



Belady
An island for humanity

In Egypt, the Political System Nurturing Homophobia within Society !



June 28th, 2022 - Pride Day

Belady: an Island for Humanity

A Human Rights Organization Supporting Women & Children in Egypt since 2017

Belady aims to dismantle institutionalized violence by documenting the Egyptian regime's violations against children, women, and minorities and educating national and international society and decision-makers about them. We also press and advocate the amendment of legislation that codifies violations while calling upon authorities to implement overlooked laws that would ensure respect for rights and freedoms. Belady provides legal and psychological support and protection for Egyptian children and women who have been detained in the backdrop of political cases.



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Executive Summary

LGBTQI+ community in Egypt lives beneath doubled discrimination under the oppression of both society and state institutions, as the authorities' practices and policies on minority issues reflect a cultural and social legacy rooted in a closed-off environment. The Pride Day provides us with an opportunity to take a closer look at the situation of the LGBTQI+ community by examining the link between sexual orientations and gender identities and the violations against them in Egypt since 2013, as well as, addressing the state's policies in dealing with the legal and practical problems for minorities. For its research methodology, Belady has adopted the data observation of human rights violations against the LGBTQI+ community within Egyptian society and detention facilities since 2013.

Within this research, Belady has recorded the patterns of arrests, especially against youth (84.5%) compared to the total number of arrestees and the nature of the charges leveled against them, the majority of which (90.4%) are of moral nature. Imprisonment represents the majority of sentences (77%) against them. Belady has also recorded 72.3% of prisoners experience sexual violations against them.

Through this research, Belady has provided a comprehensive view of the mobilization of all state institutions to incite people against the LGBTQI+ community through systematic campaigns that include unfair trials based on moral and political charges, the violation of their rights and freedoms through all types of violence and abuse, and the subsequent blackout of these violations through state institutions and anti-human-rights narratives.

Introduction

Every June, LGBTQI+ Pride Month begins. During this month the world celebrates by encouraging self-assertion, shaping identity, dignity, and equality, affirming existence as a social group, and celebrating sexual and gender diversity.¹

On this occasion, Belady chose to take a closer look at the situation of the LGBTQI+ community, by examining the link between sexual and gender orientations and the human rights violations against them in Egypt since 2013, highlighting these violations statistically and then addressing the state's policies in dealing with the legal and practical issues raised for minorities.

First of all, Egyptian law does not explicitly criminalize homosexuality. However, it criminalizes any behavior or expression of any idea that it considers immoral, obscene or offensive. As we can see in the crime of debauchery in Law No. 10 of 1961, stated as follows: "Imprisonment is for a period of no less than three months and not more than three years ... for whoever habitually engages in debauchery or prostitution."²

On the anniversary of the launch of this political movement, Belady chose to shed light on the situation of the LGBTQ+ community in Egypt and look at the violence inflicted on its members inside and outside detention facilities by broader society, as well as state institutions.

In this research, we will review the most prominent statistics about the situation of the LGBTQI+ community in Egypt by revealing the most targeted segments of the population, the nature of the charges leveled against them upon their arrest, and the various prison sentences recorded since 2013. Additionally, we will document some instances of violations, and analyze their relationship to Egyptian law and state policies and the conservative values of society. Finally, we will conclude by providing some recommendations for the Egyptian State.

1 UN Free & Equal: Celebrate Trans Visibility

2 Law No. 10 of 1961 on Combating Prostitution in the United Arab Republic, 9, Paragraph (c) of Article (9) of Law

Research Methodology

Belady's research methodology consisted in the collection of observational quantitative and qualitative data over the year regarding human rights violations against the LGBTQI+ community within Egyptian society and detention places since 2013.

This included data on 101 LGBTQI+ individuals arrested between 2013 and 2021 collected through direct primary sources such as the legal unit of Belady and indirect secondary sources such as news websites, social media, monitoring of civil society organizations and observational data.

The sample of this research included 5.2% of children under 18 years old, 84.5% of youth (19-35 years), and 10.3% of middle-aged individuals (36-60 years). It also consisted of 76.2%

of homosexuals, 19.8% of transgender individuals, 2% of queer individuals, 1% of bisexuals, and 1% of intersex people.

