

A Complete Guide on Laws, Policies and Case Law Impacting the Human Rights of LGBTQ+ People in Egypt



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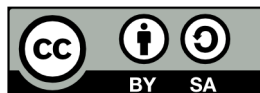
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Contents

Introduction	1
Summary Of Law, Policy, and Case Law Impacting the Human Rights of LGBTQ+ People in Egypt	6
Criminalisation	9
Gender-affirming healthcare inalisation	10
Intersex Health Policy	13
Legal Gender Recognition for Transgender People	14
Inheritance for Intersex and Transgender people	15
Discrimination Based on Gender Identity and Sexual Orientation	16
Censorship of Queer Content and Freedom of Speech	18
HIV Policy	19
Conversion Therapy Policy	21
Organising and Registering LGBTQ+ NGOs	21
Recommendations	23



Introduction

In 2014, Egypt's brief experiment with democracy came to an end when Abdel Fattah El-Sisi executed a coup d'état. El-Sisi, who was then the Minister of Defence and is currently the President, overthrew Egypt's first democratically elected President, Mohammed Mursi of the Muslim Brotherhood. This marked a return to military rule, which was initially established in 1952 with another coup d'état against King Farouk I.¹

As Sisi celebrates a decade of his rule, the rest of Egypt mourns the loss of a potential democracy. It reflects on his governance's negative impact on various aspects of their lives. Under Sisi's rule, the aspiration for the rule of law has become elusive due to amendments that undermine the independence of the judiciary. In addition, press freedom has declined, corruption has worsened, and human rights abuses have increased. Civil society has been suppressed, security agencies operate with impunity, torture is widespread, and political opposition is virtually non-existent. The economy has also suffered from flawed government plans and excessive spending, increasing poverty rates and inflation.²

An examination of Egypt's global rankings in areas such as the rule of law, democracy, corruption, LGBTQ+ acceptance, and general liberties confirms that Sisi has transformed Egypt into an authoritarian military dictatorship characterised by widespread human rights violations and restrictions on freedoms. Sisi's rule has unsurprisingly undermined the human rights of LGBTQ+ individuals, reflecting the broader erosion of various aspects within the nation:

INDEX	Rank/Score	INDEX	Rank/Score
TI CORRUPTION PERCEPTIONS INDEX	R: 130/180 S: 30/100	SPARTACUS GAY TRAVEL INDEX (GTI)	R: 191/ 199
FREEDOM IN THE WORLD	R: Not Free S: 18/100	UCLA GLOBAL ACCEPTANCE INDEX	R: 159/175 S: 2.48/10
FREEDOM OF THE PRESS	R: 166/180 S: 33.37/100	LGBT+ EQUALITY INDEX	R: 181/197 S: 12/100
WJP RULE OF LAW INDEX	R: 136/ 140 S: 0.35/1	EIU DEMOCRACY INDEX	R: 131/167 S: 2.93/10 Authoritarian

After Sisi's coup, both he and the Muslim Brotherhood engaged in a media-driven battle over morality, mobilising the conservative nature of Egyptian society against each other. Sisi needed to demonstrate that removing an Islamist President did not mean implementing secular policies. At the same time, the Muslim Brotherhood aimed to convince Egyptian society that Sisi would bring immorality and dismantle their values. Consequently, the Egyptian government, under Sisi's prolonged reign, has launched a lasting moral campaign targeting not just LGBTQ+ individuals but anyone who challenges the State's moral authority. In 2014, during the first year of Sisi's tenure, two significant incidents specifically targeted the queer community: the Gay Marriage Case and the Bab Al-Bahr Bathhouse incident. In the former case, eight individuals were apprehended and subsequently sentenced, while in the latter, 26 individuals were arrested but later acquitted. These arrests were based on suspicion of engaging in queer activities. The year 2017 saw the Rainbow Flag crackdown, where 75 individuals were arrested. Some were acquitted, while others received convictions. Additionally, during this crackdown, several members of parliament proposed new legislation to effectively criminalise LGBTQ+ individuals, overriding the existing laws that implicitly criminalise these marginalised

¹ Springborg, R., 2017. The rewards of failure: persisting military rule in Egypt. *British Journal of Middle Eastern Studies*, 44(4), pp.478-496.

² E. Kaldas, Timothy. "Sisi's Disastrous Decade." *The Tahrir Institute for Middle East Policy* -, July 3, 2023.

<https://timep.org/2023/07/03/sisis-disastrous-decade/>.

identities.³

Apart from legal persecution, the Egyptian State has also launched anti-LGBTQ+ campaigns and engaged in harmful rhetoric towards LGBTQ+ individuals. For instance, in 2022, the National Council for Childhood & Motherhood announced plans to collaborate with media outlets and various entities to initiate «safe message» initiatives. These initiatives aim to generate culturally and socially acceptable messages to protect children from perceived harmful Western influences.⁴

Additionally, in 2023, the justice minister declared to the media that a family is exclusively composed of a heterosexual couple, and any alternative relationships would face legal consequences. Importantly, the justice minister also discussed Egypt's stance on the «homosexuality issue» within the United Nations (UN), vehemently asserting that the Egyptian government rejects homosexuality⁵. On an international level, Egypt actively participates in an anti-LGBTQ+ coalition within both the UN and the African Union (AU), working to counter efforts to expand human rights protections for LGBTQ+ individuals.⁶

The Egyptian State's targeting of LGBTQ+ individuals can be seen as an attempt to reinforce societal morality. This aligns with a 2013 study by the Pew Research Centre, which found that 95% of Egyptians do not accept homosexuality.⁷ Consequently, the LGBTQ+ community has become an easy target for the Sisi State in its ongoing battle against the Muslim Brotherhood. However, it's important to note that this moral crusade extends beyond LGBTQ+ individuals to include those who challenge cisgender heterosexual norms, such as liberal TikTok creators and people involved in sex work.

To comprehend Egypt's anti-LGBTQ+ policies and legislation, it is imperative to grasp the prevalence of ambiguous moral language in most Egyptian laws and policies. This ambiguity allows for negative interpretations that disproportionately impact LGBTQ+ individuals. Terms such as «immoral acts,» «violating public order,» «undermining social and family values,» «public obscenity» and «inciting debauchery» are frequently utilised. Wherever such moral terminology exists in legal and policy frameworks, it is highly likely that authorities will interpret and apply these provisions in an unfavourable manner towards LGBTQ+ individuals.

For instance, the Law on Non-Governmental Organizations 70 of 2017 incorporates the language of «public order» and «morality,» effectively preventing LGBTQ+ groups from registering in Egypt. Similarly, Egyptian Law No. 89 of 1960 concerning the entry and exit of foreigners also contains comparable language, enabling the deportation and entry bans of LGBTQ+ foreigners. Furthermore, Civil Services Law 81 of 2016 includes disciplinary measures based on moral grounds, which are interpreted to target LGBTQ+ individuals specifically.

It is rare for Egyptian laws or policies to mention LGBTQ+-related terms explicitly. Even when mentioned, the term «homosexuality» is employed as a blanket term encompassing all individuals within the LGBTQ+ community. Consequently, it is no surprise that during Egypt's last Universal Periodic Review cycle in 2019, the Egyptian State rejected recommendations from other states concerning

3 Noralla, Nora. "Sexually Guilty: Custom Morality and the Persecution of the LGBTQ Community in Egypt." *cairo52*, June 7, 2023.

<https://cairo52.com/2023/06/01/sexually-guilty-custom-morality-and-the-persecution-of-the-lgbtq-community-in-egypt/>

4 «العمق المغربي» بعد حملة الكويت.. مصر تعد مبادرة الإعلام الآمن للطفل لمواجهة المثلية الجنسية. June 28, 2022.

<https://al3omk.com/759832.html>

5 وزير العدل: الأسرة تتكون من رجل وامرأة وأي شكل آخر سيحاسب عليه الخارجون على القانون. «بوابة الأهرام» March 21, 2023.

<https://gate.ahram.org.eg/News/4183071.aspx>

6 Younes, Rasha. "Egypt's Denial of Sexual Orientation and Gender Identity." *Human Rights Watch*, March 28, 2020

<https://www.hrw.org/news/2020/03/20/egypts-denial-sexual-orientation-and-gender-identity>

7 "LGBT Rights in Egypt: Equaldex." *LGBT Rights by Country & Travel Guide*. Accessed June 12, 2023.

<https://www.equaldex.com/region/egypt>

the human rights of LGBTQ+ individuals. The State's rejection was based on its non-recognition of LGBTQ+ terminology, which is technically accurate, as the Egyptian State does not employ LGBTQ+ terminology to acknowledge and safeguard the human rights of LGBTQ+ individuals.

On the other hand, religion plays a significant role in the State's moral agenda. Egypt has a mostly conservative population, with 90% identifying as Muslim and 10% as Christian⁸. Islamic and Christian institutions, specifically Al-Azhar and the Coptic Orthodox Church (COC), support the State's moral crusade against LGBTQ+ individuals. In response to the crackdown on the Rainbow Flag movement in 2017, the COC organised an anti-LGBTQ+ conference to protect younger generations from perceived immorality and explore methods of converting LGBTQ+ individuals to cis-heteronormative identities⁹. In 2021, the COC conducted training courses for therapists and social workers that focused on conversion therapy techniques. Additionally, in 2023, Pope Tawadros II of the COC announced the implementation of anti-LGBT+ programs in COC-affiliated kindergartens, citing child protection as the justification. The COC also extended these initiatives to the Coptic diaspora community abroad, illustrating the church's transnational influence.¹⁰

Meanwhile, Al-Azhar has been actively spreading anti-LGBT+ rhetoric. In 2022, the Grand Imam Ahmed Al-Tayeb declared that Al-Azhar and all religious entities in Egypt reject the Western LGBT+ movement as a foreign ideology and will collaborate to counter it. This statement echoes previous assertions characterising LGBT+ identities as a Western conspiracy targeting the well-being of Egyptian youth¹¹. In 2021, just two days after the Transgender Day of Remembrance, Al-Tayeb released a statement condemning what he perceived as the proliferation of immoral transgender identities in Egypt. He claimed that the focus on gender transitions contradicts human nature and is unanimously disapproved by all revealed religions.¹²

Furthermore, Egyptian citizens have launched social initiatives in response to what they perceive as the growing influence of Western culture in the Middle East and North Africa (MENA) region. These initiatives gained momentum as queer individuals faced increased repression in Western cinema and events. In 2022, a group of Egyptian youth founded an anti-LGBTQ+ campaign called «Fetrah» in reaction to Disney's announcement of including more queer representation in its films. The campaign founders clarified that their objective was not to incite violence or animosity towards the LGBT+ community but rather to preserve the identity of Egyptian society amidst the expanding influence of Western culture. The campaign attracted a substantial following within the region before being shut down by Facebook.¹³

As a result, there has been an abundance of laws, policies, and case laws in Egypt that significantly

8 Egypt, U.S. Mission. "2022 Report on International Religious Freedom: Egypt." U.S. Embassy in Egypt, May 17, 2023.

<https://eg.usembassy.gov/2022-report-on-international-religious-freedom-egypt/>.

