



CTDC

Centre for Transnational
Development and Collaboration



The Alliance of Queer Egyptian Organizations



October 24, 2017

Policy Brief No.5

Crackdown on Non-Normative People in Egypt: A Policy Brief

Executive Summary

On 22 September 2017, the rainbow flag was raised during a Mashrou' Leila concert in Cairo, Egypt. Following this, the Egyptian state has conducted an **aggressive crackdown on individuals suspected to be members of the LGBT community**. This crackdown has seen **widespread human rights violations**, at the hands of Egyptian authorities, including **detentions without trial, torture** and instances of **'anal testing'** to determine the detainee's sexuality. In total, 62 individuals have been arrested for **'promoting sexually deviant activities'**. Many of the arrests have taken place following **police infiltration of alleged LGBT 'safe spaces'**, such as clubs and bars. This crackdown has also extended to online platforms, with many people taking to social media to hunt down, bully and harass those suspected of as 'LGBT'. The **police has also utilised dating applications**, such as Grindr, and Facebook to find individuals with non-normative genders and sexualities. **The situation is at a critical stage, and looks set to worsen in the coming weeks**, if policy makers, diplomats and international media take no action against the government.

Human rights violations by Egyptian Authorities include detention without trial, torture and instances of imposed anal testing.

Alleged LGBT 'safe spaces' are being infiltrated, including clubs and bars, as well as online platforms.

Legal Persecutory Frameworks

Whereas homosexuality is not considered a crime in its own right in Egypt, it is *de facto illegal* due to Articles of Law 10/1961 on combatting prostitution. In addition to debauchery, people are accused of joining groups that directly undermine the Egyptian government. In these cases, presumed LGBT people have been considered a threat to the Egyptian government, and are being treated as a 'cult' or a 'group' that threatens the stability of the country, and it has been treated in some cases as a matter of national security, under article 86 [bis] of Law 58/1937.

Although Law 10/1961 does not specify sodomy or homosexuality as crimes, it is more often than not subject to subjective interpretation and implementation of the law. According to this law, defendants can receive sentences not less than six months, and up to six years. Allies who have the desire to express their support to the community can also be charged under the provisions of this law.

Recommendations

Demanding the immediate release of those detained on the basis of sexuality and gender expression.

Calling on the Egyptian Government to revise Laws 10/1961 and 58/1937, and to eliminate punishment for homosexuality.

Exercising diplomatic pressure to push the government to improve the lives of LGBT people and to put an end to their discrimination.

Empowering local LGBT groups existing and working hard in the country under risk and pressure.

Providing protection and support for those affected by this aggressive crackdown on LGBT people.

Calls for Further Persecution

Mainstream media and a number of public figures have expressed their disdain and contempt with regards to the existence of LGBT people in the country. Many have called for stricter punishments, and for amending the Law 10/1961 to include directly or indirectly inciting debauchery via social media.

The calls for further persecution included:

- Opening investigations against human rights organisations that signed a statement condemning the crackdown on LGBT people,
- Criminalising invitations to gatherings and concerts aiming to engage in 'immorality',
- Increasing penalties to seven years of imprisonment and imposing monetary fines,
- Introducing penalties for the use of social media for 'immoral' purposes and for promoting 'homosexuality'.

These calls have been accompanied by public condemnations of homosexuality on public media platforms, leading many LGBT groups to close down their Facebook pages for the safety of the community.

Events Summary: Timeline

The Alliance of Queer Egyptian Organisations (AQEO), CTDC's partners on the ground, have detailed the escalatory nature of this situation, which has seen increasing numbers of individuals detained by police.

<i>Date</i>	<i>Incident</i>
<i>September 23, 2017</i>	- A man, detained at Dokki Police Station, was initially charged with 'debauchery', and was sentence to six years in prison, with six years probation. - His sentence was reduced after an appeal on October 18 to six months imprisonment and a fine of 600 Egyptian Pounds.
<i>September 27, 2017</i>	- Six men were arrested in Alazbakia. Following a hearing on October 1, 2017, they were all subjected to anal examinations at the Forensic Medical Authority. - Ten men were arrested. - The trial of the sixteen men is planned to take place on October 29, 2017.
<i>September 28, 2017</i>	- Twelve were arrested and detained at El-Agouza Police Station. - The hearing took place on October 12. - Eight received sentences of six months in prison. - One trial was rescheduled to October 30, 2017, another to October 16, 2017, and two were rescheduled to November 2, 2017.
<i>September 29, 2017</i>	- Four men were arrested in El-Haram; charged with practising and promoting debauchery on the Internet, they are awaiting trial on November 6, 2017.
<i>October 1, 2017</i>	- One male and one female were detained and interrogated by national security due to their attendance of the concert, including the man who raised the flag during the concert, both reported physical violence and sexual harassment. She was denied food and supplies and is still held at Kanater Al Khairia Prison for further interrogations.
<i>October 2, 2017</i>	- Four men were arrested in Al-Nouzha area in Cairo. - One was conditionally released, and three are awaiting trial on November 5, 2017.
<i>October 3, 2017</i>	- Twenty were found detained at Dokki Police Station. - Four received three years sentences, - Two received two years sentences, - Eight have their trial scheduled for November 4, 2017. - Two were released on October 7, 2017. - Three received sentences on October 11, 2017 of three years imprisonment, one of whom was reduced to one year. - One received one year sentence.
<i>October 7, 2017</i>	- A man was detained in Damanhur in Beheira Governorate, and was conditionally released after two days of interrogation.
<i>October 13, 2017</i>	- Two men were arrested in Mohandessin and detained in El Agouza Police Station. - On October 21, one was sentenced to six years and the other was sentenced to four years in prison.