



Universal Periodic Review of Egypt

Stakeholder Report on Human Rights Violations on the Basis of Real or Perceived Sexual Orientation and Gender Identities and Expressions in Egypt

For consideration in the framework of the 4th cycle of Egypt by the UPR Working Group during the 48th session in January 2025

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On behalf of

The Queer Action Circle Collective

Pan Africa ILGA: Pan Africa (PAI) is the African branch of the global LGBTQI+ organization (ILGA). It brings together more than 150 African organizations working for human rights and equality for LGBTQI+ people on our continent. Its core mission is to unify and strengthen LGBTQI+ organizations in Africa in order to challenge state legislation and discriminatory fundamentalist movements, which hinder advocacy related to issues of sexual orientation and gender identity.

The Human Rights Situation for LGBTQI+ Persons Residing in Egypt

By Pan Africa ILGA

Executive Summary

This report provides a comprehensive analysis of the human rights situation facing LGBTQI+ individuals in Egypt, focusing on discriminatory laws, practices, and societal challenges. It examines the legislative framework, including international treaties and Egyptian laws. The report details specific laws and decrees affecting LGBTQI+ rights and discusses the application and consequences of these laws.

The report underscores the systemic discrimination in employment, education, healthcare, and housing faced by LGBTQI+ persons. The report provides a framework to analyse the criminalization and societal stigma's contribution to a climate of violence and abuse.

Highlighting concerning practices like conversion therapy and forced anal examinations, the report calls for urgent reforms. It proposes recommendations aimed at protecting LGBTQI+ rights, including legislative reforms and measures to combat discrimination in various sectors.

Summary context

1. In Egypt, where LGBTQI+ individuals face discrimination and persecution, the UPR offers a vital opportunity to address systemic injustices. For LGBTQI+ persons in Egypt, these reports are essential tools to expose discriminatory practices, highlight violations of international agreements, and advocate for reforms. The UPR cycle, enriched by these shadow reports, presents a significant opportunity to enhance the rights and protections of LGBTQI+ people in Egypt on the global stage.

Methodology

2. Using both quantitative and qualitative data collection tools, this report will demonstrate the different practices, legislation, and policies that target people of non-heteronormative orientations and identities diminishing their ability to access services and provisions entitled to all citizens without discrimination such as health, education, security and employment. Furthermore this report will demonstrate the myriad ways in which the state's security apparatus and its legislation specifically targets individuals of non-heteronormative orientations and identities denying them the right to privacy, liberty, physical and moral integrity, freedom of expression .

The Third UPR Cycle Recommendations and Status

3. During the previous UPR cycle, specific and non-specific recommendations were put forward to improve the lives and protections of LGBTQI+ Egyptians, migrants, asylum seekers, and refugees. Despite these calls for action, the Egyptian government has taken no measures to safeguard their rights, leaving them vulnerable to ongoing abuses and discrimination.

1. The most prominent recommendation theme covered by the previous UPR cycle focused in recommendations 31.4, 31.143, 31.147, 31.185, 31.70, 31.71, 31.73, 31.75, 31.82, 31.84, 31.89 on arrests, detention, trial, and imprisonment conditions, urging provisions and measures to end degrading practices, torture, and inhumane holding conditions that are part of the Egyptian state's general practices with most arrestees. Since 2019, this report has documented numerous incidents involving state security forces' practices against alleged LGBTQI+ detainees.
2. Another recommendation 31.185 involved revising current laws that impede the freedom of expression of the media and the press. However, no revisions have been made to the ban issued by the Supreme Council for Media Regulation (SCMR) in Egypt, which prohibits any forms of support for the LGBTQI+ community and threatens serious repercussions for anyone showing solidarity with LGBTQI+ persons in media outlets¹. Additionally, the Anti-Cyber and Information Technology Crimes Law No. 175 of 2018 imposes jail terms of up to five years and fines for any cyber interactions deemed a

¹ Human Rights Watch, 2017.

national threat. The law legalises social media platform surveillance, website blocks, and charges of publishing fake news.