9 Kårtveit, Bård. "The Anti-Gay Agenda of Egypt's Coptic Orthodox Church." *The New Arab*, October 2, 2017.

<https://www.newarab.com/opinion/anti-gay-agenda-egypts-coptic-orthodox-church>.

10 البابا تواضروس: المثلية الجنسية ضد إرادة الله والكتاب المقدس. "مصراوي.كوم" January 13, 2023.

https://www.masrawy.com/news/news_egypt/details/2023/1/13/2354886/%D8%A7%D9%84%D8%A8%D8%A7%D8%A8%D8%A7-%D8%AA%D9%88%D8%A7%D8%B6%D8%B1%D9%88%D8%B3-%D8%A7%D9%84%D9%85%D8%AB%D9%84%D9%8A%D8%A9-%D8%A7%D9%84%D8%AC%D9%8

11 شيخ الأزهر: نرفض المثلية الجنسية انطلاقاً من تعاليم القرآن الكريم والكتاب المقدس. "الأسبوع" April 28, 2022.

<https://www.elaosboa.com/262936>

12 Noralla, Nora. "Sunni Islamic Jurisprudence, Sex Reassignment Surgery and Transgender Rights." *OpenDemocracy*, December 13, 2021.

<https://www.opendemocracy.net/en/north-africa-west-asia/sunni-islamic-jurisprudence-sex-reassignment-surgery-and-transgender-rights/>.

13 Al Jazeera. "بعد إغلاق فيسبوك للصفحة.. حملة 'فطرة' المناهضة للمثلية الجنسية تكشف ملابسات القرار (فيديو)." *الأخبار | الجزيرة مباشر*. Al Jazeera, July 21, 2022.

<https://mubasher.aljazeera.net/news/2022/7/21/%D8%A8%D8%B9%D8%AF-%D8%A5%D8%BA%D9%84%D8%A7%D9%82-%D9%81%D9%8A%D8%B3%D8%A8%D9%88%D9%83-%D9%84%D9%84%D8%B5%D9%81%D8%AD%D8%A9-%D8%AD%D9%85%D9%84%D8%A9-%D9%81%D8%B7%D8%B1%D8%A9>

impact LGBTQ+ individuals, which often goes unnoticed. Most existing policy documents and legal briefs on the LGBTQ+ situation in Egypt primarily focus on one aspect: criminalisation. As a result, other crucial factors that also affect LGBTQ+ individuals, such as gender-affirming healthcare, intersex health policy, legal recognition of gender, discrimination, HIV policy, and conversion therapy, receive less attention. Therefore, this publication aims to comprehensively analyse Egyptian laws, policies, and case law that impact LGBTQ+ individuals. It considers not only criminalisation but also those other vital aspects. The publication is intended to serve as a valuable resource for policymakers, allies, LGBTQ+ activists, and the LGBTQ+ community in Egypt, providing guidance on navigating the complex legal landscape that affects LGBTQ+ individuals.



Summary Of Law, Policy, and Case Law Impacting the Human Rights of LGBTQ+ People in Egypt

Law and Policy

	Area	Legal/policy Reference	Status
1	Criminalisation	Article 9(C) anti-sex work law 10/1961; Article 25 cybercrime law 175/20; Article 269bis Penal Code.	De-facto: possible prison terms ranging from six months to three years, with or without a fine.
2	Gender-affirming healthcare	Article 43 of the Medical Syndicate Code of Ethics	Banned: doctors are not allowed to provide gender-affirming healthcare and can risk disciplinary and criminal sanctions.
3	Intersex Health Policy	The overall policy is absent (Article 43 of the Medical Syndicate Code of Ethics can apply to adults)	Absent: there is no unified intersex health policy.
4	Legal Gender Recognition	Article 46 of the Egyptian Civil Code	De facto: Egyptian authorities do not have explicit policies for legal gender recognition; instead, they have only a general policy for altering entering the civil registry.
5	Inheritance for Intersex People	Article 46 of law no. 77 of 1943	Explicit: rules exist for intersex people, for whom the authorities cannot determine their binary sex.
6	Discrimination in Education	The Ministry of Education Directive no 1944 of 2022	Explicit: Anti-LGBTQ+ activities campaign to be enacted in primary school.
7	Discrimination in Military Service	Egyptian military conscription law 127 of 1980	De facto: LGBTQ+ and PLHIV can be exempt from military service
8	Discrimination in Employment	Articles 57 and 58 of the Civil Services Law 81 of 2016	De facto: government employees can be terminated from their positions if suspected of being LGBTQ+.
9	Discrimination against queer foreigners	Egyptian Law No. 89 of 1960	De facto: the Ministry of Interior can use morality clauses to deport and ban entry for those suspected of being queer.
10	De-facto Censorship of Queer Media	Cybercrime Law 175/2018; Telecommunication Law 10/2003; Penal Code, Law on the Organization of Press; Media 180/2018; the Public Prosecutor Communication, Guidance, and Social Media Department (CG-SMD)	De-facto: queer media and speech can be restricted using morality and public order clauses in those laws and policies.
11	Explicit Censorship of Queer Media	National Centre for Translation (NCT) guidelines 2020; the Supreme Council for Media Regulation (SCMR) regulations of 2017	Explicit: translation of books with LGBTQ+ content can be banned; TV, newspapers and other media outlets are banned from hosting LGBTQ+ people
12	HIV Policy	the Egyptian Drug Authority 2020 Strategy; the Ministry of Health 2021-2025 HIV Working Strategy; the National AIDS Program (NAP) Strategy; the Minister of Health's Directive No. 435/1986; Law No. 137 of 1958 concerning protection measures for epidemic diseases	Explicit for PLHIV: several policies exist on the treatment and prevention of HIV. However, the scope of those policies still needs to expand to areas such as discrimination and social awareness.
13	Conversion Therapy	Law No. 71 of 2009; no Policy or law banning or endorsing the practice, but it is widely accepted by psychotherapists.	Absent: the current mental health laws and policies do not contain explicit reference to the treatment of LGBTQ+ people, but the policies on the treatment of people with severe personality disorders can apply. Laws on the treatment of mental illness can also apply.

Law and Policy

14	LGBTQ+ Organising and Registering NGOs	the Anti-Terrorism Act of 2015; Protest Law 107 of 2013; Emergency Law 162 of 1958 the NGO Law 149/2019	De-facto: LGBTQ+ registration is not possible due to morality and public order clauses. LGBTQ+ activists can be legally liable under the Anti-Terrorism Act and NGO Law.
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Case Law

1	Transgender People's Place of Detention	Cairo's Administrative Court Judgement No 74/10399 JY of May 2020 ,30; Supreme Egyptian Administrative Court Judgement No 66/55538 JY of October 2021 24	Unfavourable: The courts rejected the case on merits due to the fact that the plaintiff had already been released from prison and had no legal standing to sue the State for a place of detention.
2	Medical and Criminal Liability of Doctors Performing Gender-affirming Surgeries	Cairo Court of Appeals Judgment No. 1988/34 of 1989	Positive: the judgement found that doctors can perform gender-affirming surgeries without fearing disciplinary actions. (the judgement is irrelevant due to the passing of a new policy in 2003)
3	Legal Gender Recognition	Alexandria's Administrative Court judgement No. 66/3867 J.Y. of January 2013 ,27; Cairo's Administrative Court Case No. 68/80419 J.Y. of January 2016 ,24	Unfavourable: The courts did not grant the plaintiff's requests for legal gender recognition.
4	Transgender Right to Education	Judgment Number 42/5432 JY, Egyptian Administrative Court, July 1991 ,2; Judgment Number 50/4019 JY, Egyptian Administrative Court, September 1999 ,28; Judgment Number 54/1487 JY, Egyptian Administrative Court, June 2000 ,20; Judgment Number 48/9907 JY, Supreme Egyptian Administrative Court, June 2006 ,15.	Positive: a final judgement was reached that transgender people who receive legal gender recognition have full legal and constitutional rights of their newly acquired legal sex; thus, the plaintiff has a constitutional right to education that cannot be denied or restricted by any entity.
5	Discrimination in Employment	Cairo Disciplinary Court Judgement of July 2023 1; Supreme Administrative Court Judgement of July 2023 9.	Unfavourable: suspicion of being engaged in homosexual activities is enough reason to be terminated from public employment.
6	Discrimination against Queer Foreigners	Judgements 67/8084 JY on December ,23 2014, and 63/17406 JY on March 2017 ,25, from Cairo's Administrative Courts.	Unfavourable: it is within the legal powers of the Ministry of Interior to deny entry and deport those who are suspected of being queer or carrying HIV.
7	Censorship of Queer Media	Giza Court of First Instance Judgment of Jan 2019	Unfavourable: a TV anchor was sentenced for hosting a gay man.

