported being extorted online by gang members pretending to be LGBT people. After extended periods of chatting online, what begins as a date turns into threats and beatings, often at knifepoint, to extract money from LGBT people. In several cases we documented, extortionists also raped LGBT people using force or manipulating them into having sex while surreptitiously recording the act on their phones to use against them. [...]

On September 13, 2021, Mahdy, a 28-year-old gay man from Cairo, said he was extorted by a man he had met on Instagram, with whom he spoke for two months before agreeing to meet him and have sexual relations. He said:

We went to his place at night and had sex. After we finished, he told me that he knew everything about me, including my work, my house, and who my father is. He lived in my area as well. He said that he wouldn't leave me alone until I paid him 10,000 Egyptian pounds [US\$636]. He snatched my phone and refused to leave without getting paid. I had to pay the amount so I could escape him. He called me two days later asking for a new mobile phone. He told me that he would tell my father otherwise, and he sent me a video of our sexual encounter, which he took without my paying attention. I wasn't responding because I did not know what to do. I consulted with a lawyer, and he said that there is a 50 percent chance that he would go to prison, but also there will be a case against me for immoral conduct. This is why I cannot turn to the law for help.¹⁰⁹ [...]

Nour, the 31-year-old gender non-binary person who uses they/them pronouns from Zagazig, Egypt, said they were extorted in January 2021 by a man they met on Grindr. They said:

He took me to his house. After some chatting, he turned into a monster. He pulled out a knife and told me to give him everything I had. Then he took my phone, all my money, pointed at a closed door, and told me that behind that door were individuals waiting for his signal to come out and beat me up. He told me that no one would hear me if I screamed. He told me that his landlord knew that he brought "faggots" to beat them up and rob them. There were two hours of shouting and hysteric behavior on his part, and then he forced me to take my clothes off and raped me. He videotaped me and said he would share the video on social media and report me to the police. I tried to resist at first, but I could not do anything as he pointed his knife at me while he penetrated me. He raped me for around an hour while I was shaking. I felt like it was a nightmare. I could not report it because if I did, I would be the one to suffer. How can I report this crime when the police act similarly to my perpetrator? I know there are thousands of cases like mine that are left in the dark.¹¹⁵ [...]

Majd, a 38-year-old gay man from Egypt, and Ismail, a 23-year-old gay man from Egypt, told Human Rights Watch that a gang extorted them on Grindr in August 2021. Ismail began:

We met a guy on Grindr. We chatted with him for four days before meeting him. He was very kind and kept telling us that he was scared to meet strangers, so we reassured him. He told us very personal stories and asked us to share detailed information about ourselves as well. We felt we trusted him because of his approach and told him everything, including about our respective jobs, the people we lived with, and our address. He came over and we had sex.

An hour after he left, he called us again and told us he wanted to come back and bring a friend with him. They arrived, and his demeanor changed completely, and the guy with him was a

vacant-eyed thug. They started moving around the apartment and interrogating us. We told them to leave, but they refused and told us that they were not there to have sex, they were there to turn us in to the police. They said they were both in the military. They told us that either we pay them 70,000 Egyptian pounds (US\$4,451) or they would turn us in to the police. They also demanded we sign an agreement with them. They beat up Ismail. We were terrified.¹²⁷

Ismail wept as he was telling the story, so Majd continued:

I managed to open the door of our apartment and scream for help, so they got scared and left from the back exit, only taking Ismail's phone with them. The police came because of the screaming and asked us what happened, we said it was a theft attempt. The police told us to file a report, but we did not, and I thought that the incident had ended there, only to find [the two men who tried to blackmail us] waiting for me outside my place a few days later. Wanting to cause a scene, they dragged me to a populated square in Cairo, started calling me a "faggot" while beating me up in front of everyone, and broke my phone.¹²⁸

When the police intervened, the man they had met on Grindr told the police that Majd was gay and showed them their WhatsApp chats, which contained messages about gay sex and stickers (a WhatsApp feature) that showed images of men having sex. Police officers insulted Majd and Ismail with homophobic slurs, handcuffed them, and took them to the Helwan police station in Cairo, where they were detained for four days.¹²⁹

Ismail and Majd did not know what happened to the two alleged perpetrators. They tried to file a complaint at the police station, but officers refused to register their complaint, they said. [...]