3. The revision of laws and cessation of practices targeting LGBTQI+ persons was among recommendations 31.57, 31.61, 31.62 proposed in the previous UPR cycle, yet the Egyptian state security apparatus continues to target LGBTQI+ individuals under the debauchery law, while openly acknowledging that it will not legitimize these identities as subjects of human rights interventions.
4. LGBTQI+ migrants, refugees, and asylum seekers have been subjected to a wide range of cruel and inhumane practices. Many have reported experiencing arbitrary arrests, cruel and inhumane conditions, and extortion by the police, who demand money to release them without filing any charges². The theme of protecting and welcoming refugees, although not specific to LGBTQI+ issues, was recommended in 31.68 during the 2019 cycle. Yet the state security apparatus continues to punish migrants, refugees, and asylum seekers.

Legislative and Legal Framework

International Treaties

1. Universal Declaration of Human Rights (UDHR)³ and African Charter on Human and Peoples' Rights (ACHPR)⁴
 - Provide fundamental human rights frameworks at global and regional levels.
2. International Covenant on Civil and Political Rights (ICCPR)⁵ and International Covenant on Economic, Social and Cultural Rights (ICESCR)⁶
 - Recognize the necessity of conditions allowing for the enjoyment of civil, political, economic, social, and cultural rights.
3. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)⁷
 - Focuses on women's rights and equality.
4. Convention on the Rights of the Child (CRC)⁸ and African Charter on the Rights and Welfare of the Child (ACRWC)⁹
 - Emphasise the protection and welfare of children.
5. Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)¹⁰
 - Aims to eliminate torture and inhumane treatment.
6. International Convention on the Elimination of All Forms of Racial Discrimination

² Interviews, I_000, 29 April 2024; Interviews, I_018, 19 May 2024; Interviews, I_020, 20 May 2024; Interviews, I_024, 21 May 2024; Interviews, I_021, 20 May 2024; Interviews, I_026 and I_027, 22 May 2024; Interviews, I_028, 22 May 2024; Interviews, I_029, 22 May 2024; Interviews, I_025, 21 May 2024; Interviews, I_041, 27 May 2024; Interviews, I_042, 28 May 2024; Interviews, I_048, 31 May 2024; Interviews, I_046, 30 May 2024; Interviews, I_040, 26 May 2024; Interviews, I_043, 29 May 2024.

³ United Nations General Assembly, 1948.

⁴ African Union, 1981.

⁵ United Nations General Assembly, 1966.

⁶ United Nations General Assembly, 1966.

⁷ United Nations General Assembly, 1979.

⁸ United Nations General Assembly, 1989.

⁹ African Union, 1990.

¹⁰ United Nations General Assembly, 1984.

(ICERD)¹¹

- Seeks to eliminate racial discrimination and promote racial understanding.

Egyptian Legislative Framework

Official Religious Institutions Discourse

4. In Egypt, the entanglement of religious institutions with the state profoundly impacts societal norms, particularly attitudes towards LGBTQI+ persons. Entities such as the Egyptian Churches, Al-Azhar, and the Ministry of Religious Endowments articulate and propagate views that affect both legal and cultural realms regarding LGBTQI+ identities.

Laws, Bans, Decrees

Combating Prostitution and Debauchery (Law No. 10 of 1961)

5. This law constitutes 18 articles that are often used to target LGBTQI+ individuals by categorizing their behavior as debauchery or immoral acts. It allows authorities to arrest and prosecute individuals based on their perceived sexual orientation or gender identity. This law has been used to digitally entrap and prosecute LGBTQI+ people through dating applications and social media platforms.

The Supreme Council for Media Regulation (SCMR) in Egypt ban against the appearance of LGBTQI+ individuals and the promotion of homosexual slogans in media outlets and press institutions¹²

6. The SCMR, under Law No. 180 of 2018, regulates media and press in Egypt. The council urges to highlight the seriousness of homosexuality and its associated dangers¹³.

Article 178 of the Egyptian Penal Code

7. This article penalises the production, distribution, or possession of materials deemed to violate public decency, often used to target LGBTQI+ expressions. It can be invoked against individuals promoting LGBTQI+ slogans seen as contrary to social and family values in Egypt^{14 15}.

Anti-Cyber and Information Technology Crimes Law (Law No. 175 of 2018)

8. Article 25 Criminalises the use of the internet for the invasion of privacy, defamation, or violating "family principles or values of the Egyptian society." This law has been instrumental in targeting LGBTQI+ individuals for their online activities, including expressions of their identity or advocacy.

¹¹ United Nations General Assembly, 1965.

