

**Joint Stakeholder Submission to the UN Human
Rights Council's 4th Universal Periodic Review -
EGYPT**

48th session (Jan - Feb 2025)

Submitting Organizations:

**Cairo 52 Legal Research Institute (Cairo52)
Middle East Democracy Center (MEDC)
International Service for Human Rights (ISHR)**

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This joint stakeholder's submission is submitted by Cairo 52 Legal Research Institute (Cairo 52), the Middle East Democracy Center (MEDC) and the International Service for Human Rights (ISHR) in the framework of the 4th Universal Periodic Review of Egypt.

About submitting organizations:

1- Cairo 52 Legal Research Institute (Cairo 52)

Cairo 52 Legal Research Institute: Cairo 52, founded in 2020, is a non-governmental policy and research institute focusing on researching the fundamental human rights of gender and sexual minorities in the Middle East and North Africa (MENA) region.

Contact details:

Website: www.cairo52.com

Postal address: Harju maakond, Tallinn, Kesklinna linnaosa, Järvevana tee 9, 11314, Estonia

Email: n.noralla@cairo52.com

Contact person: Nora Noralla

2- Middle East Democracy Center (MEDC)

The Middle East Democracy Center (MEDC) is a U.S.-based nonprofit and nonpartisan advocacy organization that works with the people of the Middle East and North Africa to challenge authoritarian systems, free the unjustly detained, and advocate for U.S. policies that protect human rights and advance a bold vision for democracy.

Contact details:

Website: mideastdc.org

Postal Address: 1730 Rhode Island Avenue NW, Suite 617, Washington, DC 20036

Email: Yasmin.Omar@mideastdc.org

Contact Person: Yasmin Omar

3- International Service for Human Rights (ISHR)

The International Service for Human Rights (ISHR) is an independent, non-profit organization promoting and protecting human rights, whose mission is to support human rights defenders, strengthen human rights systems, as well as lead and participate in coalitions for human rights change.

Contact details:

Website: www.ishr.ch

Postal Address: Rue de Varembe 1, 1211 Geneva, Switzerland

Email: n.awad@ishr.ch

Contact Person: Nada Awad

I. Introduction

1. The information contained in this submission is based on first-hand information, observations, data analysis and research gathered by Cairo 52 Legal Research Institute (Cairo 52) as part of its work on the rights of gender and sexual minorities, legal analysis by MEDC and in collaboration with ISHR.
2. This report addresses the serious violations surrounding the application of vice laws in Egypt, rooted in moralistic interpretations that are used to prosecute individuals. These laws include Law 10/1961, the Penal Code, and Cybercrime Law 175/2018, all of which contain provisions that lack clarity and are broadly interpreted by authorities. The report highlights the violations of constitutional rights, such as the right to a fair trial, the right to privacy, and freedom of expression, with a specific focus on their impact on women, LGBTQ+ individuals, and the general populace.
3. The report is structured into several key sections: the legal framework governing vice laws, the right to a fair trial, the right to privacy, specific violations against marginalized groups, and the widespread systematic attack on freedom of expression. Recommendations for addressing these issues are also provided.

II. Recommendations Table

3. The following table outlines the key issues, some of the [recommendations](#) for addressing them, and the [status of acceptance](#) by the Egyptian government during the 3rd cycle of the UPR.

Recommendation Number	Recommendation Text	Recommending State	State of Acceptance
62	Take steps to protect the rights of LGBTI individuals and	Canada	Partially Accepted (PA)

	ensure that they are not subjected to discriminatory arrest or prosecution under criminal charges of indecency or debauchery.		
57	End the arrest and prosecution of people for their real or perceived sexual orientation or gender identity and repeal laws criminalizing consensual same sex relations.	Iceland	Noted (N)
61	End the practice of entrapment and subsequent arrest and prosecution based on sexual orientation and gender identity	Netherlands	N
147	Strengthen criminal procedures in order to safeguard the right to defence and due process.	Costa Rica	Accepted (A)
148; 142	Guarantee the right to a fair trial in accordance with international obligations and end all military trials of civilians. Guarantee the right to a fair trial and limit the jurisdiction of military courts to military cases	Czech Republic; Switzerland	PA
143	Take measures to ensure access to justice and due process for all persons accused of criminal offenses,	Thailand	A