1. Criminalisation:

Egyptian laws do not explicitly criminalise same-sex relations or queer gender expressions. However, specific provisions have been utilised against members of the LGBTQ+ community, particularly individuals assigned male at birth who identify as queer. These laws primarily pertain to offences related to sex work, public immorality, digital morality, public decency, and violation of public order.¹⁴

One notable provision is Article 9(C) of the anti-sex work law 10/1961, which states:

«Punishment by imprisonment for a period not less than three months and not exceeding three years and a fine not less than 25 LE and not exceeding 300 LE in the Egyptian administration and not less than 250 Lira and not exceeding 3000 Lira in the Syrian administration or one of these two punishments applies in the following cases: Whoever habitually engages in debauchery or prostitution.»¹⁵

The charge commonly employed against queer individuals is «habitual engagement in debauchery.» In Egyptian law, «debauchery» is interpreted as referring specifically to male sex work. This charge began to be applied to queer individuals in the 1990s and early 2000s due to legal principles established by the Egyptian Court of Cassation, which streamlined prosecutions under this charge. These principles eliminated the requirement of financial exchange as a core element of the crime, stipulating that only habitual engagement and indiscriminate acts of sexual intercourse with multiple individuals are sufficient components of the offence. Consequently, anyone who engages in numerous sexual relationships indiscriminately can be prosecuted under this Article.¹⁶

Additionally, several provisions in the penal code can be employed against queer individuals in Egypt, notably article 269bis:

“Whoever is found on a public road or a frequented location inciting passersby through signals or words to commit adultery shall be subject to a period of detention not exceeding one month.”¹⁷

Furthermore, Article 25 of the Cybercrime Law 175/2018 states:

“Posting content that violates the family principles and values upheld by Egyptian society may be punished by a minimum imprisonment term of six months and/or a fine ranging from EGP 50,000 to EGP 100,000.”¹⁸

Since 2019, the Egyptian State, specifically the public prosecution office, has extensively utilised this law to regulate digital morality, targeting various groups that it deems immoral, including sex workers, girls dancing on social media applications, and queer individuals. More recently, the vice police have focused their efforts on the digital sphere, resulting in the majority of cases in 2020 being prosecuted under this law in conjunction with the anti-sex work law 10/1961¹⁹. In 2023, Economic Courts have begun interpreting charges of debauchery in conjunction with Article 25 of the

14 Noralla, Nora. “Sexually Guilty: Custom Morality and the Persecution of the LGBTQ Community in Egypt.” *cairo52*, June 7, 2023.

<https://cairo52.com/2023/06/01/sexually-guilty-custom-morality-and-the-persecution-of-the-lgbtq-community-in-egypt/>

15 Noralla, Nora. “A Litigation Guide on Crimes of Sex Working and Homosexuality (Prostitution and Debauchery).” *cairo52*, June 25, 2021.

<https://cairo52.com/2021/06/24/a-litigation-guide-on-crimes-of-sex-working-and-homosexuality-prostitution-and-debauchery/>

16 Noralla, Nora. 2021. ‘ElKarakhana: History of Sex Working in Modern Egypt between Legalization and Criminalization.’

<https://Cairo52.Com/2020/11/05/Elkarakhana-Eng/>

17 Noralla, Nora. 2021. ‘Sexually Guilty: Custom Morality and the Prosecution of the LGBTQ Community in Egypt’

18 Ibid

19 Hamid, D. A. *The Trap: Punishing Sexual Difference in Egypt*. Al Qahirah: Egyptian Initiative for Personal Rights, 2017.

https://www.ecoi.net/en/file/local/2020143/the_trap-en.pdf

Cybercrime law to explicitly mean the criminalization of homosexual acts.

According to reports from local organisations such as the Egyptian Initiative for Personal Freedoms (EIPR), an average of around 50 arrests of queer individuals occur annually. In 2022, EIPR reported 43 arrests of queer individuals²⁰. In some instances, the government enacted massive crackdowns targeting LGBTQ+ people, such as the Queen boat arrests of 52 people in 2001, the rainbow flag crackdown and the subsequent arrests of 75 people in 2017²¹.

The implementation of these laws is accompanied by an increasing number of human rights violations against Egyptian citizens, as guaranteed by the Constitution and the Criminal Procedures Act. Of particular concern are the actions of the police, who infringe upon provisions safeguarding privacy, due process, and evidence collection. A prevalent method employed by law enforcement to apprehend queer individuals in digital spaces is entrapment, whereby an informant convinces queer individuals to meet for dates only to have them subsequently arrested.²²

Varied interpretations exist within Egyptian jurisprudence, particularly in rulings by the Court of Cassation, about the legality of entrapment. Generally, entrapment is deemed lawful under Egyptian law if its sole purpose is to expose an already ongoing crime, as opposed to inciting the commission of a crime and then arresting the perpetrator. The ambiguous distinction between exposing and inciting a crime further complicates the ability of lawyers to mount a defense against entrapment in cases involving queer individuals.²³

The Ministry of Interior does not have a clear and unified policy regarding detention spaces for transgender people. Generally speaking, those who are passing as their newly acquired sex are placed in solitary confinement in Prisons according to the gender marker on their ID. Meanwhile, early in their transition and still not passing, they are placed with the general population according to the gender marker on their ID. In 2020, transwoman activists attempted to challenge this de-facto policy, demanding that transgender people would be allocated specific places of detention. However, both Cairo's Administrative Court and the Supreme Administrative Court rejected the case for lack of merits.²⁴

For more information on the violations in queer cases, please consult the following publication: [Sexually Guilty: Custom Morality and the Persecution of the LGBTQ Community in Egypt](#).

To further explore defense strategies in queer cases, please refer to the following publication: [A Litigation Guide on Crimes of Sex Working and Homosexuality \(Prostitution and Debauchery\)](#)

2. Gender-affirming healthcare:

20 ElShekh, Fathi. "محامون: القبض على عشرات المثليين في مصر خلال 3 أشهر.. و"جرايندر" يحذر مستخدميه من مصيدة الشرطة." مدى مصر, March 26, 2023.

<https://mada34.appspot.com/www.madamasr.com/ar/2023/03/26/news/u/%D9%85%D8%AD%D8%A7%D9%85%D9%88%D9%86-%D8%A7%D9%84%D9%82%D8%A8%D8%B6-%D8%B9%D9%84%D9%89-%D8%B9%D8%B4%D8%B1%D8%A7%D8%AA-%D8%A7%D9%84%D9%85%D8%AB%D9%84%D9%8A%D9%8A%D9%86-%D9%81%D9%8A-%D9%85%D8%B5%D8%B1/>

21 Noralla, Nora. "Sexually Guilty: Custom Morality and the Persecution of the LGBTQ Community in Egypt." cairo52, June 7, 2023.

<https://cairo52.com/2023/06/01/sexually-guilty-custom-morality-and-the-persecution-of-the-lgbtq-community-in-egypt/>

22 "Egypt: Security Forces Abuse, Torture LGBT People." Human Rights Watch, September 28, 2020.

<https://www.hrw.org/news/2020/10/01/egypt-security-forces-abuse-torture-lgbt-people>

23 Noralla, Nora. "Sexually Guilty: Custom Morality and the Persecution of the LGBTQ Community in Egypt." cairo52, June 7, 2023.

<https://cairo52.com/2023/06/01/sexually-guilty-custom-morality-and-the-persecution-of-the-lgbtq-community-in-egypt/>

24 درب حسين. "ملك الكاشف تطعن على قرار القضاء الإداري برفض قضية إلزام الداخلية بتخصيص أماكن احتجاج للعابرين جنسيا." مدى مصر, July 29, 2020.

<https://daarb.com/%D9%85%D9%84%D9%83-%D8%A7%D9%84%D9%83%D8%A7%D8%B4%D9%81-%D8%AA%D8%B7%D8%B9%D9%86-%D8%B9%D9%84%D9%89-%D9%82%D8%B1%D8%A7%D8%B1-%D8%A7%D9%84%D9%82%D8%B6%D8%A7%D8%A1-%D8%A7%D9%84%D8%A5%D8%AF%D8%A7%D8%B1/>

Gender-affirming healthcare policy in Egypt has undergone significant changes that have resulted in a complete prohibition of providing such services to transgender individuals. This evolution can be categorised into three distinct phases.²⁵

The first phase, before 2003, saw the emergence of Sally Mursi, a transgender woman whose case garnered substantial attention from society, religious institutions, and the media. Sally, a medical student at Al-Azhar University, faced opposition to her transition, with influential entities like the Medical Syndicate, which was then under the control of the Muslim Brotherhood, deeming her transition un-Islamic and medically unnecessary. After examining Sally, both the Medical Syndicate and Al-Azhar University concluded that she exhibited no physical abnormalities and that her desire to transition was solely attributed to a mental disorder. Consequently, the Syndicate reprimanded the therapists and surgeons involved in her case, facing the revocation of their medical licenses and monetary fines. Adding to the controversy, Sally's surgeons were Christians, leading some to perceive her transition as a Christian assault on a healthy Muslim male body.²⁶

In response, the Syndicate and Al-Azhar University requested the involvement of the public prosecution office to investigate the matter criminally. Expert medical opinions were sought from Cairo University and the Judicial Forensic Authority, both of which determined that Sally's transition was justified based on established medical standards. They regarded Sally's diagnosis of gender identity disorder and the extensive therapy she had undergone as valid medical practices. Consequently, the public prosecution dismissed the petition, finding no doctor misconduct.²⁷

Following their acquittal, Sally's doctors approached the Cairo Courts to challenge the disciplinary punishments imposed by the Medical Syndicate and seek compensation for the damages suffered. On December 7, 1989, the Cairo Court of Appeals issued Judgment No. 34/1988, overturning the Syndicate's decision and ordering the restoration of the surgeons' licenses. Additionally, fair compensation was awarded to both the surgeon and the anaesthetist for the harm caused by the disciplinary action.²⁸

The second phase, from 2003 to 2014, was characterised by a ministerial decision issued by the Ministry of Health amending the Medical Syndicate's code of ethics. This decision established a specialised committee responsible for reviewing applications from Egyptian citizens seeking sex reassignment procedures. Article 43 of the revised Code of Ethics stipulated that:

«Doctors are strictly prohibited from performing sex change operations. Sex correction is only permissible after receiving approval from the review committee in the Syndicate. Surgeries will only be conducted after two years of psychiatric evaluation and hormonal treatment and after conducting a complete examination of hormones and the chromosomal map of the applicant.²⁹»

The Article incorporates terminology formulated by Al-Azhar Islamic scholars in response to Sally's transitions, aiming to distinguish between what is considered permissible in Islam and what is not.