¹² Association for Freedom of Thought and Expression, 2023.

¹³ Ibid.

¹⁴ Long, 2004.

¹⁵ Fadel, 2017.

Anti-Terrorism Law (Law No. 94 of 2015)

9. Egypt's 2015 Anti-Terrorism Law grants authorities broad powers, including surveillance, detention, and expedited trials, under vague definitions aimed at protecting national security. This law continues to uphold the same conditions of the Emergency law when it is inactive. The law enables the establishment of random checkpoints and inspections to combat terrorism, but its loose definitions have also targeted LGBTQI+ individuals.

Mental Health Law (Law No. 210 of 2020)

10. The Mental Health Care Law of 2009 has been revised, granting psychiatrists increased powers to administer compulsory treatments without additional oversight, raising concerns about potential abuses such as conversion therapy for LGBTQI+ individuals.

Articles 57 and 58 of the Egyptian Civil Service Law (No. 81 of 2016)

11. In July 2023, Egypt's Supreme Administrative Court upheld the dismissal of a public servant accused of homosexual acts, despite questionable evidence and the employee's defenses¹⁶. This ruling sets a troubling precedent for LGBTQI+ individuals in the public sector, signalling invasive scrutiny into their private lives with severe professional and personal consequences¹⁷.

Legal and Social Repercussions

12. The legal framework in Egypt, comprising various laws related to public morality, cybercrimes, and anti-terrorism, is used to target and persecute LGBTQI+ individuals. The violations include discrimination, lack of equal protection under the law, cruel and inhumane treatment, violations of privacy, and denial of the right to health and dignity.

1. Checkpoints and Random Inspections

14. Random inspections and security checkpoints have significantly impacted the daily lives of LGBTQI+ persons. Transgender individuals often face additional scrutiny if their appearance does not conform to the gender on their identification documents. Nearly half of the interview respondents reported being detained or arrested through random patrols and checkpoints¹⁸.

¹⁶ Noralla, 2024.

¹⁷ Ibid.

¹⁸ Interviews, I_000, 29 April 2024; Interviews, I_004, 4 May 2024; Interviews, I_005, 5 May 2024; Interviews, I_007, 7 May 2024; Interviews, Interviews, I_013, 16 May 2024; Interviews, I_010, 15 May 2024; Interviews, I_012, 16 May 2024; Interviews, I_014, 16 May 2024; Interviews, I_024, 21 May 2024; Interviews, I_021, 20 May 2024; Interviews, I_028, 22 May 2024; Interviews, I_029, 22 May 2024; Interviews, I_030, 24 May 2024; Interviews, I_023 21 May 2024; Interviews, I_033, 24 May 2024; Interviews, I_038, 26 May 2024; Interviews, I_039, 26 May 2024; Interviews, I_040, 26 May 2024; Interviews, I_041, 27 May 2024; Interviews, I_042, 28 May 2024; Interviews, I_043, 29 May 2024; Interviews, I_034, 25 May 2024; Interviews, I_044, 29 May 2024; Interviews, I_001, 30 April 2024; Interviews, I_051, 24 May 2024; Interviews, I_052, 24 May 2024; Interviews, I_048, 31 May 2024; Interviews, I_003, 2 May 2024.

2. Digital Entrapment and Surveillance

13. Security forces in Egypt have increasingly utilised social media and dating apps like Grindr to entrap LGBTQI+ individuals¹⁹. By creating fake profiles, authorities impersonate community members to initiate conversations and gather personal information. Individuals are usually arrested when they show up to meet for the first time. Exchanges on the dating app, often including private messages and images, are used as evidence in prosecutions under the guise of combating immorality and debauchery²⁰.

3. Arbitrary Arrests and Detention

14. Individuals are often arrested without sufficient evidence, merely based on their perceived sexual orientation or gender identity. Arrests frequently occur without cause during police patrols, where individuals are stopped, searched, and subsequently detained. Some arrests are based on entrapment tactics, with law enforcement officials posing as members of the LGBTQI+ community on social media and dating apps.

4. Torture, Cruel and Inhumane Treatment

15. LGBTQI+ individuals endure severe torture and cruel treatment from the moment of arrest through sentencing and imprisonment. Upon arrest, they face physical beatings, verbal abuse, threats of physical and sexual assault, and invasive body searches often accompanied by sexual harassment²¹.