	including those relating to security and terrorism, such as access to a lawyer, and consular assistance, in case of foreign nationals		
128; 129	Release detainees held for exercising their rights to freedom of expression or association, and ensure fair trial guarantees for those remaining in detention; Release all persons detained as a result of peacefully exercising their right to freedom of opinion, expression and assembly, and amend the protest, counter-terrorism, media and cybercrime laws to bring them into conformity with international human rights law, including by repealing law 10 of 1914 on assembly;	United States of America; Australia	PA; N
183; 203	Revise the law on cybercrime , ensuring that it complies with international obligations in terms of human rights; Repeal all laws and policies that restrict activities and rights of human right defenders, such as	Central African Republic; Belgium	N

	law No. 70/2017, counter-terrorism law No. 94, article 78 of the Penal Code, the anti-cyber and information technology crimes law , and the media regulation law;		
182; 188; 189	Ensure that legislation allows for freedom of opinion and expression and freedom of assembly and association, to reflect the protections enshrined in Egypt's Constitution of 2014 and to align its legislation with Egypt's international human rights obligations; Ensure freedom of expression, including freedom of the media, online and offline; Guarantee freedom of expression and the press, as well as the right to peaceful demonstration, in accordance with Egypt's constitutional provisions and international commitments;	Canada; Estonia; France	A

III. Legal Framework

A. The Right to Fair Trial

4. Egypt's vice laws, including articles in Law 10/1961¹ and Cybercrime Law 175/2018, are characterized by their vague language, granting excessive discretion to law enforcement and judicial authorities. Articles 9(C) and 1 of Law 10/1961, along with Article 25 of the Cybercrime Law, are broadly interpreted, leading to arbitrary arrests and prosecutions².
5. The lack of clear definitions for terms such as "debauchery" or "violation of family values" allows arresting and investigating officers' significant latitude in their interpretations. This undermines the constitutional guarantee of a fair trial, as enshrined in Articles 55 and 96³ of the Egyptian Constitution. The principle of legal clarity/certainty requires that laws be clear, concise, and comprehensive to avoid ambiguity, vagueness, contradictions, and unaddressed scenarios⁴.
6. High-profile cases, such as the arrests of TikTok influencers between 2020 and 2021⁵, illustrate how these laws are exploited. Influencers were charged with "violating family values," "spreading debauchery," and "publishing immoral content" based on populist outcry rather than concrete legal standards. These cases highlight the departure from the impartial role of the public prosecution office as an investigative body.
7. Such cases demonstrate that the public prosecution office enables ordinary citizens, lacking legal expertise, to function as vigilantes based on their subjective

¹ Cairo 52 Legal Research Institute, Egypt: Law No. 10/1961 on the Combating of Prostitution (Apr. 14, 2024), <https://cairo52.com/2024/04/14/egypt-law-no-10-1961-on-the-combating-of-prostitution/#::~:tex t=Egypt:%20Law%20No..Twitter>.

²An excerpt from a judgment in Case No. 479/2020 demonstrates this issue: "The monitoring unit has captured the responses on social media to the girl's video, which demanded that the public prosecution office open an investigation into her actions. Some individuals pointed out that her videos could be a method to commit money laundering crimes, while others indicated that the app she is promoting facilitates monetary transactions with the girls, potentially indicating incitement of vice. All these signals, as many have noted on social media, suggest that we are facing a new social condition that is infiltrating Egyptian households. Parents are unaware of its nature, and many of their complaints claim that this represents a new form of cyber prostitution."

³Article 55 of the Egyptian Constitution ensures that "All those who are arrested or detained, and all those deprived of their freedom, shall be treated in a manner preserving their dignity". According to Article 96, "The accused is innocent until proven guilty in a fair legal trial in which the right to defend oneself is guaranteed"

⁴ During the Sixth Committee's discussions on the rule of law, delegates highlighted the necessity of legal certainty in the context of international criminal law, especially when defining and prosecuting crimes against humanity. The debates underscored the importance of having clear and consistent legal definitions to prevent and punish serious international crimes effectively. Legal certainty was deemed vital to ensuring that individuals can foresee the legal consequences of their actions and that laws are applied uniformly and fairly across different jurisdictions (United Nations, 2023).

⁵ The World. "Egypt's Social Media Censorship Targets Women on TikTok." Last modified September 18, 2020. <https://theworld.org/stories/2020/09/18/egypt-s-social-media-censorship-targets-women-tiktok>

interpretations of the actions of other private citizens. This practice violates constitutionally protected rights such as freedom of speech under Article 65 and undermines due process rights as stipulated in Articles 55 and 96⁶.