Belady assessed the quality and accuracy of the collected data using the triangulation of resources while saving the data and several evaluation check-in points during its entry, codification, and analysis using SPSS.³ The characteristics of individuals were analyzed through descriptive statistics (univariate analysis) and analysis of qualitative and quantitative variables and the link between them (bivariate analysis) using appropriate tests as required by social statistical sciences (Khi-2 test, Fisher Exact Test, t-student test, ANOVA test) with a statistical significance of $P < 0.05$ ⁴

In analyzing the types of violence directed against LGBTQI+ community, Belady has adopted the following classification:

Types of Violence	Before Detention	During Detention
Physical Violence	Murder, beating, forced hormone therapy	Beating, kicking, slapping, electrocution, suffocation, denial of clothes, tearing clothes, sleep deprivation, prevention from entering the bathroom, prevention from showering, confinement in cells that are cramped, crowded, unlit, unventilated, full with insects and smoke, imprisonment with opposite sex

³ Statistical Package for Social Sciences software (SPSS, Inc, USA)

⁴ If the P-value is smaller than the significance level (0.05), we conclude that the correlation is statically significant and that there is a linear relationship between two variables.

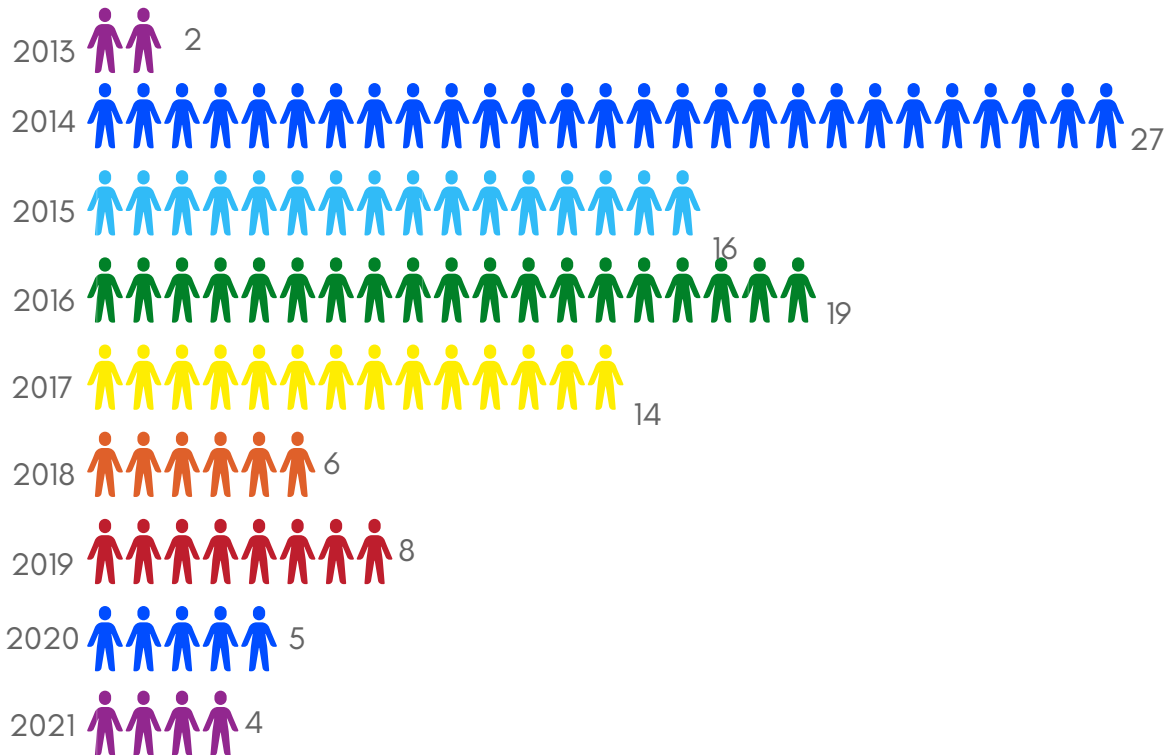
Sexual Violence	Rape, forced virginity tests	Physical harassment (defilement as called in the Egyptian law), rape, verbal harassment, threats of rape, stripping of clothes, forced virginity tests, forced anal tests
Social and Economic Violence	Family renunciation, forced marriage, disinheritance, home confinement	Inciting prisoners to assault and harass a prisoner and isolating them, denial of visitation, depriving them of basic necessities which forces the prisoner to pay for them at exorbitant prices
Psychological Violence	Insulting, ridicule, cursing, libel, death threats, defamation, removal of children	Insulting, cursing, forced listening to the torture of another person, forced head shaving, forced barking, forced nudity and photography
Political and Institutional Violence	Dismissal, deprivation of work, involuntary medical treatment, travel ban, defamation by the educational institution, prescription of drugs to control hormones by the health institution, unwarranted denial of state institutions in changing identity documents for transgender people	Enforced disappearance, continuous renewal of pretrial detention, deliberate health negligence, abusive detention, imprisonment with non-political prisoners, forced confession to trumped-up charges



