



This factsheet is from a three part series for LGBTQ people, looking at laws that affect you, your rights and what to do if arrested, and information on sexual health, in Egypt, Iran, and Lebanon.

ARTICLE 19

YOUR RIGHTS AND

WHAT TO DO IF YOU'RE ARRESTED

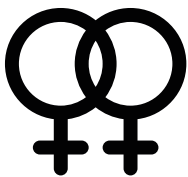
📍 EGYPT



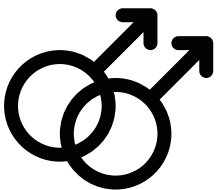
February 2018

BEING LGBTQ IN EGYPT

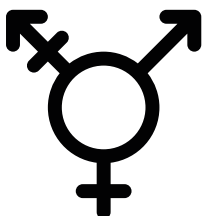
In **Egypt**, being a gay, lesbian, bi, or trans person is considered by many as a form of sexual perversion and psycho-sexual sickness. There is limited information available for the average **Egyptian** family about sexual orientation or gender identity. Much of the information available is limited to online resources found on alternative platforms and social media. Most people's perception of LGBTQ people comes from religious teachings or the government.



Slang and derogatory language that demonises LGBTQ people is prevalent; equating same-sex sexual conduct, cross-dressing, and gender-nonconformity with having weak personality, loose morality, or mental problems. This is reinforced by state-controlled media and religious authorities that spread negative images of LGBTQ people through false information.



As a LGBTQ person in **Egypt**, you have probably personally experienced various forms of harassment and abuse throughout your life; whether it comes from members of your family, classmates, neighbours, acquaintances, co-workers, or security forces.



So, it's fair to say being queer in **Egypt** is not easy, especially if you're out, with all the social, cultural, and legal barriers that you and other community members face every day. However, you are part of a vibrant and resilient community that is constantly surviving and manoeuvring through the barriers put ahead of you.

Read our factsheet on "**The Laws That Affect You**" for a breakdown of the national and international laws and see what is illegal in Egypt for LGBTQ people.

With all the difficulties you face, it is important to be aware of your rights and the support available.

Although the legal system and a portion of society is hostile to LGBTQ people, there are ways that you can partially and temporarily protect yourself against these acts of abuse and



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IN EGYPT THE LAW REMAINS VAGUE, ALTHOUGH SAME-SEX RELATIONS BETWEEN MALES, GAY/BI MEN AND TRANSGENDER WOMEN HAVE BEEN CRIMINALISED.

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violence. As laws can be used against you it's important to be knowledgeable. This does not guarantee your safety and security, but by being aware of the laws and understanding how the legal system works you may be able to avoid some abuses and know how to deal with them if you have to.

In Egypt, the law remains vague, although same-sex relations between males, gay/bi men and transgender women have been criminalised. The Egyptian Penal Code criminalises homosexuality under the term "habitual debauchery" in Article 9, paragraph (c) of Law 10/1961 for combating adultery and debauchery. If charged under this law, a person can be imprisoned from six months to three years per charge and can be given a fine of 100 to 300 Egyptian pounds. They could also get a similar amount of time for probation after their release. Unfortunately, these charges can add up as sentences and reach up to 12 years in prison.

As an LGBTQ person in Egypt, it is important to know what is criminalised by the law and how you can protect yourself.

Since the law is written in such vague language please have this advice in mind if you engage in same-sex relationships in Egypt:

- The law criminalises same-sex practices between males with or without consent.
- There are several other charges that can be used, such as the "publishing or advertising of habitual debauchery". This punishes a person for the sole intention of advertising to offer sex, e.g. being in a cruising area, wearing or acquisition of clothes of the opposite sex, or having an account with a gay dating app on their smartphone. Other charges can be brought for providing a private place, house, or commercial shop that is owned or rented for others to practice sex, whether consensual or with monetary value.
- Sexual acts between two same-sex individuals can be proven through [1] their own confessions, [2] videos or chats that proves such activity, [3] forensic report of anal examination or [4] police investigations prior to the arrests. However in most cases, individuals are tricked or forced to confess, whether in the police station or in the public prosecutor's office. However, if you



felt you had to confess to a police officer you can retract this in front of the prosecution as this would count as a confession out of duress.

SO WHAT CAN YOU DO IF YOU'RE ARRESTED?

- ▶ The existence of explicit pictures in a photo gallery, chat history on texting apps, and/or the presence of dating apps on a smartphone are also used as evidence to charge with promoting debauchery. A person can be sentenced for six months to a maximum of three years in prison for using these. You should take measures to keep your data secure.
- ▶ If you get arrested, whether it's in person or through online entrapment, don't be fooled by promises from police or law enforcement agents (e.g. "If you tell us you are gay or had sexual relations with a same-sex partner, we will let you go. Or if you tell us that you think homosexuality is a mental illness and you are sick and need to be treated", etc). In Egypt, it is common place for the police to try to extract confessions with false promises of acquittal. You may also be convinced to confess that your actions were due to childhood trauma, such as rape. Don't be fooled by promises of acquittal, be sure to get good legal support instead.
- ▶ If you confess, it will be used only as evidence to convict you.
- ▶ Remember, your sexual relations are part of your private life, you have the right to stay silent during interrogation, you are allowed to refuse to answer a question related to your sexual orientation.
- ▶ It is your right to make a phone call, don't believe it if you are told otherwise. Call your family or the right lawyer.
- ▶ In case of arrest, you have the right to remain silent, but in case you were mistreated and forced to talk, remember the golden words are "I don't know", "I don't remember", and "It didn't happen". Repeat these in the police station and in public prosecutor's office.
- ▶ You can call a lawyer. It is highly recommended that you remain silent until they come. Anything you say during this time can be used against you. It is important also to make sure the lawyer is