B. The Right to Privacy

9. The lack of clear legal standards for searches and seizures in vice crime investigations leads to frequent violations of privacy rights protected under the ICCPR⁷. Authorities often coerce individuals into unlocking private digital devices without judicial orders, contravening the protections outlined in the Constitution and the Criminal Procedure Code⁸.
10. Legal provisions stipulate that any search must be based on reasonable suspicion and carried out with a judicial order. However, police often conduct illegal searches of digital devices, resulting in arrests based on evidence obtained through these searches. Such practices violate Article 57 of the Egyptian Constitution, which protects the private lives of citizens.
11. An illustrative example is seen in the cases prosecuted under vice crimes, where arresting officers frequently violate constitutional protections when obtaining evidence. Digital evidence is often extracted through coercion, and the public prosecution office frequently "rectifies" these illegal actions by re-examining and utilizing this evidence in the presence of the accused, ignoring the legal doctrine of "the fruit of the poisonous tree," which considers evidence inadmissible if collected illegally.
12. The police officers also rely on secret informants to gather information on the known meeting spots for the LGBTQ+ community in order to determine where to set up checkpoints, e.g., in places like Ramsis Sq. and Gamat El-Dowl St. However, this method of an arrest does not have any legal basis as the Law only permits officers to conduct an arrest in cases of flagrante delicto as defined by Law. Police officers

⁶Article 55 of the Egyptian Constitution states that "All those who are arrested or detained, and all those deprived of their freedom, shall be treated in a manner preserving their dignity" (Constitution of the Arab Republic of Egypt, 2014, art. 55). Article 65 guarantees "Freedom of thought and opinion" (Constitution of the Arab Republic of Egypt, 2014, art. 65). According to Article 96, "The accused is innocent until proven guilty in a fair legal trial in which the right to defend oneself is guaranteed" (Constitution of the Arab Republic of Egypt, 2014, art. 96).

⁷ Article 17 of the ICCPR states that "No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honor and reputation" (International Covenant on Civil and Political Rights, 1966, art. 17; ratified by Egypt, 1982).

⁸ ARTICLE 19. (2022). Digital Crime Scenes: Understanding the Impact of Digital Forensics on Human Rights.

<https://www.article19.org/wp-content/uploads/2022/03/Digital-Crime-Scenes-Report-3.pdf>

always try to use language that indicates the existence of the constitutive elements of flagrante delicto⁹.

13. The cases No. 1160/2018 Abdin Misdemeanor¹⁰, No. 3011/2019 Qasr El-Nil Misdemeanor, No. 3465/2020 El-Nozha Misdemeanor, No. 877/2023 Side Gaber Misdemeanor, and No. 89/2024 Manshya Misdemeanor highlight the systematic violation of privacy rights through unauthorized digital surveillance and entrapment tactics.¹¹
14. In such instances, plaintiffs frequently forfeit access to their mobile phones following arrests. They are coerced into surrendering their secret passcode, thereby granting arresting officers unauthorized entry into their devices. This facilitates an illicit search of their private data, encompassing photos, applications, and confidential conversations with others. Furthermore, in certain incidents, plaintiffs have alleged that the compulsion to provide access to arresting officers has led to the fabrication of evidence against them, subsequently employed by the public prosecution office¹².

IV. Violations Against Women, LGBTQ+ Individuals, and Prisoners

A. Targeting of Women and LGBTQ+ Individuals

13. Women, particularly those from lower socioeconomic backgrounds, and LGBTQ+ individuals are disproportionately targeted under vice laws. High-profile cases, such as the arrests of TikTok influencers Haneen Hossam and Mawda Al-Adham, and the forced anal examinations of men suspected of homosexuality, illustrate the severe impact on these groups.
14. These actions violate the right to bodily integrity and protection from torture under ICCPR¹³ and CAT¹⁴, as seen in the cases of forced virginity tests in the Fairmount

⁹ Cairo 52. (2023, June 7). *Sexually guilty: Custom, morality, and the persecution of the LGBTQ+ community in Egypt*.