Results

First, Arrest Campaigns against LGBTQI+ Community: A State Policy

Belady has recorded an upsurge in arrests by Egyptian authorities against the LGBTQI+ community from 2013 until 2021, especially in the four years following 2013. For the rest of the years, the authorities did not cease these practices. In details, arrests of the LGBTQI+ community from 2013 to 2021 is distributed according to the graph below



Second, Arrest Methods and Geographical Distribution

Within this research, Belady has observed arrest cases in seven Egyptian governorates as follows: Cairo by 29.4% (10/34), Giza by 26.5% (9/34), then the Red Sea by 17.6% (6/34). This majority can be explained by the concentration of most universities and nightclubs in these governorates. Most of the arrests were arbitrary in the streets, by 38.1% (24/63) or through a trap orchestrated by the police (mostly by "Sting Operations" from dating sites among LGBTQI+ community) with a percentage of 27% (17/63). We also find arrests from houses by 34.9% (22/63).

Third, the Victims of Violations are Mostly Youth

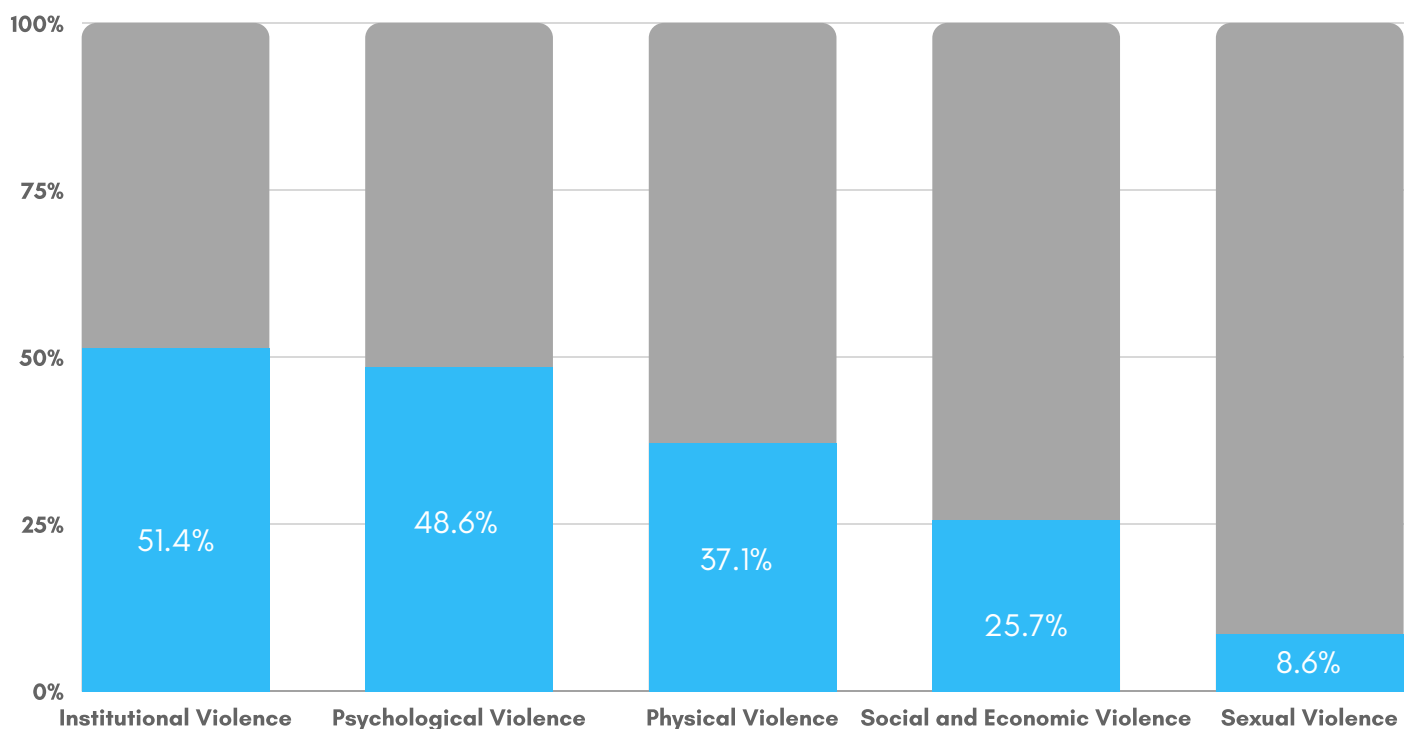
After the data examination, it was found that youth aged between 19 to 35 years old are the most targeted group by the Egyptian authorities, as it represents 84.5% (49/58) of LGBTQI+ community subject of this study, while the rate of arrests of middle aged represents 10.3% (6/58). Children were not spared from these violations, at a rate of 5.2% (3/58).