Yasin, an 18-year-old gay man from Egypt, was extorted and raped on December 28, 2020, when he was 16, by a gang after he met a gang member on Grindr, only learning later that these men had extorted and raped in a similar manner before. He said:

We spoke very casually and then he invited me to come over to get to know each other as friends. When I got there, he closed the door behind me, and two other men appeared. One of them had a large knife and the other one had a [box]cutter. They told me that I was in captivity, and they demanded I pay them 100,000 Egyptian pounds [US\$6,360] if I ever wanted to leave. They all raped me and videotaped it on their phones, then they took my phone and wallet, from which they retrieved my family information, and threatened to send the video to my father. I told them that I did not care. Then they told me they'd share the video on my Facebook profile and broadcast it to my WhatsApp contacts. I told them I had a phone worth 7,000 Egyptian pounds (US\$445) and another 3,000 Egyptian pounds (US\$190) in the bank. They were visibly intoxicated and looked like they were on drugs. I left them my phone and password. They let me go and told me that they would call me the next day to meet them and give them the money.¹³¹

After Yasin left, he found a place nearby where he called his father, told him he was kidnapped, and asked him to come immediately. His father then took Yasin to the New Cairo Kattameya police station to file a complaint with the police. Yasin said:

I told the police officer what happened but left out the part about Grindr. I told him that the thugs accosted me in the street, took me to their place, then raped me. He did not believe me, and when he started yelling at me, my father told him to take us to the chief officer, which he did. The chief officer said he would help me, then asked that I take another police officer to the apartment where I was being held. We went, and two of the men who attacked me were there, but the one who had the big knife wasn't. They started screaming and the police arrested them. [The police officers] took the three phones there (including mine), drugs they found at the apartment, and the weapons that they had. They refused to confess anything at the police station, while I filed the police report.¹³²

The following day, Yasin went to the office of the public prosecutor, who assured him that he would not be detained and asked him to explain what happened:

I once again left out the part about Grindr, but when the men who attacked me came in to be interrogated, one of them confessed to everything and showed the prosecutor the chat on Grindr. When he searched their phones, he saw a video detailing another incident similar to mine, done in the exact same way. The prosecutor showed me that video and the video they recorded of me. We were at the prosecutor's office from 9 a.m. until 2 a.m.

Four days later, the police department summoned Yasin to perform an anal exam to "verify his sexual orientation."¹³³ He added that the exam "showed that he was not gay," which allowed him to escape detention.¹³⁴ Yasin did not know what happened to the men he accused of rape and extortion.

Baha', a 24-year-old gay man from Alexandria, Egypt, was robbed by a man he met on Facebook, who then attacked him one evening in February 2021 while they were on a date. [...]

After the attack against him, Baha' immediately blocked the man he met on Facebook and went to the nearest police station, near Al-Namous Square in Cairo, to report the attack.

I told the police that I was walking and a group of men attacked and robbed me. I was accompanied by officers to the location where I was attacked. I distanced myself from them and opened my Facebook account from a pedestrian's phone to try to get the attackers' account details. One of the officers saw me, snatched the phone from my hand, and found out that I was gay from my private Facebook groups. They brought me back to the station and started interrogating me. One officer said, "I know you're a faggot, so stop lying and tell me about your relation to the attacker." I told him the whole story. They said, "Do you fuck or get fucked?" "What have you done with the guy?" I was threatened with an anal exam and also with the military court's interference as I am in the army.¹³⁶

Police officers interrogated Baha' for from 7 p.m. until 1 a.m. and forced him to open both his Facebook accounts, his real one and a fake one he used for dating. He described the interrogation process:

I was not allowed to call anyone or use the restroom. The police report stated that I was walking on the street and my phone fell. The officer did not write another report because it would have been a burden, he said, so they threatened me with [sending the case to] the military court to get me to agree to the report as it was. Even though I presented information about the perpetrators' identities, the police did absolutely nothing to help me. Instead, they threatened and insulted me. I left there completely shocked, and I had no money, so I had to walk a long distance.¹³⁷ [...]