<https://cairo52.com/2023/06/07/sexually-guilty-custom-morality-and-the-persecution-of-the-lgbtq-community-in-egypt/>

¹⁰ Ibid Page 29 . script from the case report “We received tips from one of our secret informants that a group of gay youth are meeting at Opera square for sexual pleasure in exchange for money. A secret police force moved to the location and noticed one of those gay youth making suspicious movements and signals to seduce men to commit debauchery with him for money. We approached the accused and confronted him, and he confessed that he came to Opera square to commit debauchery with men for money”

¹¹ Ibid

¹² Ibid

¹³ Article 7 of the ICCPR states that "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment" (International Covenant on Civil and Political Rights, 1966, art. 7).

¹⁴ Articles 1 to 4 of the CAT provide a detailed definition of torture and mandate that each State Party take effective measures to prevent acts of torture (Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984, arts. 1-4).

- case¹⁵ and the abuse of male detainees in vice-related arrests. Such practices contravene international human rights standards and Egypt's own constitutional protections.
15. In the Mansoura case No.13355/2023, a man suspected of involvement in debauchery was arrested and forced to undergo an anal examination in 2023. Similarly, in the Alexandria case, No.3743/2019, four men suspected of involvement in debauchery also underwent forced anal examinations in 2019.
 16. Authorities have exploited legal provisions pertaining to vice crimes to intimidate survivors of sexual violence and witnesses. In 2020, Menna Abd Al-Aziz, a victim of gang rape whose assault was corroborated by the Egyptian forensic authority, endured more than 100 days of pretrial detention on charges of debauchery and misuse of social media before being released to a rehabilitation center due to her minor status¹⁶.
 17. LGBTQ individuals and other vulnerable individuals prosecuted for vice crimes often suffer violations of their physical integrity and endure abusive acts that may meet the criteria for torture. The forced anal examinations and virginity tests are forms of cruel and inhumane treatment prohibited under international law¹⁷.
 18. The treatment of prisoners in Egypt, particularly those accused of vice crimes, often includes severe physical and psychological abuse. Reports indicate that these individuals are subjected to harsh conditions, including overcrowding, inadequate medical care, and lack of access to legal representation¹⁸.
 19. The arbitrary nature of arrests and detentions for vice crimes exacerbates these abuses, as individuals are often held without clear charges or access to fair judicial processes. The lack of transparency and accountability within the prison system further entrenches these violations.

V. Violations: Widespread Systematic Attack on Freedom of Expression

¹⁵ Human Rights Watch. (2021, February 8). Justice stalled in Egypt's Fairmont rape case.

<https://www.hrw.org/news/2021/02/08/justice-stalled-egypts-fairmont-rape-case>

¹⁶ Daaarb. (2021, May 26). المبادرة المصرية: قرار إخلاء سبيل منة عبد العزيز خطوة إيجابية ومنتظر وقف الملاحقة.

Translation : [Egyptian Initiative: The decision to release Menna Abdel Aziz is a positive step, and we await the cessation of the prosecution].

<https://daaarb.com/%D8%A7%D9%84%D9%85%D8%A8%D8%A7%D8%AF%D8%B1%D8%A9-%D8%A7%D9%84%D9%85%D8%B5%D8%B1%D9%8A%D8%A9-%D9%82%D8%B1%D8%A7%D8%B1-%D8%A5%D8%AE%D9%84%D8%A7%D8%A1-%D8%B3%D8%A8%D9%8A%D9%84-%D9%85%D9%86%D9%87-%D8%B9/>

¹⁷ Human Rights Watch. (2020, October 1). Egypt: Security forces abuse, torture LGBT people.

Retrieved from

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

¹⁸ Middle East and North Africa Studies Center. (n.d.). No One is Safe: Sexual Violence Throughout the Life Cycle of Detention in Egypt.

<https://mideastdc.org/publication/no-one-is-safe-sexual-violence-throughout-the-life-cycle-of-detention-in-egypt/>

A. Suppression of Dissent and Minority

20. The use of vice laws to suppress dissent and freedom of expression is pervasive. Social media users, influencers, and ordinary citizens face prosecution for content deemed immoral by the authorities. This practice undermines freedom of expression protections under the ICCPR¹⁹ and in violation of Article 65 of the Constitution, which guarantees freedom of speech, and promotes a culture of vigilantism among the public. Furthermore, it infringes upon the rights of citizens to be protected from arbitrary arrest, as specified in Articles 97 and 32 of the Criminal Procedures Law.
21. In 2019, the Public Prosecutor established the Communication, Guidance, and Social Media Department (CGSMD), operating under the Public Prosecution. Within this department, the Monitoring and Analysis Unit (MAU) has filed multiple lawsuits against users of social networking sites²⁰. 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. The public prosecution office has encouraged law-abiding citizens to report instances of digital immorality²¹.
22. Examples include the arrests of Haneen Hossam and Mawda Al-Adham, two TikTok influencers apprehended in 2020, as well as the YouTubers "Anush"²² and "Krawan Mashakal"²³ in 2023 and Jordanian TikToker "Julia" in 2024²⁴. Their detentions

¹⁹ Article 19 of the ICCPR states that "Everyone shall have the right to hold opinions without interference. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice" (International Covenant on Civil and Political Rights, 1966, art. 19; ratified by Egypt, 1982).