Fourth, Violence against LGBTQI+ Community by Society prior to Detention

Belady has observed a number of violations that LGBTQI+ Community were subjected to because of their sexual orientation prior to their detention period, such as:

- Institutional violence against 18/35 (51.4%) individuals from the sample of this research by dismissal, deprivation of work, failure to obtain an official fatwa from state institutions for sex reassignment surgery, failure to provide documents proving undergoing treatment, prescription of hormones by the health institution, and ban on travel, etc.
- Psychological violence against 17/35 (48.6%) individuals from the sample of this research by insulting, cursing, humiliating and directing degrading words from the social sphere (family, friends, colleagues, school setting, work, etc).
- Physical violence against 13/35 (37.1%) of the sample of this research by beating, kicking, attempted murder through extreme violence, and being murdered.
- Social and economic violence: against 9/35 (25.7%) of the sample of this research by family renunciation, home confinement, disinheritance, etc.
- Sexual violence against 3/35 (8.6%) individuals from the sample of this research through harassment and forced examination, including anal and virginity tests, rape, forced marriage, etc.

The graph below shows the rates of violence against LGBTQI+ Community prior to their detention.



Fifth, Sentences and Charges against LGBTQI+ Community

Belady has observed that the total charges that have been brought against members of the LGBTQI+ community are divided into charges of a moral nature and charges of a political nature. Charges of a moral nature are, namely practicing homosexuality, debauchery, prostitution, or incitement to them. These represent the largest category of the charges at 90.4% (66/73). Charges of a political nature, such as joining an illegally founded or terrorist group, represent 9.6% (7/73).

As for the trials, the following types of prison sentences (imprisonment, aggravated imprisonment, imprisonment with labor, imprisonment and a fine) topped the list by 77% (47/61). These prison sentences ranged from one month to nine years, while the acquittal sentences constituted a minority (only seven cases), and release with probation in four cases. The Court also placed children in care homes in 2 out of 3 cases. While one person was sentenced to deportation.

Prison Sentences



77%

Rest of Sentences



23%

Sixth, Mass Violations Including all Types of Violence and Abuse against Members of LGBTQI+ Community during Detention

