



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.

# THE LAWS THAT AFFECT YOU

## 📍 EGYPT



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### WE ARE ALL HUMANS

We are all born human, and as such, should be entitled to the same rights. Essentially this means wealth, age, gender, ethnic background or nationality, religious or political beliefs, and sexual orientation cannot be used against us to limit our legal rights. Any violation of these rights is against international treaties that most countries, including **Egypt**, have signed.

### EQUAL RIGHTS FOR ALL - INTERNATIONAL LAW

Member states of the United Nations are party to the [Charter of United Nations](#), which guarantees the “Equal Rights” of all people, and calls on all nations to promote “respect for human rights and for fundamental freedoms for all without distinction”. These fundamental rights and freedoms are reflected in greater detail in the [Universal Declaration of Human Rights](#) (UDHR), the cornerstone of most human rights treaties.

**Egypt was one of the original 48 countries that signed the UDHR on 10 December 1948.**



#### Under the UDHR:

- **All human beings are born free and equal and are entitled without any discrimination to equal protection of the law (Articles 1 and 7).**
- **Everyone has the right to life, liberty and security of person (Article 3).**
- **No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment (Article 5).**
- **No one shall be subjected to arbitrary arrest, detention or exile (Article 9).**
- **Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him (Article 10).**

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Other international treaties specifically protect the human rights guaranteed in the UDHR. **Egypt** has officially committed to implementing several of these treaties, including:

- [International Covenant on Economic, Social and Cultural Rights](#)
- [International Covenant on Civil and Political Rights](#)
- [International Convention on the Elimination of All Forms of Racial Discrimination](#)
- [Convention on the Rights of the Child](#)
- [Convention Against Torture](#)

### WHAT ABOUT LGBTQ PEOPLE?

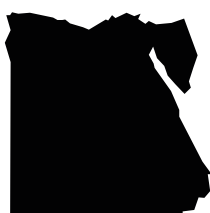


International law speaks about equal rights for **all** people. It does not exclude anyone because of who they are. The right to be free and equal with respect and dignity is not negotiable or subject to exceptions.

No government is allowed to use religious beliefs, cultural norms, or traditional values to justify discrimination or abuse of certain groups of people. Remember this!

LGBTQ people are entitled to the same rights and respect as anyone else in the society. Popular beliefs or religious teachings are no excuse to mistreat those who look or act different.

### HOW DOES THIS WORK IN EGYPT?



For the most part there is a big gap between the application of international laws and actual practice on the ground which makes such standards feel more like theory than practice.

In Egypt, authorities deny the existence of sexual and gender non-normative or non-conforming/LGBTQ identities. They are openly against same sex-sex conduct and show little sympathy with people who challenge norms or laws related to intimacy and dress code. Egypt has opposed the rights of LGBTQ communities and on an international level has continuously opposed resolutions that recognise sexual rights or offer protection from discrimination based on sexual orientation and or gender identity.

Society is constantly exposed to homophobic, biphobic, and transphobic messages by mass media, which is run or controlled by the state, or pro-state voices.

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## SO WHAT SHOULD WE DO?

The truth is that Egypt continues to be dangerous for LGBTQ people as long as the Egyptian government refuses to fully repeal laws that can be used to punish same-sex relations, refuses to accept their existence and their rights and fails to protect them from violence.

### But...

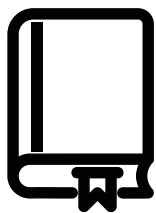
While we fight for social acceptance and legal recognition, there are basic safety measures that we can take in order to protect ourselves and our community members. One important step is having a clear outline of what the law actually stipulates about LGBTQ people.

These measures are no substitute for the need for equality and fair treatment, but they can help you to better protect your safety and avoid risky situations that may pose serious threats to you and your friends.

## UNDERSTANDING EGYPT'S LEGAL SYSTEM

Understanding the laws that apply to you is an act of empowerment for the LGBTQ community, especially in Egypt, where the law is constantly misconstrued.

The Egyptian Constitution and legal system have certain safeguards against human rights violations.