109 Human Rights Watch phone interview with Mahdy, October 7, 2021. [...]

115 Human Rights Watch phone interview with Nour, October 6, 2021. [...]

127 Human Rights Watch phone interview with Majd and Ismail, October 14, 2021.

128 Ibid.

129 Ibid. [...]

131 Human Rights Watch phone interview with Yasin, October 26, 2021.

132 Ibid.

133 Forced anal examinations constitute cruel, degrading, and inhuman treatment that can rise to the level of torture and sexual assault under international human rights law. They violate medical ethics and lack scientific validity for their purported purpose of establishing that same-sex conduct has taken place. They are therefore internationally discredited. Human Rights Watch, *Dignity Debased: Forced Anal Examinations in Homosexuality Prosecutions*, (New York: Human Rights Watch report, 2016), <https://www.hrw.org/report/2016/07/12/dignity-debased/forced-anal-examinations-homosexuality-prosecutions>.

134 Human Rights Watch phone interview with Yasin, October 26, 2021. [...]

136 Human Rights Watch phone interview with Baha', October 22, 2021.

137 Ibid.⁴²⁸

The article in February 2023 in Democracy for the Arab World Now (DAWN) MENA by Ahmed Shihab-Eldin stated that: "Queer Egyptians can't go to the police or authorities when they are attacked or entrapped, because they fear being jailed themselves on trumped-up charges of debauchery or sex work. [...] One 18-year-old I spoke to who was attacked by the gang we follow in our BBC investigation asked his lawyer if he could report them to the police. The lawyer warned him not to and that he would very easily be charged with debauchery if he did. "My lawyer said that my offense is more severe than my attacker, according to Egyptian society," he told me".⁴²⁹

In early March 2023, the UN Human Rights Committee published a summary record of the 3958th meeting, held in February 2023, in which the fifth periodic report of Egypt was considered. Within it, concerns were raised that: "the State party had not accepted recommendations made at its universal periodic review in 2020 concerning the investigation of cases of harassment and discrimination, including by the police, against lesbian, gay, bisexual, transgender and intersex persons".⁴³⁰

The USDOS annual report on human rights practices in Egypt in 2022, published in March 2023, stated that:

Authorities did not use antidiscrimination laws to protect LGBTQI+ individuals. Legal discrimination and social stigma impeded LGBTQI+ persons from organizing or advocating publicly in defense of their rights. A local rights group reported several cases of discrimination in employment against members of the LGBTQI+ community that forced them into jobs requiring more working hours and less compensation. Several cases were reported of LGBTQI+ persons who were threatened by landlords or neighbors to vacate their homes or risk complaints being filed against them with police. There were no government efforts to address potential discrimination.⁴³¹

The report further wrote that: "LGBTQI+ civil society organizations are not allowed to register officially, and the ability to assemble peacefully was extremely limited due to the government's restriction of assemblies in general, as well as absence of any governmental protection for the community against violence they might face".⁴³²

In April 2023, the UN Human Rights Committee published its concluding observations on the fifth periodic report of Egypt, in which it stated that: "9. The Committee is concerned about continuing

⁴²⁸ Human Rights Watch, ["All This Terror Because of a Photo": Digital Targeting and Its Offline Consequences for LGBT People in the Middle East and North Africa](#), 21 February 2023, pp. 42, 44, 46, 52-56