25 Chahine, M. 2023 "Suspended citizens: Inside the challenges with accessing legal gender recognition and gender affirming health care for trans people in Egypt"

<https://cairo52.com/2023/01/27/suspended-citizens-inside-the-challenges-with-accessing-legal-gender-recognition-and-gender-affirming-health-care-for-trans-people-in-egypt/>.

26 Skovguard-Peterson, Jakob. 1995. 'Sex Change in Cairo: Gender and Islamic Law'. *Journal of the International Institute* 2 (3).

27 Ibid

28 Noralla, Nora. 2023. 'Gender Trouble in the Land of the Nile: Transgender Identities, the Judiciary and Islam in Egypt'. *Yearbook of Islamic and Middle Eastern Law Online*, 1–37.

<https://doi.org/10.1163/22112987-20230052>.

29 Ibid

The term «tshih al-gns,» or sex correction, was coined to indicate the medical treatments that are deemed acceptable within the Islamic context. Conversely, the term «tghier al-gns,» or sex change, has subsequently been used to refer to medical treatments that are considered sinful.³⁰

Consequently, the Article effectively prohibits doctors from providing treatment to transgender patients and only permits them to treat intersex patients. The committee overseeing this process comprises two psychiatrists, a genetics expert, an andrologist, an endocrinologist, a medical head, and a representative from Al-Azhar or Dar Al-Ifta. However, the committee faced numerous challenges from the outset, as it lacked the authority to enact legal decisions, its members served voluntarily and held irregular meetings, it had no budget or bylaws to regulate its activities, and there were disagreements between the Islamic representative and the medical professionals.³¹

Doctors within the committee expressed the view that Al-Azhar's approach, which only approved surgeries for intersex individuals and not transgender individuals, was flawed. They advocated for a more inclusive approach, arguing that medical standards permit transgender individuals to undergo surgeries following years of therapy and a diagnosis of Gender Identity Disorder (GID). Attempts were made to negotiate with Al-Azhar to modify its stance and enable Gender Identity Disorder patients to obtain approval from the committee; however, Al-Azhar refused to make any concessions. Despite this impasse, doctors within the committee proceeded to approve some cases of Gender Identity Disorder for surgery, leading Al-Azhar's representative to withdraw in protest and ultimately resulting in the committee's complete cessation of operations.³²

During the third phase, following 2014, the committee remained inactive for three years and resumed its work in 2017 after resolving its conflicts with Al-Azhar. The solution reached was to grant Al-Azhar's representative final decision-making authority and veto powers over all applications, thereby ensuring that only intersex individuals would be granted permission to undergo surgeries and effectively excluding transgender individuals from the committee's purview. In 2020, Dr. Osama Abd El-Hay, the head of the review committee, stated to the media outlet «ABC News» that this arrangement was in place. Between 2014 and 2017, no cases of Gender Identity Disorder were approved, with only cases classified as «physical needs» - referring exclusively to intersex cases - receiving authorisation.³³

In summary, Egypt officially prohibits gender-affirming healthcare, and any doctors who provide such care without the approval of the Medical Syndicate's committee risk facing both criminal and disciplinary consequences. An example of this is the closure of a hospital in Upper Egypt in 2010 by the Ministry of Health, with the doctors involved subsequently undergoing criminal investigations for providing gender-affirming healthcare to a transgender woman.

Conversely, transgender individuals are prohibited from accessing gender-affirming healthcare services through both private and public medical institutions. This has led to the proliferation of an underground medical market characterised by poorly trained physicians, inadequately equipped medical facilities, and exorbitant prices. As a result, transgender individuals are forced to jeopardise their well-being and even their lives by undergoing surgeries in these establishments³⁴. In 2021, a 26-year-old trans man named Ezz tragically died due to complications from an unsuccessful gen-

30 Noralla, Nora. 2021. 'Sunni Islamic Jurisprudence, Sex Reassignment Surgery and Transgender Rights'.

<https://www.opendemocracy.net/en/north-africa-west-asia/sunni-islamic-jurisprudence-sex-reassignment-surgery-and-transgender-rights/>

31 Noralla, Nora. 2023. 'Gender Trouble in the Land of the Nile: Transgender Identities, the Judiciary and Islam in Egypt'. Yearbook of Islamic and Middle Eastern Law Online, 1-37. <https://doi.org/10.1163/22112987-20230052>

32 Ibid

33 Michel, Maggie, and Mariam Fam. "In Egypt, Transgender Activist Fights Battle on Many Fronts." ABC News. ABC News Network, March 27, 2020 <https://abcnews.go.com/International/wireStory/egypt-transgender-activist-fights-battle-fronts-69829327>.

34 Noralla, Nora. 2023. "'Chromosome Trap': Anti-Trans Narratives and Policy in Egypt", <https://timep.org/2023/06/29/chromosome-trap-anti-trans-narratives-and-policy-in-egypt/>.

der-affirming surgery performed in one of these clinics in Cairo. Since conducting such procedures without the approval of the Medical Syndicate's committee is illegal, seeking justice in these cases becomes challenging, as doctors do not maintain medical records of such treatments. Without a documented trail, pursuing legal action for damages becomes arduous.³⁵

At present, Cairo 52 is engaged in strategic litigation to advocate for the right to health of transgender individuals, utilising both the Medical Syndicate's committee and the Ministry of Health to address the failure of their country to provide gender-affirming healthcare services for transgender patients.

For further information on gender-affirming healthcare policy in Egypt, please refer to the following publication: [Gender Trouble in the Land of the Nile: Transgender Identities, the Judiciary and Islam in Egypt](#).

To learn more about Cairo 52's strategic litigation efforts, please visit the following page: [Strategic Litigation Alert: Transgender Right to Health](#).

3. Intersex Health Policy:

There is a lack of comprehensive health policy regarding intersex individuals in Egypt. Egypt is a conservative society that adheres to a binary gender system, expecting intersex individuals to conform to either the female or male binary. Intersexuality is considered a congenital disability in need of treatment at birth, even though medical staff often lack the necessary resources, training, and education to care for intersex individuals effectively. Essential medical tests, such as chromosome mapping and examination of reproductive organs, which are crucial for accurate determination of an infant's binary sex, are not readily available due to limited resources in Egyptian hospitals. Moreover, medical staff are ill-equipped to make accurate decisions in intersex cases due to a lack of proper training and education. Additionally, in-house births are still common in Egypt.³⁶

Consequently, decisions regarding intersex infants are primarily based on external examination of their genitals without conducting further internal testing. The diagnosis is then communicated to the parents, who can participate in the decision-making process with the doctors. Given the patriarchal and sexist nature of Egyptian society, where preference is often given to males, parents may lean towards assigning male gender even if the infant's internal organs indicate a predominantly female configuration. This could result in the need for corrective surgery during puberty if the assigned sex at birth were determined incorrectly, a situation that can occur without adequate medical testing.³⁷

Furthermore, early diagnosis of intersex conditions is uncommon in Egypt due to limited resources and healthcare providers' lack of knowledge and training on intersex issues. As a result, more than 90% of documented intersex cases in Egypt are diagnosed during puberty or adulthood, making surgical interventions more culturally and socially sensitive. These interventions are often perceived as similar to transgender transitions, as the general public lacks awareness of the distinctions between intersex and transgender individuals and treats their experiences similarly. Consequently, undergoing surgery becomes an unappealing option, particularly if it offers no health benefits. Some intersex individuals may choose to continue living as either male or female while retaining their intersex features.³⁸

35 Noralla, Nora. "A Discriminatory System Killed a Transgender Man in Egypt." Human Rights Watch, November 10, 2021.

<https://www.hrw.org/news/2021/11/10/discriminatory-system-killed-transgender-man-egypt>.

36 Mazen IA. Clinical Management of Gender in Egypt: Intersexuality and Transsexualism. Arch Sex Behav. 2017 Feb;46(2):369-372. doi: 10.1007/s10508-016-0842-z. Epub 2016 Sep 20. PMID: 27649696

37 Dessouky, N.M., 2001. Gender assignment for children with intersex problems: An Egyptian perspective. Egyptian Journal of Surgery, 20(2), pp.499-515.

38 Noralla, Nora. "Policies of Erasure: How the Mena's Region Intersex People Are Made Invisible." The Tahrir Institute for Middle East Policy, April

For those who do undergo surgery, Egypt lacks comprehensive treatment plans. There is a notable absence of specialised psychiatrists to provide pre- and post-surgical care for intersex individuals and their families.

In recent years, some physicians have called for a suspension of infant surgeries. As previously mentioned, such decisions are often arbitrary and can result in the need for corrective surgery if the assigned sex is determined incorrectly. As a result, some doctors believe it is better to wait until definitive sex characteristics manifest in intersex individuals or until the Egyptian State allocates more resources to address this issue.³⁹

4. Legal Gender Recognition for Transgender People:

There is a significant gap in legislation and policy regarding legal gender recognition for transgender individuals in Egypt. Article 46 of the Egyptian Civil Code states that citizens have the right to request changes to their information in the civil registry through committees established within the Civil Registry Authority (CRA) throughout the country. While the Article itself does not explicitly mention transgender individuals, it has been used as a legal basis for legal gender recognition requests, including for those who are intersex. The process for intersex people is straightforward; after they undergo the surgeries, they can submit medical documents to the CRA's committee and receive name and gender marker changes. However, due to the lack of an explicit mention of transgender individuals, the application of this Article in their cases can be arbitrary, leading to varying requirements, processing times, and outcomes.⁴⁰

To apply for legal gender recognition, transgender individuals must provide medical reports confirming a diagnosis of GID and evidence of undergoing gender-affirming surgeries. In some instances, CRA officials may also require verification of the transgender person's surgery from the Judicial Forensic Medical Authority (FMA). The FMA then issues a final report on the determination of sex, which may confirm the transgender person's newly acquired sex or declare the results inconclusive⁴¹.

If CRA and FMA officials are not convinced of the transgender person's transition, they have the authority to reject the case. In such instances, the transgender individual has no choice but to file a petition with the country's Administrative Courts system. These courts have a history of rejecting legal gender recognition requests based on various grounds, particularly Sharia law.