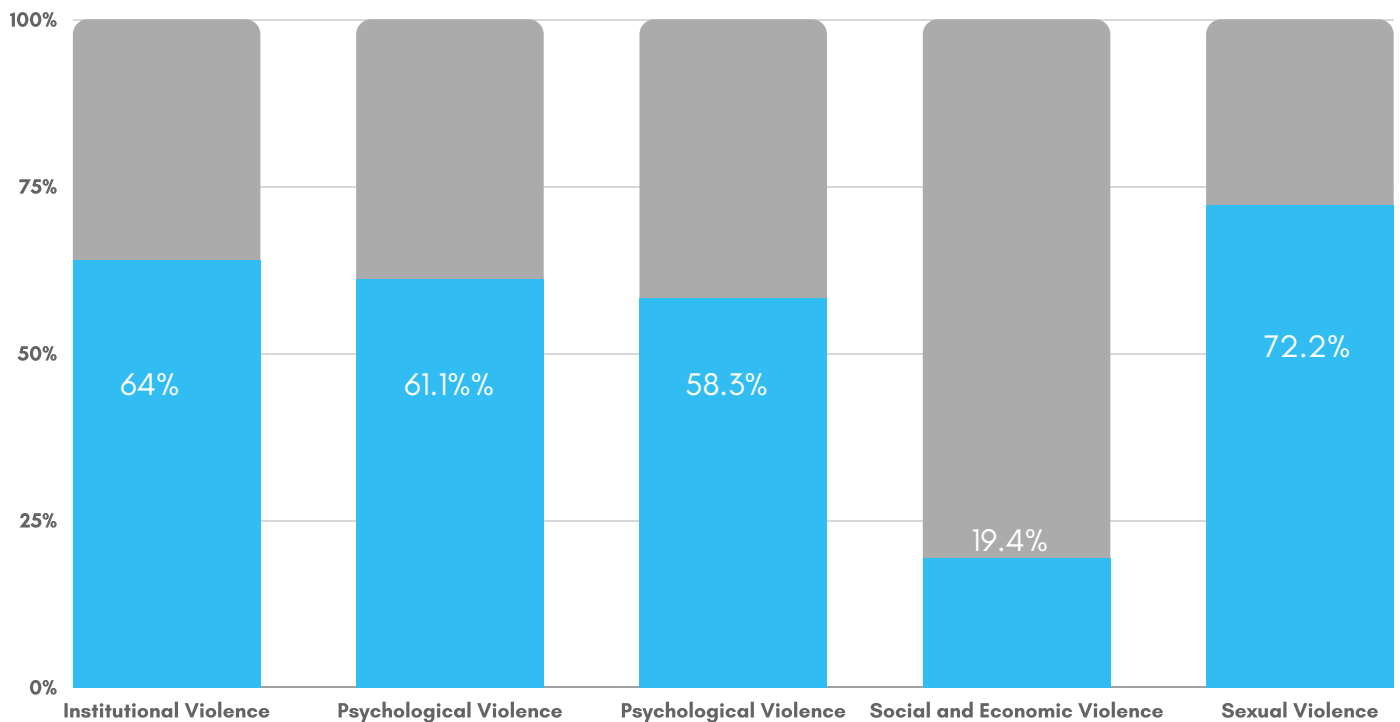
Belady has observed several violations to which LGBTQI+ individuals were subjected during detention, because of their sexual orientation, as follows:

- Sexual violence against 26/36 (72.2%) of the sample of this research by physical harassment by touching intimate parts of the body (referred to as "defilement" in Egyptian law), rape, verbal harassment, rape threats, stripping of clothes, forced virginity tests, forced anal tests, etc.
- Political and institutional violence against 23/36 (64%) of the sample of this research by enforced disappearance, continuous renewal of pretrial detention, deliberate health negligence, arbitrary detention, solitary confinement for long periods, imprisonment with non-political prisoners, forced confession, etc.
- Psychological violence against 22/36 (61.1%) of the sample of this research by insulting, cursing, humiliating, directing degrading words, forcing prisoners to listen

to the torture of another person, forced shaving, forced barking, forced stripping and photographing, etc.

- Physical violence against 21/36 (58.3%) of the sample of this research by many methods of torture and ill-treatment such as beating, slapping, kicking, electrocution, suffocation, prevention from wearing clothes, tearing clothes, sleep deprivation, prevention from entering the bathroom, prevention from showering, confinement in cells that are cramped, crowded, unlit, unventilated, full of insects and smoke, imprisonment with opposite sex, prolonged solitary confinement...
- Social and economic violence against 7/36 (19.4%) of the sample of this research by isolation from the world, whether by denial of visitation, inciting the rest of the prisoners against them, denial of their basic necessities, forcing the prisoner to pay for them at exorbitant prices, etc.

The graph below shows the rates of violence against LGBTQI+ community during detention.



Discussion

First, All State Institutions Mobilizing to Incite against LGBTQI+ community

Sexual orientation and gender identity constitute an aspect of the suffering of a segment in Egyptian society. LGBTQI+ community live in daily danger between being lured to prisons by the state or inciting people against them through the promotion of anti-narratives and hate speech. The Egyptian and Arab society witnessed the most violent media escalation of hate speech against LGBTQI+ community after “Mashrou' Leila” party in 2017⁵ when the rainbow flag was raised. At that time, security campaigns combined to arrest the attendees at that party along with the inciting media discourse and the involvement of state structures “defending Human Rights' in the inciting campaign. Indeed, Salah Salem, a member of the National Council for Human Rights, said, “Our position is well-known. We reject the rights of homosexuals. This is not from today as we have rejected this for a long time”⁶ This campaign was translated into an escalation in the arrest rates, reaching 13.9% in 2017, as mentioned in the statistics of this research.

