

Legal & Institutional Framework

Overview

Egypt lacks an explicit law criminalising same-sex relations, instead relying on an overlapping web of morality, media, and cybercrime provisions to enforce "structural criminalisation". This flexible legal framework enables arrests based on expression, gender presentation, and digital activity.

Criminal Law Provisions

1. Law no. 10 of 1961 (Combating Prostitution and Debauchery)

Penalises "habitual debauchery" without definition, a term extended by courts to consensual same-sex conduct. Cairo 52 documented 38 prosecutions between 2019–2024 involving private messages, dating-app chats, or alleged private meetings.

- Its application to consensual adult conduct raises concerns under ICCPR Articles 17 and 26 and African Charter guarantees of dignity and equal protection.

2. Penal Code Article 178 (Public Decency)

Criminalises materials considered "against public decency." Authorities pair it with Law 10/1961 to frame digital content, photos, and artistic expression as "promotion of homosexuality."

- The broad scope of decency restrictions intersects with ICCPR Article 19 on freedom of expression.

3. Anti-Terrorism Law No. 94 of 2015

Expands powers of arrest, search, and surveillance. Used in cases involving gender expression, including a 2019 detention of a transgender activist. (Malak al-Kashif)

- Applying exceptional security powers to non-violent conduct raises proportionality concerns under ICCPR Articles 9 and 17.

Cybercrime and Digital Regulation

1. Cybercrime Law No. 175 of 2018 – Article 25

Penalises online content that “violates family principles or values,” functioning as a primary basis for targeting LGBTQI+ digital expression. [Cairo 52 reports](#) that all 20 defendants it represented in 2023 were charged under this article. Entrapment via dating apps and the introduction of extracted chats as evidence are widely documented.

- Such restrictions conflict with ICCPR Article 19, and digital surveillance raises concerns under Article 17 on privacy.

Media Regulation

1. The Supreme Council for Media Regulation (SCMR) Decision No. 62 of 2017

Bans the appearance or “promotion” of LGBTQI+ identities in media.

- Censorship of identity-based representation limits access to information and expression protected under ICCPR Article 19.

2. Law No. 180 of 2018

Allows sanctions against media content deemed to violate “public morals” or “national values,” producing long-term censorship of gender and sexuality topics.

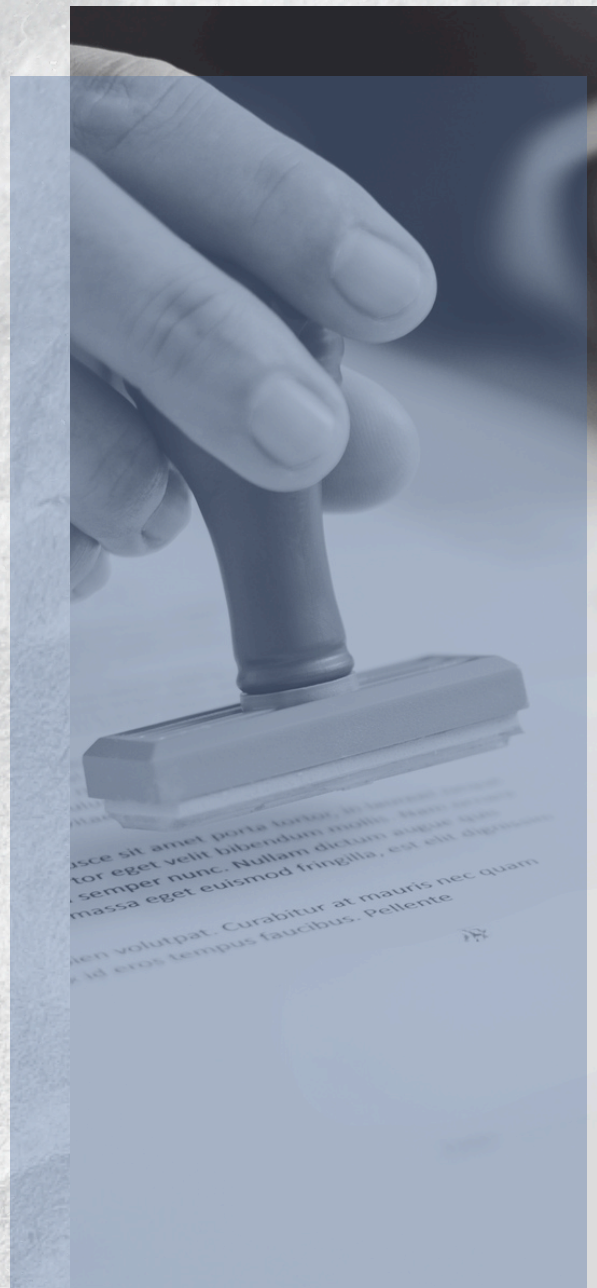
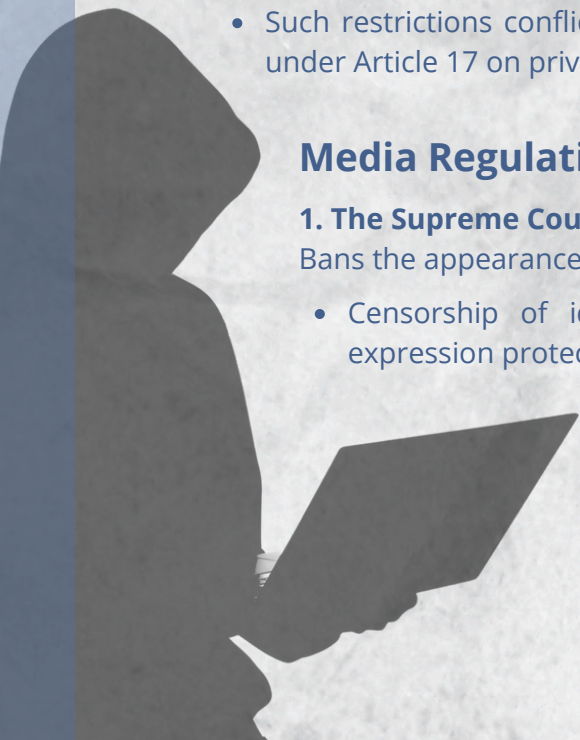
- Such restrictions clash with the ICCPR’s requirement that limits on expression be necessary and proportionate.