In Case No. 3867/66 J.Y. of January 27, 2013, the Administrative Court in Alexandria received a petition from a trans woman whose application was denied after the FMA refused to issue a certificate of sex determination. The FMA argued that although the plaintiff exhibited hormonal and physical female characteristics, they were artificially obtained, and that the plaintiff was biologically male based on chromosome mapping. Consequently, the FMA declined to issue a certificate of sex determination declaring the plaintiff female. The Court supported the FMA's decision, ruling that this was solely a medical matter falling under the jurisdiction of the FMA.

20, 2023.

<https://timep.org/2023/04/20/policies-of-erasure-how-the-menas-region-intersex-people-are-made-invisible/>.

39 Ibid

40 Chahine, M. 2023 "Suspended citizens: Inside the challenges with accessing legal gender recognition and gender affirming health care for trans people in Egypt"

<https://cairo52.com/2023/01/27/suspended-citizens-inside-the-challenges-with-accessing-legal-gender-recognition-and-gender-affirming-health-care-for-trans-people-in-egypt/>.

41 Ibid

In Case No. 80419/68 J.Y. of January 24, 2016, the Administrative Court in Cairo rejected a trans man's request for legal gender recognition. The CRA rejected the plaintiff's application due to the FMA's report, which concluded that their chromosome mapping was consistent with those of a biological woman despite their physical and hormonal characteristics being male. The Court based its decision on this report, which indicated that the plaintiff had undergone "sex change" rather than "sex correction" treatment, thereby contravening Islamic Sharia law, which only allows for sex correction.⁴²

The Court also addressed the fact that the plaintiff had received approval for surgeries from the Medical Syndicate's sex correction committee, stating that the committee lacked the legal authority to make such decisions. Instead, the responsibility for making such decisions lies with the executive branch (the Ministry of Health) or the legislative branch (the parliament). The Court urged the parliament to enact new legislation to regulate this matter, safeguard society from immorality, and align laws with Sharia principles.

Thus, as of 2023, transgender individuals can still technically apply for legal gender recognition through the CRA and hope for a streamlined process. However, if this is not the case, the Administrative Courts system has proven to be unfavourable for transgender individuals seeking legal gender recognition.⁴³

5. Inheritance for Intersex and Transgender people:

Egyptian inheritance laws and customs are based on Sharia for Muslims. Islamic jurists have extensively studied the issue of inheritance for intersex individuals, particularly those who are considered not to fit the binary. From an Islamic legal standpoint, there are two types of intersex individuals: *Khuntha Mškl* and *ğyr mškl*. According to Islamic jurists, *Khuntha ğyr mškl* refers to intersex individuals who are born with primary sex characteristics of one sex but possess additional attributes of the opposite sex. In accordance with Islamic law, *Khuntha ğyr mškl* individuals inherit based on their dominant sex characteristics, either male or female.⁴⁴

On the other hand, *Khuntha Mškl* individuals are intersex individuals who exhibit sex characteristics of both males and females, making it difficult to categorise them within the binary system. As a result, they have their own rule in Islamic law, which was enshrined in Egyptian inheritance law no. 77 of 1943. Article 46 explicitly recognises *Khuntha Mškl* individuals and defines them as "those who are not known to be female or male." According to this law, *Khuntha Mškl* individuals inherit less than their binary counterparts.⁴⁵

It should be noted that the application of this law is currently irrelevant, as advancements in medical and legal systems in Egypt do not permit the continued existence of intersex individuals. These advancements aim to align intersex individuals with the binary system. Nevertheless, Article 46 represents an intriguing and rare instance where the Egyptian State recognises a third sex, distinct from the female and male binary.

42 Ali Dabash, Ahmed. 2023. 'The Egyptian Constitution and Transgender Rights: Judicial Interpretation of Islamic Norms'. *Journal of Law and Emerging Technologies* 3 (1): 33–58.

<https://doi.org/10.54873/jolets.v3i1.108>.

43 Noralla, Nora. 2023. 'Gender Trouble in the Land of the Nile: Transgender Identities, the Judiciary and Islam in Egypt'. *Yearbook of Islamic and Middle Eastern Law Online*, 1–37.

<https://doi.org/10.1163/22112987-20230052>.

44 محمد ممدوح. 2018. 'أثر القرينة الطبية في إثبات الإرث في الفقه الإسلامي'. *مجلة الدراسات العربية* 37 (10): 5655–80 and شحاتة, محمد ممدوح.

45 "قانون الميراث المصري رقم 77 لسنة 1943". Al Yassir Office, September 29, 2021.

<https://alyassir.com/%D9%82%D8%A7%D9%86%D9%88%D9%86-%D8%A7%D9%84%D9%85%D9%8A%D8%B1%D8%A7%D8%AB-%D8%A7%D9%84%D9%85%D8%B5%D8%B1%D9%8A-%D8%B1%D9%82%D9%85-77-%D9%84%D8%B3%D9%86%D8%A9-1943/>.

Regarding transgender individuals, there are no explicit laws governing their inheritance. However, most Islamic and Egyptian legal experts have developed a theory suggesting that transgender individuals should inherit based on their “original sex” rather than their “acquired sex”. In other words, a transwoman would inherit as a male, while a transman would inherit as a female. This perspective stems from the belief that the sex change undergone by transgender individuals is not natural but rather a result of artificial means. Since their original sex characteristics, such as chromosomes, do not change, they should be allowed to inherit according to how Allah created them.⁴⁶

6. Discrimination Based on Gender Identity and Sexual Orientation:

Egyptian laws do not address discrimination based on sexual orientation and gender identity. Most government entities employ de facto policies that can lead to discrimination against LGBTQ+ people.

In August 2022, the Egyptian Ministry of Education issued a widely-encompassing directive, numbered 1944, which called for schools to take decisive measures to counteract the perceived proliferation of homosexuality, as portrayed in Western media. To achieve this objective, schools were entrusted with the task of implementing anti-LGBTQ+ campaigns explicitly targeted towards primary school students. The primary focus of these campaigns would revolve around the cultivation of appropriate social conduct and the dissemination of the Abrahamic religions’ perspectives on homosexuality. The multifaceted campaign would involve public debates, scholarly publications, and targeted awareness programs conducted in collaboration with various entities, all with the aim of shielding impressionable young students from being influenced by Western media narratives that normalise homosexuality.⁴⁷

Egyptian military conscription laws provide exemptions for LGBTQ+ individuals based on their identity. While this can be seen as legal discrimination, it can also be viewed as a potential benefit, considering the challenges faced by those assigned male at birth in fulfilling their military service obligation in Egypt. Given the choice, many individuals would opt to avoid it.

According to military law, exemptions can be granted on various medical grounds. LGBTQ+ individuals can be exempted based on mental illness criteria, as military law categorises “Transgenderism” and “Homosexuality” as personality disorders. Additionally, exemptions can be granted for individuals with epidemic diseases, allowing people living with HIV (PLHIV) to benefit from this provision.⁴⁸

To obtain an exemption for LGBTQ+ individuals assigned male at birth who do not have HIV, they must provide evidence of undergoing psychological treatment for their condition or agree to an examination by the Military High Medical Committee. This committee determines whether the individual truly has the disorder they claim to have. It is worth noting that the Egyptian military does not disclose this information to family members. The exemption certificates do not specify that the

46 رضوان, September 28, 2022. “ميراث الخنثى والمتحولين جنسيا بين الشريعة والقانون.. العلماء قسموا ...” برلماني

<https://www.parlmany.com/News/2/495669/%D9%85%D9%8A%D8%B1%D8%A7%D8%AB-%D8%A7%D9%84%D8%AE%D9%86%D8%AB%D9%89-%D9%88%D8%A7%D9%84%D9%85%D8%AA%D8%AD%D9%88%D9%84%D9%8A%D9%86-%D8%AC%D9%86%D8%B3%D9%8A%D8%A7-%D8%A8%D9%8A%D9%86-%D8%A7%D9%84%D8%B4%D8%B1%D9%8A%D8%B9%D8%A9-%D9%88%D8%A7%D9%84%D9%82%D8%A7%D9%86%D9%88%D9%86-%D8%A7%D9%84%D8%B9%D9%84%D9%85%D8%A7%D8%A1-%D9%82%D8%B3%D9%85%D9%88%D8%A7-%D8%A7%D9%84%D8%AE%D9%86%D8%AB%D9%89>

47 Noralla, Nora. “Anti-LGBTQ+ Extremism Isn’t Limited to Just the United States. Here’s How to Beat Them Worldwide.” LGBTQ Nation, March 10, 2023.

<https://www.lgbtqnation.com/2023/03/anti-lgbtq-extremism-isnt-limited-to-just-the-united-states-heres-how-to-beat-them-worldwide/>

48 Noralla, Nora. “Queer Not in the Army.” Cairo 52 Legal Research Institute, August 16, 2022.

<https://cairo52.com/2022/08/16/queer-not-in-the-army/>

individual was exempted due to their LGBTQ+ identity; they only indicate medical reasons. Furthermore, no legal consequences are associated with undergoing evaluation by the military medical committees.⁴⁹

Egyptian Courts have dealt with cases involving such discrimination on multiple occasions.