Second, Moral and Political Charges behind the Unjust Sentences

Through Belady's record of cases of arrests and trials against LGBTQI+ community since 2013, we find that the majority of such arrests are moral charges represented in practicing homosexuality, debauchery, prostitution, or incitement to the above mentioned charges by 90.4%. This was confirmed by Wikigender, considering that the legal prosecution against the LGBTQI+ community falls within the category of moral charges, especially for the charge of habitual debauchery.⁷

For reference, it should be remembered that it is necessary to have a criminal legal base pre-established by the law in order to deprive people from their freedom. The penal provisions must be accurate in describing the criminal act and its punishment, so that it cannot be mis-interpreted, given the sensitivity of the deprivation of a basic right such as the right to freedom. However, despite the fact that Egyptian law does not provide for the “crime” of “homosexuality”, the authority resorts to many other broad provisions to imprison LGBTQI+ individuals, the most important of which is Law No. 10 of 1961 on combating prostitution.⁸

⁵ The Full Story of the Crisis of “Mashrou' Leila” Group, which Stirred Controversy in Egypt because of “Homosexuality”

⁶ The Seventh Day, the National Human Rights Council: “There is no such thing as gay rights, God willing, the West won't like it.”

⁷ Wikigender, Police Targeting LGBTQI+ Community on Dating Apps in Egypt

⁸ Law No. 10 of 1961 on Combating Prostitution

Third, Violations of Society and State

LGBTQI+ rights are a cornerstone of human rights. Repression and marginalization of this part of society under the false pretext of “public interest” through moral accusations and unfair trials contributes to “teaching society hatred”. The LGBTQI+ community suffer the worst types of violence and violations even if they are not imprisoned or arrested. Belady has recorded that 20.2% of the sample of the LGBTQI+ community that was the subject of this research were exposed to social violence. Perhaps the most prominent example is the case of the young man Sobhi, who was arrested in the “Hammam Bab Al Bahr” case and filmed during that. The security was accompanied by the TV presenter Mona Al Iraqi, who filmed him with the men present while they were half-naked. Although Sobhi was acquitted of the charges against him, this incident continued to haunt him. He stated:

After the acquittal, I tried to return to my normal life. But when I take public transportation and everywhere, I hear people commenting on the incident and expressing their astonishment at the verdict of innocence. I got into several arguments to defend myself... I finally gave up and decided to kill myself. I poured gasoline on my body and set it on fire. My family took me to Kasr Al Aini Hospital. My condition was neglected and deteriorated before I was able to transfer to another hospital and receive treatment with the financial support from others. I coul never get my life back⁹

Belady has also recorded a rate of 27% of the LGBTQI+ community being arrested by police entrapment. Perhaps the most prominent example of this method is the story of the young man “Medhat”, who was arrested and imprisoned for 3 years on charges of debauchery while meeting a man he met through Grindr app, who later turned out to be a security man. The Court of Cassation has adopted a legal approach that encourages the practices of soliciting practiced by the security service by not nullifying any procedures for prosecuting LGBTQI+ individuals who were arrested as a trap set by the police,^{11 12} These violations come amid the government's decision to isolate LGBTQI+ individuals from media exposure or to defend themselves. Rather, the appearance was limited to incitement or defamation. This is what happened in the “Bab Al Bahr Hammam Case”. The Supreme Council for Media Regulation (SCMR) issued an order banning “the appearance of homosexuals or their slogans in any of the print, audio and visual media”, unless it is an acknowledgment of the wrong behavior and repentance for it.¹³

⁹ Egyptian Initiative for Personal Rights, The Trap Punishing Sexual Fidderece in Egypt

¹⁰ The Guardian, Jailed for Using Grindr: Homosexuality in Egypt

¹¹ Criminal Procedure Law, Article 21

¹² Court of Cassation, Appeal No. 365 of 56, Judicial

¹³ Prohibition of the Appearance of Homosexuals or their Slogans by Order of the “Supreme Media”

