

LGBT Community Under Attack in Egypt

Since the beginning of September 2017, Egyptian authorities under President Abdel Fattah el-Sisi's rule have arrested dozens of lesbian, gay, bisexual and transgender (LGBT) people on charges of "sexual deviance," "debauchery," and "insulting public morals." A unit in the security services known as the "morality police" is using online dating apps to entrap and arrest gay and bisexual men. Meanwhile, the Supreme Council of Media Regulation banned any media coverage supportive of the rights of LGBT people, and government-supported media personalities are railing against homosexuality, likening it to ISIS. The United States, as a strong supporter of Egypt, has an important role to play in speaking out against such abuses committed against the Egyptian LGBT community.

While widespread discrimination against LGBT Egyptians has long existed, ongoing persecution escalated into a witch hunt following a Cairo concert on September 22, by the Lebanese group Mashrou' Leila, which is led by an openly gay singer. During the concert, a small group raised a rainbow flag, commonly seen as a symbol of gay pride. Following the incident, fueled in part by media reports, the government rounded up not only the people who hoisted the flag, but dozens more, at least 65 in all, turning the concert into the trigger event for a severe crackdown against the LGBT community. The police targeted individuals presumed gay, checked phones, and focused on known hangouts of LGBT Egyptians. Of the more than 65 arrested, only three were present at the concert. To date, 25 people have received jail sentences ranging between one and six years. At least five detainees were subjected to anal examinations, a humiliating act which is a form of torture.

Criminalizing Homosexuality

On October 25, Egyptian MP Riyad Abdel Sattar introduced a bill criminalizing homosexuality before the parliament. More than 60 members have signed the draft law, asserting their readiness to approve it.

The bill mandates imprisonment of one to three years for individuals convicted of participating in homosexual relations, for promoting or participating in any events tailored to LGBT people, for "inciting homosexual relations," or for carrying any symbol or sign of the LGBT community, such as the rainbow flag. Repeat offenders would face imprisonment of five years. All penalties would be followed by a period of probation equal to the duration of the sentence, which effectively doubles the sentence—probation, or "monitoring," in Egypt, requires that throughout the period of probation, the person must spend every night at the nearest police station, from dusk to dawn.

International Response

While most countries have been silent on the issue, the United Nations has been the most prominent voice against the crackdown. On October 13, the Office of the UN High Commissioner for Human Rights (OHCHR) expressed concern about the wave of arrests: "Arresting or detaining people based on their actual or perceived sexual orientation or gender identity is by definition arbitrary and violates international law."

The OHCHR further called upon Egypt (among other countries) to take immediate action and release anyone detained on the basis of their actual or perceived sexual orientation or gender identity, drop charges based on vaguely worded and

discriminatory laws, and repeal such laws in line with their legal obligations under international law and long-standing United Nations recommendations.

US Government Response

In August Secretary of State Tillerson withdrew \$95.7 million in foreign assistance and withheld a further \$190 million in military assistance partly in response to Egypt's failure to advance democracy and human rights. Directly addressing the crackdown on LGBT Egyptians, however, would come on October 3, from State Department spokesperson Heather Nauert: "We are concerned by reports of detentions and arrests of LGBTI persons in Azerbaijan and Egypt, respectively."

In October a parliamentary delegation headed by Speaker Ali Abdel Aal Sayed travelled to the United States to meet members of Congress. The delegation was questioned at length about the treatment of LGBT people and the criminalization law, as well as other human rights violations. At a bipartisan congressional meeting, House Minority Leader Nancy Pelosi (D-CA) called on the speaker to denounce assaults on the civil liberties of LGBT Egyptians, targeting of nongovernmental organizations, and attacks on religious minorities. Pelosi also gave the speaker a letter detailing her concerns, writing:

"We respectfully request that you denounce the ongoing assault on civil liberties in Egypt, and in particular condemn this law and these attacks on the LGBT community. We call on you to facilitate the release of the innocent LGBT men, women and allies who still languish in jail. We also urge you to stop the criminalization of NGOs, many of which are doing life-saving human rights work. It is long past time for Egypt to end its attacks on its own people."

Members of the House of Representatives are circulating a letter calling on Secretary of State Tillerson to strongly condemn the crackdown and

the proposed criminalization law, and to urge the release of the prisoners.

Recommendations

The crackdown against LGBT Egyptians is a direct threat to the rule of law in Egypt. Arrests under the crackdown are completely arbitrary, violating both the Egyptian Constitution and Egypt's obligations under international law. In addition to honoring its legal and moral responsibilities, Egypt needs to be reminded that persecuting LGBT people will adversely affect tourism and result in significant negative consumer pressure as Egypt tries to market itself as an attractive destination for overseas investment. The United States should:

- Increase diplomatic efforts with Egyptian officials reminding them that LGBT rights are human rights.
- Condemn the proposed criminalization bill and the crackdown unequivocally.
- Call on the Egyptian government to release all people detained on charges related to homosexuality, stop arbitrary arrests based on sexual orientation or gender identity, and end the vilification of LGBT people in the media.
- Call for an end to sexual and physical violence by authorities—including anal examinations.
- Send representatives to monitor trials of LGBT detainees to ensure that due process is observed, and that their right to a fair trial is upheld.
- Support, including through funding, and encourage activists and local LGBT groups.
- Encourage inclusivity of the LGBT community in all U.S.-funded projects related to public health, including sexual and reproductive health.