Transgender Right to Education: One notable case is that of Sally Mursi, who was expelled from Al-Azhar University despite legally changing her gender to female. The university refused to recognise her as a woman, claiming that her actions were immoral and incompatible with the institution's Islamic values. Sally embarked on a lengthy legal battle against Al-Azhar University that lasted 18 years and involved four court judgments from the administrative courts:

- **Judgment Number 5432/42 JY, Egyptian Administrative Court, July 2 1991.**
- **Judgment Number 4019/50 JY, Egyptian Administrative Court, September 28 1999.**
- **Judgment Number 1487/54 JY, Egyptian Administrative Court, June 20 2000.**
- **Judgment Number 9907/48 JY, Supreme Egyptian Administrative Court, June 15 2006.**

Finally, the Supreme Administrative Court, the highest Court in the Administrative Courts System, issued a landmark ruling in 2006 stating that Al-Azhar University had violated Sally's constitutional right to education. The Court affirmed that the right to education is a fundamental human right for all Egyptian citizens and cannot be denied or restricted by any entity for any reason. Furthermore, the Court acknowledged Sally's legal status as a woman and emphasised that she should be treated as such in all legal and social aspects. Therefore, Al-Azhar University's discrimination against her was deemed to be a violation of the anti-discrimination clauses in the Egyptian constitution. As a result, the Court ordered the university to readmit Sally with her new female identity. However, despite this significant ruling, Al-Azhar University continued to disregard the legally binding judgments. It did not allow Sally to resume her studies, highlighting the institution's influential position within Egypt.⁵⁰

Discrimination based on Sexual Orientation in Employment: Another instance of discrimination based on sexual orientation occurred in June 2023 when a Cairo Disciplinary Court, part of the Egyptian State Council, issued a judgment to terminate the employment of an individual working for the national broadcaster, Maspero, based on allegations of homosexuality. The Court relied on Articles 57 and 58 of the Civil Services Law, which states that any employee engaging in acts that undermine the dignity of their position shall face disciplinary action.⁵¹

The employee was accused of homosexuality by his ex-wife in 2021. The ex-wife provided authorities with a video showing the employee engaged in solo sexual activities, which the Court considered evidence of his alleged homosexuality. Despite the absence of a partner in the video, the Court allowed its bias to influence its judgment, expressing its disgust at the acts depicted, including the employee performing oral sex on an empty bottle and inserting it into his anus. The Court concluded that the video constituted sufficient evidence to justify terminating the employee's employment. This judgement was later affirmed in July 2023 by the Supreme Administrative Court, which also concluded that the employee has performed homosexual activities and is backed by evidence (referring to the video).⁵²

⁴⁹ Ibid

⁵⁰ Noralla, Nora. 2023. 'Gender Trouble in the Land of the Nile: Transgender Identities, the Judiciary and Islam in Egypt'. Yearbook of Islamic and Middle Eastern Law Online, 1-37.

<https://doi.org/10.1163/22112987-20230052>.

⁵¹ "حكم قضائي بعزل موظف في التلفزيون لاتهامه بـ"المثلية الجنسية". المنصة "، June 1, 2023.

<https://manassa.news/node/11470>.

⁵² "حكم نهائي بعزل موظف بماسبيرو لاتهامه بالمثلية الجنسية". المنصة "، عادل. Accessed January 15, 2024.

<https://manassa.news/node/12102>.

This case establishes that merely being accused of homosexuality can be grounds for termination from government employment, even without concrete evidence of engaging in same-sex relationships.

Immigration for Queer Foreigners: Egyptian Law No. 89 of 1960 on the Entry and Exit of Foreigners, amended in 2005, incorporates morality and public order provisions. These provisions are interpreted in a manner that grants the Ministry of Interior the authority to deport and prohibit entry for individuals who identify as queer as a means to safeguard public morality, values, and order. This interpretation has been reinforced by two verdicts issued by the Administrative Courts in Cairo: 8084/67 JY on December 23, 2014, and 17406/63 JY on March 25, 2017.⁵³

Both judgments confirm that mere suspicion of queer identity is considered sufficient evidence for the Ministry of Interior to invoke the clauses pertaining to public morality and order, thereby justifying the deportation or entry ban of individuals. In the first case, the plaintiff was actually acquitted of charges related to “debauchery.” Nevertheless, the Ministry of Interior and the Court deemed the mere existence of charges as justification for deportation. In the second case, the plaintiff was deported and prohibited from re-entry based on an accusation of spreading HIV among locals. Despite the plaintiff’s submission of medical reports attesting to their HIV-negative status, the Court upheld the Ministry of Interior’s actions as legally sound. It refused to rescind the entry ban imposed on the plaintiff.⁵⁴

7. Censorship of Queer Content and Freedom of Speech:

Generally, Egypt has a significantly poor track record regarding freedom of speech. Therefore, it is not surprising that this right is heavily restricted for LGBTQ+ individuals in the country. Egyptian laws, notably Cybercrime Law 175/2018, Telecommunication Law 10/2003, Penal Code, Law on the Organization of Press and Media 180/2018, contain provisions that restrict speech based on moral and public order grounds. In 2019, the Public Prosecutor established the Communication, Guidance, and Social Media Department (CGSMD), which operates under the Public Prosecution. Since then, this newly formed department’s Monitoring and Analysis Unit (MAU) has filed numerous lawsuits against users of social networking sites. As a result, the Public Prosecution has officially monitored internet users to protect national security, national social security, and the values of the Egyptian family.⁵⁵

Media content related to LGBTQ+ individuals is considered to violate social morals, values, and public order. Therefore, unless such content negatively portrays LGBTQ+ identities, it is restricted. Specific policies pertaining to LGBTQ+ issues include **the Supreme Council for Media Regulation (SCMR) regulations on hosting homosexuals in public media outlets**. These regulations also prohibit the promotion of homosexual speech, content, and slogans. The stated objective of these regulations is to safeguard society from perceived immorality.⁵⁶

In 2019, a television actor was found guilty of promoting debauchery after hosting an LGBT+ individ-

⁵³ Noralla, Nora. “Your Kind Is Not Welcome Here.” *cairo52*, November 27, 2023.

<https://cairo52.com/2023/11/27/your-kind-is-not-welcome-here/>.

⁵⁴ Ibid

⁵⁵ Public Prosecution And Digital Transformation: An Introduction To Mass Surveillance Of The Internet - Association Of Freedom Of Thought And Expression”. 2021. Association Of Freedom Of Thought And Expression.

<https://afteegypt.org/en/research-en/policy-papers-en/2021/08/08/24363-afteegypt.html>

⁵⁶ Unofficial Translation Of Statement By Egypt’s Supreme Council For Media Regulation”. 2017. Human Rights Watch.

<https://www.hrw.org/news/2017/10/06/unofficial-translation-statement-egypts-supreme-council-media-regulation>.

ual. Despite not promoting LGBTQ+ identities, as the host was naturally opposed to it, the Court still found the actor guilty.⁵⁷

An interesting observation is that the regulations and laws differentiate between what they refer to as homosexuals and transgender individuals. While the policy has been enforced to exclude gay individuals from public platforms, transgender cases have received extensive coverage in public media outlets without consequence. This is likely due to the public perception of transgender individuals as experiencing an uncontrollable illness deserving of sympathy. In contrast, homosexuality is viewed as a sinful act contrary to religious beliefs. For instance, in 2021, a transgender woman was dismissed from her teaching position and turned to social media to request assistance from the Minister of Education. The Minister issued a statement supporting the teacher and called for greater acceptance of transgender individuals in society. The transgender woman chose to maintain a socially accepted narrative that pathologises transgender identity to avoid further discrimination.⁵⁸

Another policy is the National Centre for Translation (NCT) guidelines 2020. The NCT issued new guidelines prohibiting the translation of specific topics into Arabic, including books that discuss LGBT issues.⁵⁹

Egyptian policy also permits the censorship of foreign media content, particularly movies shown in Egyptian cinemas. LGBTQ+ Western content is typically banned from being screened in Egyptian cinemas. In 2022, Egypt joined several countries in the region in prohibiting Western films featuring LGBT+ characters, such as Disney's Buzzlight.⁶⁰

8. HIV Policy:

Egypt's HIV policy has evolved from one that promotes discrimination and sometimes criminalisation of people living with HIV (PLHIV) to a more nuanced yet flawed policy that primarily focuses on treatment. In 1986, the Minister of Health issued Directive No. 435/1986, which added HIV to the list of diseases covered under Law No. 137 of 1958 concerning protection measures for epidemic diseases.⁶¹

This law consists of 28 articles that address the isolation, treatment, reporting, and investigation of individuals with epidemic diseases by judicial investigation officers from the Ministries of Justice, Health, and Interior⁶². Additionally, in 1986, Egyptian authorities established the National AIDS Program (NAP) as the official entity responsible for coordinating HIV prevention and treatment efforts at a national level.⁶³

Currently, the NAP, in collaboration with the Ministry of Health and international entities such as UNAIDS, implements a comprehensive HIV treatment program. In 2021, the Ministry of Health introduced a new HIV working strategy, which includes a new protocol that aims to expand government

57 Ali, Randa. "Egyptian TV Anchor Sentenced to Hard Labor over Interview with Gay Man." ABC News, January 21, 2019.

<https://abcnews.go.com/International/egyptian-tv-anchor-sentenced-hard-labor-interview-gay/story?id=60523651>.

58 [فريدة رمضان.. مصرية عابرة جنسيا تبحث عن الحياة بـ"كرامة" - الحرة](#), June 2, 2021.

59 مركز القومي للترجمة: نحو ثقافة لامركزية - مؤسسة حرية الفكر والتعبير، 2021. مؤسسة حرية الفكر والتعبير

<https://afteegypt.org/research/policy-papers/2021/11/16/25981-afteegypt.html>

60 Noralla, Nora. "Anti-LGBTQ+ Extremism Isn't Limited to Just the United States. Here's How to Beat Them Worldwide." LGBTQ Nation, March 10, 2023.

<https://www.lgbtqnation.com/2023/03/anti-lgbtq-extremism-isnt-limited-to-just-the-united-states-heres-how-to-beat-them-worldwide/>.

61 بشأن إعتبار مرض فقدان المناعة المكتسبة " الإيدز " من الامراض الواجب الإبلاغ عنها. "قوانين الشرق" Accessed January 15, 2024.

<http://site.eastlaws.com/GeneralSearch/Home/ArticlesTDDetails?MasterID=32542>

62 بشأن الاحتياطات الصحية للوقاية من الأمراض المعدية بالإقليم المصري. "قوانين الشرق" Accessed January 15, 2024.