16. Detainees frequently endure sleep deprivation, denial of medications, and restricted access to food and restroom facilities in overcrowded and unsanitary conditions²². Some undergo degrading forensic anal examinations during interrogations. Many languish for months in these dire conditions awaiting trial.

17. Upon sentencing and transfer to prison, they encounter further physical and verbal abuse, beatings, and ongoing threats of sexual violence. Transgender individuals are often forced to detransition and denied hormone replacement therapy (HRT)²³, while those living with HIV are routinely denied essential healthcare and

¹⁹ Valle and Lavietes, 2023.

²⁰ Interviews, I_017, 18 May 2024; Interviews, I_049, 2 June 2024; Interviews, I_006, 6 May 2024; Interviews, I_013, 16 May 2024; Interviews, I_026 and I_027, 22 May 2024; Interviews, I_030, 24 May 2024; Interviews, I_050, 4 June 2024.

²¹ Interviews, I_014, 16 May 2024; Interviews, I_030, 24 May 2024; Interviews, I_038, 26 May 2024; Interviews, I_001, 30 April 2024; Interviews, I_006, 6 May 2024; Interviews, I_008, 12 May 2024; Interviews, I_013, 16 May 2024; Interviews, I_015, 17 May 2024; Interviews, I_017, 18 May 2024; Interviews, I_010, 15 May 2024; Interviews, I_012, 16 May 2024,

²² Interviews, I_002, 1 May 2024; Interviews, I_004, 4 May 2024; Interviews, I_009, 14 May 2024; Interviews, I_015, 17 May 2024; Interviews, I_021, 20 May 2024; Interviews, I_023, 21 May 2024; Interviews, I_024, 21 May 2024; Interviews, I_028, 22 May 2024; Interviews, I_030, 24 May 2024; Interviews, I_032, 24 May 2024; Interviews, I_047, 31 May 2024; Interviews, I_048, 31 May 2024; Interviews, I_049, 2 June 2024; Interviews, I_050, 4 June 2024.

²³ Interviews, I_008, 12 May 2024; Interviews, I_012, 16 May 2024; Interviews, I_047, 31 May 2024; Interviews, I_045, 30 May 2024; Interviews, I_022, 21 May 2024.

medication²⁴.

5. Lack of Due Process

18. Many individuals arrested experience legal proceedings devoid of essential due process elements such as fair and timely trials, access to legal representation, and awareness of charges. Confessions are often coerced through violence. LGBTQI+ individuals detained commonly face forced disappearance, with their whereabouts withheld. In some cases, judges have admitted to making moral judgments rather than strictly legal ones, ruling despite insufficient evidence²⁵.

6. Use of Forensic Examinations

19. Frequently, those accused of homosexuality are subjected to invasive and degrading forensic examinations to "prove" homosexual activity²⁶.

7. Violations of Privacy

20. The privacy of individuals is frequently violated through unauthorised surveillance and the use of personal digital data without consent. Additionally, the HIV status of imprisoned interview respondents was disclosed to other prisoners, subjecting them to further stigma and persecution.

8. Stigma and Social Exclusion

21. Frequently, members of the police force leak photographs and names of individuals to the press. Even when charges are overturned on appeal, the accused often face lasting stigma, social exclusion, and sometimes violence, as their names and details are frequently made public in connection with their trials.

9. False Charges and Convictions

22. There are numerous instances where individuals are falsely charged and wrongfully convicted on the basis of fabricated evidence or under broad and vague charges of "debauchery" or "violating public morals." These convictions sometimes stand despite a lack of concrete evidence, only to be overturned on appeal, highlighting significant judicial inconsistencies²⁷.

Expanded Legal Charges and Sentencing Practices

24. Since 2019, the range of charges brought against LGBTQI+ individuals in Egypt has expanded, reflecting an intensification of legal actions against this community:

1. Debauchery: This is the most frequently used charge, originally targeting prostitution

²⁴ Interviews, I_004, 4 May 2024; Interviews, I_006, 6 May 2024; Interviews, I_009, 14 May 2024; Interviews, I_047, 31 May 2024; Interviews, I_049, 2 June 2024; Interviews, I_035, 25 May 2024.

²⁵ Interviews, I_002, 1 May 2024.