Administrative and Employment Regulations

1. Civil Service Law No. 81 of 2016

Permits dismissal of public employees for “immoral acts.” [A 2023 Supreme Administrative Court ruling upheld](#) dismissal for alleged homosexual conduct, formalising morality-based exclusion from public employment.

- This raises concerns under ICCPR Article 26 and African Charter protections against discrimination.



Mental Health and Medical Regulation

1. Mental Health Law No. 210 of 2020

Requires disclosure of treatment options but expands psychiatrists' authority to impose compulsory treatment without independent oversight. Human rights groups report risks of involuntary admission and conversion-therapy-type interventions, including involving minors.

- Forced treatment may violate CAT and ICESCR Article 12 on the right to health.

Legal Gender Recognition Framework

1. Civil Status Law No. 143 (1994) & Decree No. 238 (2003)

Assign legal gender recognition to a Doctors' Syndicate committee, limiting changes to "sex-correction" for intersex cases and excluding most transgender individuals. Studies from 2024 indicate high denial rates, leading to mismatched IDs, barriers to services, and exposure to arrest.

- These restrictions affect the right to dignity and recognition before the law under the African Charter and ICESCR health protections.

2. Doctors' Syndicate Internal Rule ("Article 43")

Classifies gender identity variance as a psychiatric disorder, further limiting access to gender-affirming procedures and administrative changes.

- This contradicts WHO and ICD-11 standards and raises ICESCR right-to-health concerns.

Constitutional and Religious Context

1. 2014 Constitution

Guarantees equality and privacy but does not reference sexual orientation or gender identity, enabling broad administrative and judicial discretion.

2. Role of Religious Institutions

Statements by Al-Azhar, Dar al-Ifta, and the Ministry of Religious Endowments condemning homosexuality shape restrictive interpretations across state bodies.

- Reliance on religious reasoning in state decision-making raises neutrality and non-discrimination concerns under the ICCPR.



Criminalisation and Policing Patterns

Overview

Criminalisation is enforced primarily through policing practices rather than explicit legal prohibitions. Since 2019, digital entrapment, invasive examinations, and arbitrary security measures have become the main tools used against LGBTQI+ individuals. These patterns violate Egypt's obligations under the ICCPR (privacy, liberty, freedom from discrimination) and CAT (prohibition of torture, cruel and degrading treatment).

1. Digital Entrapment and Layered Charges

Digital entrapment has solidified as the dominant policing tactic. Police routinely create fake profiles on dating applications, initiate conversations, request photos, and set up meetings. After arrest, officers seize phones and extract chat logs, which are later introduced as evidence under Article 25 of Cybercrime Law 175/2018 and Law 10/1961.

Authorities then layer multiple charges — “habitual debauchery,” “public decency,” “misuse of communications,” and “violating family values” — exposing defendants to parallel criminal and economic court proceedings, with cumulative penalties. This practice directly conflicts with Articles 9 and 17 of the ICCPR (arbitrary arrest, privacy) and the principle of legality.

2. Forensic Examinations

Forensic anal examinations continue in some cases, despite clear rejection by medical and human rights bodies, which classify them as unscientific and as ill-treatment under international standards. This practice has been specifically flagged by the UN Committee Against Torture as non-compliant with international obligations.

Case Study: Malak al-Kashif: The transgender activist was arrested in 2019, subjected to a forced anal examination, beaten, and held for 135 days in solitary confinement in a men's prison, where she was denied hormone treatment. Her treatment was found to violate CAT (Arts. 1, 16) and ICCPR (Arts. 7, 9, 10).





3. Conversion-Therapy-Type Practices

Reports continue to document conversion-therapy-type practices in public and private facilities, enabled by gaps in oversight within the mental-health regime and by the pathologising framing of gender variance, especially after Article 43.