63 [موسى. "بحث قانوني هام يوضح ماهية الإطار القانوني لفيروس نقص المناعة 2023." محاماة](#), May 24, 2023.

services through 44 centres, enhance early detection measures, establish a hotline for consultations, and integrate mental health programs into treatment plans. This strategy, in effect until 2025, aims to eliminate HIV infections in the country⁶⁴. In 2019, the Ministry of Health publicized its intention to transition from conventional syringes to auto-disabled (AD) syringes by mid-2020. AD syringes are advocated by the World Health Organization (WHO) as a preventive measure against the transmission of infectious diseases, including HIV.⁶⁵

This novel initiative also strives to establish domestic production of AD syringes within Egypt, with the objective of positioning Egypt as a regional hub for this particular industry⁶⁶. Furthermore, in 2020, the Egyptian Drug Authority announced a new strategy to domestically produce HIV drugs. PLHIV are also entitled to a pension from the Ministry of Social Affairs.⁶⁷

Despite these efforts, there are several gaps that the government's strategies still need to address, particularly in terms of discrimination and awareness campaigns. Labour laws need better implementation across both the public and private sectors to ensure that non-discrimination clauses are applied in cases involving PLHIV. In 2017, the head of the Preventive Medicine Sector at the Ministry of Health stated that the Ministry would implement a policy denying residency permits to individuals wishing to settle in the country for reasons other than tourism if they have HIV.⁶⁸

It is unclear whether this policy was ever put into practice. However, as mentioned in the Discrimination section of this publication, the Ministry of Interior has a record of deporting foreigners for "spreading HIV."

Social awareness and educational campaigns need to be improved. Although there has been some progress in the social perception of PLHIV, comprehensive national plans to enhance this perception have yet to be implemented in recent years. Additionally, official data and statistics on PLHIV vary depending on the source, highlighting the need for more national research to better understand the different aspects of being a PLHIV in Egypt and to accurately determine the population size.⁶⁹

Several reports indicate that government efforts have not led to a decline in HIV cases, but instead, there has been a significant increase in recent years without sufficient research to investigate the underlying causes of this rise.⁷⁰

In 2020, an Egyptian Civil Court issued a final judgment providing compensation to a wife who contracted HIV from her husband, who had married her without disclosing his HIV status. The wife only became aware of her HIV infection when she became pregnant, and the doctor suspected that the child might also be infected. The Court concluded that the husband's actions constituted fraud and deception and ordered him to pay the wife one million EGP (approximately 64,000 USD at the time) as compensation. This judgment underscores the need for more awareness campaigns and support methods, not only for society as a whole but also among PLHIV, regarding best practices for living

64 July 1, 2022, عبد السلام, وليد. "الصحة" تعلن تعديل البروتوكول العلاجي لمرضى الإيدز بـ44 مركزاً... اليوم السابع

65 بعد قرار منع استخدام 'العادية' وتعميم 'ذاتية التدمير'.. وداعاً 'سرنجات الموت'! بوابة أخبار اليوم, 2019. Akhbarelyom.

66 إيكيمي، تبدأ تشغيل مصنعي 'الإبر' وأجهزة المحاليل "باستثمارات 30 مليون جنيه مطلع 2020". جريدة البورصة

<https://www.alborsaaneews.com/2019/11/12/1264091>.

67 November 29, 2020. تشجيع التصنيع المحلي لأدوية نقص المناعة البشري 'الإيدز' هيئة الدواء المصرية

68 July 17, 2017. 'الصحة' تعلن ترحيل أي أجنبي يثبت إصابته بـ'الإيدز' خارج البلاد. اليوم السابع

69 UNAIDS, 2019 Egypt Country Report

https://www.unaids.org/sites/default/files/country/documents/EGY_2019_countryreport.pdf

70 Ghazy, R.M., Al Awaidy, S. & Taha, S.H.N. Trends of HIV indicators in Egypt from 1990 to 2021: time-series analysis and forecast toward UNAIDS 90–90–90 targets. BMC Public Health 23, 625 (2023).

<https://doi.org/10.1186/s12889-023-15490-5>

with the virus when having a partner.⁷¹

9. Conversion Therapy Policy:

There is no specific policy in Egypt regarding conversion therapy. The method is endorsed by several high-profile psychotherapists who often claim to have received training on conversion therapy from Western countries, especially the US.⁷²

The practice is especially endorsed by Egypt's religious institutions, including the COC, the Evangelical Church and Al-Azhar. In the past years, the COC and the Evangelical Church have been organising workshops and courses to spread conversion therapy methods not only among their therapists but also among their priesthood as part of their bigger plan to combat the «spreading of homosexuality.» Al-Azhar has endorsed the practice as an accepted cure for LGBTQ+ people, which «shelters both the LGBTQ+ person and the society from immorality and sin».⁷³

Furthermore, mental healthcare providers in Egypt employ highly effective marketing campaigns aimed at both LGBTQ+ individuals and their parents. These campaigns revolve around the notion that being LGBTQ+ arises from childhood neglect and the lack of father figures for assigned male queers, as well as mother figures for assigned female queers. Some even assert that being LGBTQ+ is a genetic defect that necessitates treatment involving therapy and medication, such as administering male hormones to trans women and female hormones to trans men.⁷⁴

Egypt's Law No. 71 of 2009 grants mental healthcare providers extensive authority to determine the fate of their patients, including the ability to confine them in mental healthcare facilities for prolonged periods. The law also empowers the guardians and families of patients to place them in mental healthcare facilities against their will forcibly. Given the strong familial ties prevalent in Egyptian society, this law can enable families to subject their LGBTQ+ members to extended confinement in mental healthcare facilities, exposing them to potential abuse. Furthermore, due to the existing bias among many mental healthcare providers, such detentions under the guise of treatment may be tolerated, even if it means the providers are technically abusing the legal powers awarded to them by the law.⁷⁵

10. Organising and Registering LGBTQ+ NGOs:

Egypt's civil space has significantly contracted since President Sisi assumed power in 2014. A variety of laws, such as the Anti-Terrorism Act of 2015, Protest Law 107 of 2013, Emergency Law 162 of 1958, and notably, the new NGO Law 2019/149, can be employed by the authorities to curtail the activities of NGOs.⁷⁶

These laws contain provisions that impose restrictions and criminal liability on human rights

71 [مصر.. تعويض 'مليونى' لزوجة أصيبت بالإيدز من زوجها. سكاى نيوز عربية](#), February 22, 2020.

72 Schapiro, Avi Asher, and Maya Gebeily. "LGBT+ Conversion Therapy: Banned on Facebook, but Thriving in Arabic." Reuters, June 3, 2021. <https://www.reuters.com/article/us-mideast-lgbt-conversion-idUSKCN2DF0S9>.

73 [البابا تواضروس: المثلية الجنسية ضد إرادة الله والكتاب المقدس.. مصراوي.كوم](#), January 13, 2023.

74 [طبيب نفسي يكشف أسباب الشذوذ الجنسي: 75% من المثليين همصر يسعون للعلاج.](#) "الوطن" September 25, 2017. <https://www.elwatannews.com/news/details/2554107>.

75 Hussein, Abdullah. "أطياف" من جحيم عيادات علاج المثلية في مصر. "أطياف", October 17, 2023. <https://atyaf.org/health/2744/>.

76 Q&A: Legal framework and environment for nongovernmental groups (ngos) in Egypt. Human Rights Watch. (2021, October 6). Retrieved March 14, 2022, from

<https://www.hrw.org/news/2021/07/15/qa-legal-framework-and-environment-nongovernmental-groups-ngos-egypt>

defenders in Egypt. While none of these laws explicitly mention LGBTQ+ organising, phrases like «public order» and «national unity» can be construed to suggest that the new NGO law, for instance, prohibits the registration of NGOs that publicly advocate for LGBTQ+ rights.⁷⁷

Consequently, LGBTQ+ organising in Egypt is primarily confined to underground informal groups or individual activism. While the prosecution of individual LGBTQ+ activists is infrequent, it remains a possibility. One notable incident involved the prosecution of Sarah Hegazi and another individual following the Rainbow Flag incident in 2017. Both were explicitly arrested for their involvement in raising the flag and were charged, among other things, with joining a group or organisation that operates unlawfully. This charge, commonly employed in all political cases in Egypt, is supplemented by additional accusations such as receiving foreign funds and inciting social violence⁷⁸.

The case never underwent a judicial review, as the two activists were released after three months by a court order, and the proceedings were suspended without a final judicial decision to be issued. Tragically, Sarah Hegazi, who suffered significant abuse akin to torture during her detention, later took her own life in 2020 while residing in Canada as an exile.

In 2019, a transgender activist was also arrested, but her detention was directly linked to her political participation rather than solely her LGBTQ+ activism. Her case followed a similar pattern, with identical charges, and was likewise resolved after a few months without any judicial review.⁷⁹

Consequently, LGBTQ+ activists can face arrest in ways similar to their political counterparts. They must cautiously navigate the security challenges arising from Egypt's legal and political landscape while balancing the visibility of their services. However, it appears that the State's targeting of LGBTQ+ activists is relatively minimal compared to cases involving political activists.

⁷⁷ Egypt: Authorities must repeal the outrageous NGO law. EuroMed Rights. (2022, January 10). Retrieved March 14, 2022, from <https://euromedrights.org/publication/egypt-authorities-must-repeal-the-outrageous-ngo-law/>

⁷⁸ ... النياية تكشف وجود تمويلات خارجية وراء رفع علم المثليين بـ"مشروع ليلي". October 2, 2017.

⁷⁹ قضية ملك الكاشف: حبس فتاة وشاب متحولين جنسيا في مصر للإخلال بالنظام العام" BBC News عربي, March 7, 2019. <https://www.bbc.com/arabic/middleeast-47481061>.



Recommendations

As evidenced by legislation, policies, and legal precedent, Egypt presents a complex environment for the advancement of LGBTQ+ human rights. As previously mentioned, most laws and policies affecting LGBTQ+ individuals are implicitly based on vague language. Therefore, any significant improvement in the human rights of LGBTQ+ individuals will be closely linked to the establishment of robust democratic institutions, the restoration of the rule of law, the guarantee of due process rights, and the implementation of legal and constitutional protections for all citizens to ensure equality. Enhancing these aspects overall would result in a general improvement in human rights for all individuals, including LGBTQ+ individuals. Nevertheless, there are specific avenues and recommendations for stakeholders and LGBTQ+ activists to prioritize in the foreseeable future. It is crucial to recognize, within the Egyptian context, that substantial change will not happen overnight. Instead, it will require many small steps before achieving more substantial progress.