⁴²⁹ Democracy for the Arab World Now (DAWN) MENA, [How Sisi's Regime Is Ruthlessly Targeting Egypt's Queer Community](#), 27 February 2023

⁴³⁰ UN Human Rights Committee, [137th session, Summary record of the 3958th meeting*: Held at the Palais Wilson, Geneva, on Tuesday, 28 February 2023, at 3 p.m. - Consideration of reports submitted by States parties under article 40 of the Covenant - Fifth periodic report of Egypt](#), 6 March 2023, p. 8

⁴³¹ USDOS, [2022 Country Report on Human Rights Practices: Egypt](#), 20 March 2023

⁴³² USDOS, [2022 Country Report on Human Rights Practices: Egypt](#), 20 March 2023

reports of discrimination, stigmatization, harassment and violence, including by law enforcement officials, against persons on the basis of their real or perceived sexual orientation or gender identity, and that these serious crimes are not investigated and punished”.⁴³³

b. Fear of reporting to authorities

The article by Human Rights Watch in November 2022 on the failure of the Egyptian authorities to protect vulnerable refugees and asylum seekers from sexual violence, or investigation of such instances, stated the following:

One aid worker said that their organization never recommends to lesbian, gay, bisexual and transgender (LGBT) refugees who are sexually assaulted to report incidents to the police, out of fear that police will instead arrest them because of their sexual orientation or gender identity. [...]

The transgender woman refugee said that a group of Egyptian men raped her in a private car after abducting her at knifepoint in January 2022. She said she did not file a police report about the incident because of a previous experience in 2020 at a Cairo police station, where she was arbitrarily detained in a men’s cell on “morality” charges due to her gender identity, during which time a police employee sexually assaulted her.⁴³⁴

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He took me to his house. After some chatting, he turned into a monster. He pulled out a knife and told me to give him everything I had. Then he took my phone, all my money, pointed at a closed door, and told me that behind that door were individuals waiting for his signal to come

⁴³³ UN Human Rights Committee, [Concluding observations on the fifth periodic report of Egypt](#), 14 April 2023, p. 2

⁴³⁴ Human Rights Watch, [Egypt: Sexually Abused Refugees Find No Justice](#), 24 November 2022

out and beat me up. He told me that no one would hear me if I screamed. He told me that his landlord knew that he brought “faggots” to beat them up and rob them. There were two hours of shouting and hysteric behavior on his part, and then he forced me to take my clothes off and raped me. He videotaped me and said he would share the video on social media and report me to the police. I tried to resist at first, but I could not do anything as he pointed his knife at me while he penetrated me. He raped me for around an hour while I was shaking. I felt like it was a nightmare. I could not report it because if I did, I would be the one to suffer. How can I report this crime when the police act similarly to my perpetrator? I know there are thousands of cases like mine that are left in the dark.¹¹⁵ [...]

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115 Human Rights Watch phone interview with Nour, October 6, 2021.⁴³⁵

The article in February 2023 in Democracy for the Arab World Now (DAWN) MENA by Ahmed Shihab-Eldin stated that: “Queer Egyptians can't go to the police or authorities when they are attacked or entrapped, because they fear being jailed themselves on trumped-up charges of debauchery or sex work. [...] One 18-year-old I spoke to who was attacked by the gang we follow in our BBC investigation asked his lawyer if he could report them to the police. The lawyer warned him not to and that he would very easily be charged with debauchery if he did. "My lawyer said that my offense is more severe than my attacker, according to Egyptian society," he told me”.⁴³⁶

⁴³⁵ Human Rights Watch, [“All This Terror Because of a Photo”: Digital Targeting and Its Offline Consequences for LGBT People in the Middle East and North Africa](#), 21 February 2023, pp. 44 and 46

⁴³⁶ Democracy for the Arab World Now (DAWN) MENA, [How Sisi's Regime Is Ruthlessly Targeting Egypt's Queer Community](#), 27 February 2023