- ***The Egyptian Constitution guarantees the protection of individual's personal rights under the third chapter, Rights, Liberties and Public Duty.***
- ***The state is obliged to ensure safety, security, and equal opportunities for all citizens without discrimination (Article 9).***
- ***The rights and freedoms affecting individual citizens shall not be subject to disruption or retraction (Article 92).***
- ***The law also requires that anyone detained be informed of his/her exact charges within 24 hours after their detention, and their case to be sent to the court of relevant jurisprudence within that time period (Article 54).***

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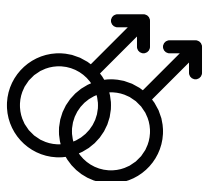
As for the treatment of those charged with a crime within the court system, Article 96 of the Constitution emphasises the presumption of innocence, unless proven guilty, while Article 55 bans any form of torture as a means of extracting confessions from detainees. If it is proven that any statement has been made under any form of duress, coercion, or threat, it will be considered invalid and futile. Article 54 and 78 of the Constitution stipulates that all individuals have the right to legal representation in the court of law.

However, in reality the treatment of individuals within the Egyptian court system is vastly different from the legal requirements. Nevertheless it is always good to know your legal rights.

### WHAT IS LEGAL AND WHAT IS ILLEGAL?



**THE EGYPTIAN PENAL CODE CONSIDERS 'HOMOSEXUALITY BETWEEN MALES' A LEGAL OFFENCE, PUNISHABLE BY LAW.**



**Egypt does not have clear laws in its penal code which use the terms “sodomy” or “homosexuality”. However, same sex practices between males are penalised under Article 9, paragraph (c) of Law 10/1961 of the Egyptian Penal Code. The legal system in Egypt is notorious for the harsh treatment of detainees and long terms of temporary detention.** We also know that arrested suspects are sometimes subjected to inhumane and degrading behavior, denied access to lawyers, and are forced to confess to their “guilt” contrary to Article 56.

The common perception is that a person discovered to be gay will be arrested in Egypt, as the punishment for homosexuality is prison sentences of six months to three years based on Article 9, paragraph (c) of Law 10/1961 of the Egyptian Penal Code.

However, the Egyptian Penal Code (the laws that are used in the Egyptian court system to deal with such cases) considers “homosexuality between males” a legal offence, punishable by law. Even advertising or promoting sex for yourself or others is described by the penal code as promoting habitual debauchery and is also punishable by six months to three years in prison (also under Article 9, paragraph (c)).

This would mean that:

- First and foremost, homosexuality between males is punishable by law under the term habitual debauchery, whether this is consensual same sex practices, under monetary terms or even if admitted to under pressure.

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Remember, if you confess (out of fear or under pressure) to the lustful nature of your act, lawyers can do little to protect you against punishments.

### Also remember:

Under no circumstances offer any information about:

1. your sexual orientation and,
2. the intimate nature of your sexual relationship with other people

Refer to the factsheet on ***Your Rights and What to do if You're Arrested***

Although the law is vague about the exact nature of “homosexual” behaviour, it is clear that the letter of the law refers to sensual acts that can be interpreted in any form. In other words, the fact that two men or two women kiss each other is not punishable under this law per se, but can be charged as public indecency under Article 269 and 278.

In light of these conditions, even if arrested under Article 9, denying all charges and a good legal defence can challenge this.

Keep in mind that Article 57 and 58 of the Egyptian Constitution forbids any intrusive probing of individuals' private lives, and the violation of their privacy, to seek information on people suspected of same-sex relations. This means that other people have no right to spy on others. Islam respects the right of private lives and denies intrusion into private homes even if a person is committing a sin.

## FINAL WORD

History shows that LGBTQ people and culture survive oppression. If you are being persecuted under the law remember that as a member of the LGBTQ community you are not alone and as a human being you have done nothing wrong. The LGBTQ community still persists and no amount of pressure and coercion can change that.



➤ [Egyptian initiatives for Personal Rights](#)

➤ [Bedayaa Organization of LGBTQI of the Nile Valley \(Egypt and Sudan\)](#)

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