- 1. Access to justice and raising the quality of litigation:** Although numerous organisations in Egypt offer pro bono legal aid to the LGBTQ+ community, their reach remains constrained by security and capacity issues. It is noteworthy that queer individuals, when apprehended, may initially have to deal with lawyers lacking expertise in their cases before a trained lawyer from a human rights non-governmental organisation becomes involved. Thus, it is vital to implement comprehensive capacity-building initiatives for the entire legal community, extending beyond just human rights lawyers affiliated with LGBTQ+ and pro-LGBTQ+ organisations. This can be accomplished by supporting the dissemination and deconstruction of defence legal guidebooks and booklets among the broader legal community, facilitating LGBTQ+ and ally non-governmental organisations in conducting capacity-building workshops for legal professionals, and collaborating with Egypt's Bar Association to offer lectures and seminars on vice crimes to its members. Notably, the Bar Association already engages in such practices with its members, making it feasible to expand its focus to encompass vice crimes, particularly in light of the new cybercrime law 2018/175.
- 2. Strategic Litigation:** The LGBTQ+ case law in Egypt underscores the pressing need for more precise and intersectional strategic litigation plans in the near future. It is crucial to identify and enhance the capabilities of legal scholars, advocates, and lawyers to participate more actively in LGBTQ+ strategic litigation in Egypt, specifically in cases of discrimination. This is of particular importance for transgender and intersex individuals who may receive comparatively greater acceptance within Egypt's legal system than cisgender queer individuals, as demonstrated by the right to education. Additionally, it is imperative to approach litigation from an intersectional perspective strategically. For example, the Court of Cassation, the highest Court responsible for interpreting and elucidating legal texts and establishing new legal principles, has long been involved in the context of law 1961/10 pertaining to anti-sex work. Legal principles formulated in non-queer cases are applicable to queer cases; hence, obtaining favourable judgments from this Court is essential, even if the case does not involve a queer individual. This becomes particularly significant given the context of the new Cybercrime law No 2018/175, which the Court of Cassation has not thoroughly investigated. Consequently, there still exists the possibility to develop numerous legal principles, and it is crucial to engage in this regard irrespective of whether the case at hand concerns a queer individual, as the legal principle pertains to the application of the law to all citizens.
- 3. Gender-affirming healthcare policy:** It is crucial to strategically collaborate with medical professionals who have already expressed their support for transgender individuals in accessing gender-affirming healthcare to establish allyship within both the Medical Syndicate and the Ministry of Health, thus circumventing religious opposition on this matter. In light of the absence of governmental support for transgender individuals during their transition, it is essential to endorse alternative initiatives that offer assistance, such as providing health insurance coverage for hormone replacement therapy (HRT) and surgeries. Another viable alternative would be

to establish partnerships with medical non-governmental organisations (NGOs) in Western countries that are willing to have their doctors provide online consultations to transgender patients in Egypt. In the long term, engaging with the Ministry of Higher Education and medical schools nationwide would also be advisable to develop a curriculum that equips average doctors with the necessary knowledge and skills to treat and care for transgender patients effectively. To facilitate this curriculum development, it is recommended to foster cooperation between Egyptian Medical Schools and their Western counterparts on issues related to gender-affirming healthcare, including the establishment of exchange programs for Egyptian medical schools to undertake specialised courses on the topic.

- 4. Intersex Health Policy:** It is imperative to provide support to the Ministry of Health in developing a comprehensive and cohesive intersex health policy based on a scientifically informed approach. While persuading the Egyptian authorities to implement a policy that explicitly prohibits Intersex Genital Mutilation (IGM) may prove challenging, it is feasible to advocate for a more balanced approach that emphasises the use of scientific methods to determine an infant's sex and defers decisions until puberty if the determination is difficult. Assistance should be extended to the Ministry of Health in establishing specialised medical facilities or departments dedicated to delivering comprehensive intersex healthcare, which encompasses psychotherapeutic support for intersex adolescents and their families, as well as intersex adults. Similar to efforts made in the realm of gender-affirming healthcare, collaborative discussions with the Ministry of Higher Education, Health, and Medical Schools should be initiated to develop an intersex health curriculum that not only encompasses theoretical studies but also incorporates practical components to equip doctors in effectively addressing the needs of intersex patients. Furthermore, fostering cooperation and knowledge exchange between Egyptian medical schools and their Western counterparts regarding intersex healthcare is of paramount importance.
- 5. Economic Empowerment:** LGBTQ+ individuals, particularly those who openly express their queer identities, encounter challenges in securing gainful employment due to discrimination and the deteriorating economic conditions prevalent in Egypt. The COVID19- pandemic has propelled remote work to the forefront, becoming the prevailing norm for numerous international companies. This development presents an opportunity to harness remote work as a means to empower LGBTQ+ individuals in Egypt economically. To this end, train-to-hire programs can be established through collaborations between international companies like Facebook and Grindr and local LGBTQ+ non-governmental organisations. These programs would identify and provide training to marginalised LGBTQ+ individuals, ultimately providing remote employment opportunities. Various areas of training can be considered, such as content moderation, data analysis, coding, data entry, and more.
- 6. Research for Advocacy:** There is a pressing need for evidence-based research to inform future advocacy strategies in Egypt. Existing research primarily focuses on the criminalisation and victimisation of LGBTQ+ individuals, leaving significant gaps in areas including access to gender-affirming healthcare, anti-discrimination policies, legal gender recognition, intersex experiences, and thorough analyses of LGBTQ+ criminalisation. Without such research, comprehending the overall Egyptian context about LGBTQ+ human rights becomes difficult, hindering any advocacy efforts made within the country. Therefore, it is crucial to support forthcoming research endeavours encompassing all aspects of LGBTQ+ experiences in Egypt.
- 7. “The Public Security Report”:** The public security report was an annual publication issued by the Ministry of Interior, encompassing significant data and information regarding all crimes committed in Egypt. However, for undisclosed reasons, the Ministry chose to discontinue its public release in the late 1990s, restricting access solely to the Ministry of Interior's leadership.

and other prominent security agencies. This report holds considerable importance for NGOs and advocacy groups involved in the documentation of annual arrests of LGBTQ+ individuals and other affected demographics. Therefore, advocating for the Ministry of Interior to reinstate the publication of this invaluable report would yield long-term strategic gains. This pressure can be exerted through direct dialogue with the Ministry or via strategic litigation concerning citizens' right to access information.

- 8. HIV Policy:** Despite some improvements in recent years, Egypt's HIV policy must be further developed to advocate for a more inclusive approach. It is crucial for Egypt to activate anti-discrimination clauses in labour laws to safeguard individuals living with HIV (PLHIV) against workplace discrimination. Additionally, new anti-discrimination policies should be implemented to address the discrimination faced by PLHIV in the country. Priority should be given to raising social awareness and implementing nationwide programs, especially within Egypt's education system. It is also essential to revise the pension delivered to PLHIV to make it more accessible and increase its amount. Furthermore, conducting new research based on the experiences of PLHIV in Egypt, rather than relying solely on policies developed by autocrats, is necessary in order to build an effective policy. Finally, foreign investment into the manufacturing sector of HIV medicine, equipment, and ADs should be encouraged through tax incentives and ease of investment policies.
- 9. Engaging with International and Regional Human Rights Mechanisms:** The Egyptian civil society has shown limited engagement regarding the human rights of LGBTQ+ individuals. While there have been some contributions relating to the criminalisation of LGBTQ+ rights in the Universal Periodic Review process, these efforts have not yielded positive outcomes so far. This lack of progress is not only due to the stance of the Egyptian State on LGBTQ+ rights in international and regional contexts but also stems from the absence of a concrete, comprehensive strategy within the Egyptian civil society. It is imperative to provide queer-led NGOs and groups with the necessary knowledge and resources to develop an effective strategy for future engagement. The absence of evidence-based research further hinders the advocacy output in these fields. For example, future strategic litigation cases should be meticulously planned, including submitting a petition to the African Commission of Human Rights after exhausting all national remedies. Moreover, human rights submissions to UN mechanisms should encompass diverse topics beyond criminology, such as highlighting the right to health for transgender and intersex individuals.
- 10. Supporting Local Queer-led Groups:** Improving the professional skills of those involved in advocating for the human rights of LGBTQ+ individuals in Egypt is essential. Many passionate activists must develop into professionals with unique skills to address their challenges. This transformation can be achieved through training programs, both online and offline, or by providing vouchers for learning platforms like Coursera and Skillshare. By empowering activists with knowledge and resources, they will be better positioned to achieve more in their respective roles. Additionally, LGBTQ+ programs should be rooted in both evidence and experience. Therefore, it is critical to provide activists with the necessary tools to develop innovative programs in Egypt, leveraging the advancements made in recent years.

Thus, adopting a strategic approach in the coming years is imperative. Given the overall decline in human rights in Egypt, it is anticipated that numerous obstacles to the human rights of LGBTQ+ individuals may also arise. Therefore, it is crucial to establish an early warning system to promptly address any emerging threats and be adequately prepared to manage them. Moreover, it is essential to consistently address LGBTQ+ issues within the broader context of human rights rather than treating them as separate concerns. For instance, ensuring access to gender-affirming healthcare pertains to the fundamental right to access health services. Likewise, criminalisation primarily results

from the absence of the rule of law and the failure to apply legal protections. At the same time, HIV policy concerns the right to be free from discrimination based on one's health condition. Although these human rights already exist within the Egyptian legal framework, their practical realisation for all citizens, including LGBTQ+ individuals, necessitates activation. As previously mentioned, the overall human rights situation in Egypt is deeply troubling, to say the least.

Consequently, it is unrealistic to expect swift victories, as the entire Egyptian system requires substantial reform that will not materialise under the rule of a military dictator. Hence, specific entry points, such as decriminalisation, may not be feasible to pursue due to their dependency on broader improvements in the rule of law, which in turn necessitates comprehensive reform benefiting all Egyptian citizens rather than solely focusing on LGBTQ+ people. This, in turn, entails more significant changes, including appointing a new president and establishing a new government.



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