²⁰ AFTE Egypt. (2023, June 7). تحليل خطاب النيابة العامة.

<https://afteegypt.org/public-prosecution-discourse-ar>

²¹ Ibid. In statement, the Public prosecution office stated "In 2020 statement, it stated:

"The nation now faces not only traditional land, sea, and air borders, but also a new access point commonly known as the cyber border. This emergence necessitates significant legislative, administrative, and judicial changes to effectively address and protect websites, treating them as we would any other border. It is important to emphasize that these measures should not infringe upon or limit individual freedoms, but rather address a phenomenon that is being exploited by malicious entities seeking to disrupt our society and undermine its core values."

²² Al Arabiya. (2023, January 26). *Divorced and produced explicit content to cover her expenses:*

Exciting confessions from Anoush. (authors

translation) <https://www.alarabiya.net/arab-and-world/egypt/2023/01/26/مطلقة-وقدمت-محتوى-فاضح-ل-تدبير-نفقاتها-اعتراقات-مثير-من-أنوش>

[تدبير-نفقاتها-اعتراقات-مثير-من-أنوش](#)

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²³ Annahar. (2023, March 29). *After actors' denunciation of his appearance in "Belly of the Whale":*

YouTuber arrested for incitement to debauchery. (Authors translation)

<https://www.annahar.com/arabic/section/6-فن-ومجتمع/293818/بعد-استنكار-الممثلين-ظهوره-في-بطن-الحوت-الق-6>

[بض-على-يووتيوير-بتهمة-التحر-بض-على-الفجور](#)

²⁴ Al Arabiya. (2024, March 16). *Published indecent videos: Jordanian TikToker arrested in Egypt.* (

Authors Translation)

<https://www.alarabiya.net/arab-and-world/egypt/2024/03/16/نشرت-مقاطع-مخلّة-القبض-على-تيك-توكر-أردن/16>

[بنة-في-مصر](#)

followed the posting of videos considered immoral by social media users, leading to prosecution under vice-related offenses.

23. By encouraging citizens to report instances of digital immorality, the public prosecution office shifts from being an independent investigative body to a promoter of vigilante justice. This approach often leads to investigations and prosecutions based on private citizens' subjective interpretations of vice crimes. In a 2020 statement, the public prosecution office emphasized the role of digital surveillance in protecting national security and family values.²⁵
24. In a recent case, on 27 May 2024 Authorities arrested a social media influencer who post fashion and dancing videos Hadeer Abdelrazek for charges of violating family values, advertising prostitution, and misusing social networking sites²⁶. On 20 June 2014, the prosecution ordered her release on a financial bail of 50 thousand Egyptian pounds, pending investigations.

VI. Discrimination in Employment and Arbitrary Deportations

A. Discrimination in Public Employment

25. Individuals suspected of engaging in immoral behavior face discrimination and dismissal from public employment based on ambiguous terminology within internal bylaws and administrative laws. This is exemplified by the cases of Mona AlPrince, a literature professor, and a Maspero²⁷ employee accused of homosexuality, both of whom were dismissed based on vague accusations of dishonorable acts.
26. In 2018, Mona AlPrince was dismissed from her position following a 14-month investigation by Suez University. The university deemed certain actions by Professor Mona to be dishonorable to her role, including posting photographs on her private social media accounts depicting her in bikinis, belly dance attire, and dance videos. The Supreme Administrative Court issued a final judgment in 2022 upholding the

²⁵ Public Prosecution Office [Statement](#) 20 May 2020. script from the statement (authors translation) "The nation now faces not only traditional land, sea, and air borders, but also a new access point commonly known as the cyber border. This emergence necessitates significant legislative, administrative, and judicial changes to effectively address and protect websites, treating them as we would any other border. It is important to emphasize that these measures should not infringe upon or limit individual freedoms, but rather address a phenomenon that is being exploited by malicious entities seeking to disrupt our society and undermine its core values."