Fourth, Systematic Violations in Detention Places

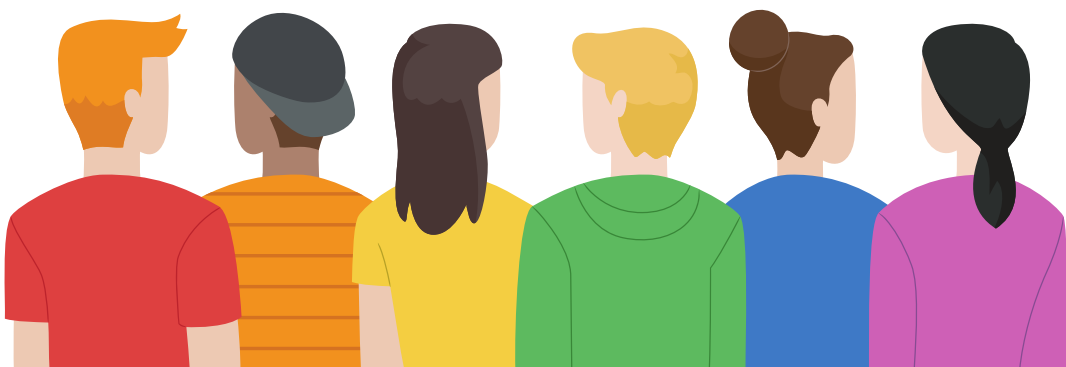
According to Belady's observations in this research, the cases of physical abuse in detention places against members of LGBTQI+ community reached 58.4%, while the percentage of sexual violence reached 72.3%. Therefore, we will report below some of the experiences of LGBTQI+ individuals inside Egyptian prisons.

A nurse tried to harass me in the hospital. I was mentally exhausted, which resulted in a leg tremor and retinal detachment. I could not communicate while maintaining eye contact, and no one agreed to respond to me. In fact, when I complained more than once, they took me to the harassing nurse again

**The late Sarah Hijazi - an Ex-prisoner in Al-Qanater Women's Prison
(Belady's documentation)**

I had a chain around my neck and the officer grabbed it and choked me with it until it came loose. He handcuffed me and made me kneel on the ground. Then he beat me with the back end of his rifle"

Hamed¹⁴



The first time a police officer cut my hair. Another one tried to touch my chest, and when I objected to the way I was treated, he hit me in the face, and detained me in the men's prison

Dina¹⁵

They put belts around our necks and made us bark like dogs. They would wake us up at 6 AM, make us take off our clothes in the cold, turn on the air conditioning, and beat

us
Rabii¹⁶

A police officer took off my pants and inserted the card (handicap card) in my bottom. I was praying to God to take me away. I wanted to die. I wanted the ground to swallow me alive

Samer¹⁷

15 Raseef 22, Testimonies of Transgender Women about Egyptian prisons... What Are They Facing behind Bars?

16 Egyptian initiative for personal rights, The trap punishing sexual fidderece in Egypt

17 Human Rights Watch, Egypt: Security Forces Abuse, Torture LGBT People

Conclusion and Recommendations

Under the current Egyptian regime, LGBTQI+ community with all their social groups and sexual orientations suffers from the phantom of detention without legal basis, and sometimes even by falsifying charges and evidence. Based on everything that has been shown, we can say that the regime nurtures homophobia by manipulating all state institutions. The most basic human rights are violated and not only imprisonment as the police and the executive officers practice the most heinous types of violations, including physical, psychological, sexual, social, economic, and political violence. The prison institution supervises all these practices and even contributes to inciting the rest of the prisoners to commit more violations. In this regard, the authorities neglect the correctional role of prison and reintegration into society, but rather incite the rest of the prisoners to commit more serious crimes such as sexual assault and rape.

Based on all of the above, Belady urgently calls upon the Egyptian authorities to:

- Release all members of the LGBTQI+ community who are imprisoned in the backdrop of moral and political cases.
- Hold all those involved in torturing prisoners accountable.
- Commit to the correctional role of the prison system and refrain from doubling the punishment of prisoners by each other.
- Halt “Sting Operations” against LGBTQI+ community by framing them in cases by the security services, and hold those responsible for these practices accountable.
- Cease the media blackout on the suffering of LGBTQI+ community.
- Encourage the values of tolerance and fraternity and reject violence and extremism through educational and cultural programs.