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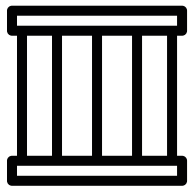


trustworthy as the police may call their own lawyers who may not deal with your case properly. If you are not an Egyptian citizen you should immediately call or insist a call with your embassy as a right and resist any police reluctance.

- Regardless of what you are told, your messages and private communications, including on dating apps, are part of your private life. It is your right to keep them private and not to unlock your phone even if asked by the police. If asked, demand to speak to your lawyer.
- Unlocking your smartphone or giving away your password, in case of arrest or theft, can be detrimental as the contents can be used against you.
- If arrested, the security forces may try to intimidate you by sending you for a rectal examination, or through other means. Egypt still performs anal tests by Forensic Medicine Department under orders from the public prosecutor in cases of debauchery, which is a human rights violation. Due to international attention these tests are only randomly done. Most anal tests reports provide negative/clear results. The reports also state that it cannot be precisely proven if anal sex has taken place.
- Due to these expectations of clear results, many lawyers and defendants ask the public prosecutor's office to perform anal tests which can be used in the defence case, but it's important to remember that this not guaranteed.
- You should also be aware that overwhelming medical and scientific opinion holds that it is impossible to use these exams to determine whether a person has regularly engaged in same-sex anal sexual conduct. Even if they claim that an anal exam shows that you have had anal sex, that is not proof and you should not confess to anything based on such claims.
- These tests are cruel, inhumane and degrading. Remember that you have a right to refuse these tests.
- Also remember, physical violence of any kind is illegal during interrogations. In case of violence you can ask to call a forensic doctor.

- Last, but not least, it may be tempting to tell the authorities that you were seduced or forced to have sex by your sexual partner. This may help you (but it is not a guarantee), however it can have serious, even fatal consequences for the person you were intimate with. If you had a consensual relation with that person, never use this tactic against your partner, voluntarily or under pressure.

WHAT OTHER LAWS CAN BE USED AGAINST YOU?



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MANY ARRESTS HAPPEN THROUGH POLICE ENTRAPMENT OF INDIVIDUALS THROUGH GAY AND TRANS DATING APPLICATIONS AND WEBSITES.

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There are also other laws that gay and bisexual men and transgender women are being charged with during cases of same-sex practices. Article 178 of the Penal Code covers profanity which can lead to a charge for holding pornographic content in printed or digital format on smartphones, laptops or any other storage devices. This charge can lead to a maximum sentence of two years in prison and a fine of 5,000 Egyptian pounds to 10,000 Egyptian pounds. Charges of public indecency can also be brought under Articles 269 and 278 of the Penal Code to cover any form of public indecency or obscenity. This vaguely worded law is used against the LGBTQ community. It allows for sentences of six months to one year in prison respectively along with a fine.

Please keep in mind that these criminal charges are not directly linked to sodomy or homosexuality. It's possible that the authorities arrest individuals suspected of being homosexual and try to force them to confess to their “sexual perversion and heinous acts”. If they fail to frame the suspect, they may try other tactics including pushing them to confess or make false confessions, using evidence from the person arrested, e.g. condoms, women's clothes, sex toys, or pills for sex drive or even bringing such items and claiming they belong to the arrested person.

Trends in arrests have changed. Raiding homes, private parties, and bathhouses are less common and the public and private spaces where LGBTQ people meet have become limited. The public moral police have recruited informants to help arrest trans women in nightclubs around Cairo. Many arrests happen through police entrapment of individuals through gay and trans dating applications and websites.

In Egypt, a separate entity called the public moral police department exists in each governorate. Officers in the moral police create accounts on gay and transgender dating websites and continue to entrap gay and bi-men and transgender women by arranging to meet them and then arresting them in public places.

YOUR RIGHTS AND WHAT TO DO IF YOU'RE ARRESTED

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ADDITIONAL RESOURCES ABOUT SODOMY LAW IN EGYPT

If you are interested in learning more about what the law says about LGBTQ people in Egypt, there are some good resources available online that you can consult:

<https://sites.google.com/view/tips2eg>

<https://issuu.com/bedayaa/docs/>

<https://ug-law.com/publication/homosexuality-in-egypt/>

www.issuu.com/bedayaa/docs/

https://eipr.org/sites/default/files/reports/pdf/the_trap-en.pdf

FINAL WORD

We hope you find this factsheet helpful and educational. Please share it with your friends and loved ones.