²⁶ Interviews, I_009, 14 May 2024; Interviews, I_032, 24 May 2024; Interviews, I_008, 12 May 2024; Interviews, I_045, 30 May 2024; Mada Masr, 2019.

²⁷ Interviews, I_015, 17 May 2024; Interviews, I_032, 24 May 2024; Interviews, I_050, 4 June 2024; Interviews, I_049, 2 June 2024; Interviews, I_035, 25 May 2024.

but broadly applied to criminalize homosexual acts under the law combating prostitution and debauchery (Law No. 10/1961).

2. Inciting Immorality and Indecency: Often used in conjunction with debauchery charges, this pertains to acts deemed by authorities as promoting or inciting immoral behaviour, which can include expressions of LGBTQI+ identity or relationships on social media.
3. Misusing Electronic Communications: Under the cybercrime law, individuals are charged for their online activities, particularly on social media and dating apps, where they might express their gender identity or sexual orientation.
4. Assaulting the Principles and Values of the Egyptian Family: This charge is used against LGBTQI+ individuals for actions or expressions that are deemed to undermine or contradict socially and legally enforced norms about family and morality in Egypt.

Protections and Discrimination

25. Existing laws theoretically could safeguard LGBTQI+ rights in Egypt, yet their practical application often results in discrimination and persecution. The legal framework suffers from significant deficiencies in specificity, implementation, and enforcement, exacerbated by societal prejudices and judicial hostility.

26. Ambiguous legal language is frequently wielded against LGBTQI+ individuals. For instance, the Cybercrime Law has been employed to surveil, harass, and prosecute LGBTQI+ persons under the guise of safeguarding societal values²⁸.

27. Law enforcement and the judiciary demonstrate a notable bias against LGBTQI+ individuals. Reports indicate that police and courts not only fail in their obligation to protect LGBTQI+ individuals but actively engage in their persecution²⁹.

Discrimination in Employment, Education, Healthcare, and Housing

28. LGBTQI+ individuals in Egypt face discrimination and persecution not only from state actors but also from non-state entities. Simply being suspected of having homosexual inclinations is enough to encounter discrimination when seeking employment, education, healthcare services, and housing.

Highlighted Practices

Conversion Therapy in Egypt

Recent Trends

29. In recent years, there has been a noticeable increase in clinics, hospitals, and mental health centres in Egypt offering homosexuality treatment. Often, psychiatric hospitals collaborate with families to forcibly commit their children to these treatments, targeting non-normative gender expressions and identities.

²⁸ Noralla, 2024.

²⁹ Human Rights Watch, 2020.

Role of Religious Institutions

30. Religious institutions in Egypt, including the Coptic Orthodox Church, The Evangelical Church, Al-Azhar, and Dar Al-Ifta, actively promote conversion therapy. These organisations have created training programs for parents and health professionals aimed at eradicating homosexuality.

Anal Examinations

32. Forced anal examinations are one of the most egregious forms of abuse reported. These invasive procedures are scientifically invalid and internationally condemned as acts of torture. They are purportedly used to find "proof" of homosexual conduct.

33. Almost all interviewed LGBTQI+ persons arrested undergo forensic anal examinations. Strangely, while the results of most anal examinations are deemed negative or inconclusive, many individuals are still found guilty of debauchery³⁰. This highlights forensic anal examinations serving no legitimate investigative purpose but rather functioning to humiliate, intimidate, and inflict psychological trauma on the victims.

Recommendations

1. Ensure that all citizens, including alleged LGBTQI+ individuals, are treated equally under the constitution with unalienable rights.
2. Halt discrimination in places of employment, educational institutions, and healthcare facilities that target individuals based on alleged homosexuality.
3. Immediately halt the practice of forced disappearances and allow arrested LGBTQI+ individuals access to legal representation.
4. Adhere to international covenants and treaties specifically the convention against torture and take measures against its violation within police stations.
5. Ensure that citizens can report crimes at police stations without facing repercussions based on their alleged gender identities and sexual orientations.
6. Reform or repeal ambiguous and broad laws like Law No. 10/1961 and Article 157 of the Egyptian Penal Code, which are often exploited to target LGBTQI+ individuals.
7. Ensure that all arrests and detentions strictly adhere to the provisions of the Egyptian Criminal Code.

³⁰ Interviews, I_009, 14 May 2024.