4. Use of Exceptional Security Laws Against Gender Expression

The Anti-Terrorism Law No. 94 of 2015 has intersected with gender expression in sensitive cases, including the 2019 detention of a transgender activist, illustrating how exceptional security statutes may be applied to non-violent conduct linked to identity and expression.

Structural Discrimination

Even in the absence of direct criminal prosecution, LGBTQI+ people in Egypt face systematic structural discrimination across core sectors such as employment, healthcare, education, and housing. These forms of exclusion function independently from criminal charges and are embedded in administrative, social, and institutional practices.



Employment

The state extends moral evaluation into workplace governance. A 2023 administrative precedent legitimised dismissal for alleged same-sex conduct. This ruling is now cited in employment disputes to justify sanctions based on "immorality" (Cairo 52). Furthermore, individuals with morality or debauchery charges face serious, multi-year obstacles in securing employment and travelling abroad, as their record is used to question "good conduct" (ARC 2023).



Healthcare

The health sector is marked by stigma, denial of treatment, and confidentiality breaches. This includes PLHIV being denied care or forced to disclose their status (IDS), which deters testing and treatment. Separately, transgender persons are often refused gender-affirming care and pushed toward psychiatric "treatment" instead (Transat 2025;).



Education

students have been disciplined or informally pushed out of institutions due to perceived "immorality" or non-conforming gender expression (e.g., clothing, hairstyle, social media). For example, education governance grants wide discretion to administrators to sanction behaviour "inconsistent with institutional values," a policy repeatedly leveraged against LGBTQI+ students ([ARC](#)).



Housing

Evictions and police raids frequently follow neighbour or landlord complaints about "suspicious" visitors, clothing, or gender expression [ARC](#) describe cases where complaints are used to obtain warrants, after which police raids result in arrests on debauchery or public-decency charges under Law 10/1961 and related provisions. The U.S. Department of State's [2023 report](#) similarly notes that LGBTQI+ individuals face threats of eviction and police reporting by landlords, and that police use such complaints to initiate arrests.

Vulnerable and Overlapping Groups

LGBTQI+ individuals who belong to additional marginalised communities experience heightened and compounded forms of discrimination, as sector-based barriers intersect with identity-specific risks.

Transgender Persons:

- **Denial of LGR:** The Doctors' Syndicate committee (Decree 238/2003) restricts legal recognition to "sex-correction" cases.
- **Consequences:** This results in mismatched IDs and denial of healthcare, education, and employment. Trans individuals are routinely detained in facilities inconsistent with their identity, exposing them to violence and harassment (HRW; Cairo 52; Transat 2025).

Intersex Persons:

- **Non-Consensual Surgeries:** The medical framework permits "sex-correction" without requiring informed consent from the child (Doctors' Syndicate rules; Cairo 52).
- **Consequences:** Infants undergo irreversible surgeries that violate bodily autonomy and may result in long-term physical and psychological harm.

Persons Living with HIV (PLHIV):

- **Mandatory Disclosure:** Mandatory reporting systems and "public health" justifications enable hospitals to share HIV status without consent ([U.S. State Department 2023](#); [BMC](#)).
- **Consequences:** This forced disclosure leads to double discrimination in healthcare and employment. Many avoid testing or treatment due to fear of exposure, resulting in preventable health deterioration.



Refugees and Asylum Seekers:

- **Targeting:** Police use Law 10/1961 or public-decency provisions following reports from neighbours or employers ([ARC](#); [U.S. State Department 2023](#)).
- **Consequences:** LGBTQI+ refugees (especially from Sudan/South Sudan) face xenophobic violence, extortion, detention, and denial of services, increasing arrest and deportation risks despite international obligations.

Women and Feminised Queer Persons:

- **Disproportionate Charges:** Law 10/1961 and Cybercrime Law Art. 25 are disproportionately applied to women framed as “inciting immorality” online ([HRW](#); [Amnesty](#)).
- **Consequences:** They face gendered forms of violence, including online harassment and sexual coercion during arrest, amplifying both queerphobia and patriarchy.

Conclusion

Cross-Cutting Dynamics

Taken together, these laws and policies amount to a coherent system of structural moral repression. Vague clauses on “family values,” “public decency,” and “immorality” function as flexible tools that allow state institutions, courts, and security bodies to police identity and expression across criminal, administrative, and medical spheres ([Cairo 52](#)). Rather than relying on a single explicit criminal provision, this moral architecture regulates who may appear in public, access services, or participate safely in social life.

This systemic repression places Egypt in direct breach of binding international human rights obligations:

- **ICCPR:** The use of debauchery and cybercrime provisions to target consensual adult relations and online expression violates Article 17 (privacy) and Articles 19 and 26 (expression/non-discrimination). Arrests, digital entrapment, and abusive detention raise concerns under Articles 7 and 9 (freedom from torture and arbitrary detention).
- **CAT:** Forced anal examinations and conversion-therapy-type practices violate the absolute prohibition of torture and cruel, inhuman, or degrading treatment.
- **ICESCR & Health Standards:** The pathologisation of gender identity and the denial of gender-affirming care are inconsistent with the [WHO's ICD-11](#) (which depathologises trans identities) and undermine the right to the highest attainable standard of health.