²⁶Egypt Independent. "Police arrest Egyptian influencer Hadeer Abdel-Razek over 'immoral' content." Egypt Independent, May 27, 2024. <https://egyptindependent.com/police-arrest-egyptian-influencer-hadeer-abdel-razek-over-immoral-content/>.https://egyptindependent.com/police-arrest-egyptian-influencer-hadeer-abdel-razek-over-immoral-content/#google_vignette

²⁷ Maspero is the headquarters of the Egyptian Radio and Television Union formerly the Arab Radio and Television Union, the oldest state-run broadcasting organization in the Arab World and Africa.

university's decision. The court deemed the actions of Professor AlPrince to be dishonorable for a university professor.²⁸

27. Similarly, in 2021, an employee of Maspero, Egypt's public broadcaster, was accused by their former spouse of engaging in homosexual acts. This led to the employee's suspension pending an investigation and eventual termination from his position due to involvement in dishonorable immoral acts.
29. In July 2023, the Supreme Administrative Court affirmed the judgment that resulted in the plaintiff's employment termination, stating that there was undeniable evidence of the plaintiff's engagement in homosexual acts. The court emphasized "The removal of such an employee from the state's administrative apparatus has become an unavoidable necessity in order to safeguard the security of the administrative establishment, particularly, and the public interest of the state as a whole²⁹."
30. The judgment of the Court was issued despite evidence indicating that the termination of the plaintiff's employment was based on private video footage of the plaintiff engaging in solo sexual activities, which had been illegally obtained by his ex-wife. Furthermore, the Court disregarded a report provided by the Egyptian State Commissioners (ESC), an advisory body within the Administrative Courts system. The ESC report recommended the plaintiff's reinstatement, as the video had been procured unlawfully and the actions of the ex-wife constituted violations of several provisions within the Cybercrime Law No 175/2018, which aims to safeguard citizens' digital privacy rights.³⁰

B. Arbitrary Deportations of Foreigners for Vice Crimes

31. In violation of articles 2(1), 13 and 26 of the ICCPR³¹, foreigners suspected or arrested for vice crimes face discrimination through entry bans and deportation without thorough judicial processes. Articles 25 and 26 of Law No. 89 of 1960 on the

²⁸ Transcript from the court ruling "The initial transgression committed by Mona Prince was her publication of multiple dance-related videos on her Facebook page. She persistently continued to publish such clips in a manner that undermined the reputation, message, and responsibility of a university professor in disseminating values and promoting progress. This violation diminishes the standing of a university professor, and it is unacceptable for such a professor to employ dancing as a means of attracting attention, thereby compromising their reputation in front of students. These actions not only hurt the feelings of her students but also undermine the pride of her colleagues and fellow travelers on the paths of knowledge." [مصر.. حكم نهائي بعزل أستاذة جامعية بتهمة الرقص ومدح الشيطان | سكاي نيوز عربية \(skynewsarabia.com\)](https://www.skynewsarabia.com/news/egypt/2023/07/07/egypt-supreme-court-engagement-homosexual-acts)

²⁹ Cairo 52 Legal Research Institute. "Egypt's Supreme Administrative Court: Engagement in Homosexual Acts is Grounds for Dismissal from Public Office." Cairo 52, March 7, 2024. <https://cairo52.com/2024/03/07/egypts-supreme-administrative-court-engagement-in-homosexual-acts-is-grounds-for-dismissal-from-public-office/>.

³⁰ Ibid

³¹ International Covenant on Civil and Political Rights arts. 2(1), 13, 26, Dec. 16, 1966, 999 U.N.T.S.

Entry and Exit of Foreigners³² grant extensive powers to the Ministry of Interior to deport or ban entry to those who "violate" public morals or public tranquility

32. The vague terminology in these laws provides the Ministry of Interior with broad interpretive powers to define these articles as pertaining to individuals suspected of vice or immorality. In 2014, the Cairo Administrative Court upheld these broad powers in Case No. 8084/67 JY, affirming the Ministry of Interior's decision to deport a Libyan citizen after his arrest and prosecution for "debauchery" under Law 10/1961³³.
33. The court upheld the deportation and entry ban order, despite the plaintiff being acquitted of the "debauchery" charges by an Egyptian court. Egyptian authorities have the power to deport individuals who are merely suspected, even if not convicted by an Egyptian court³⁴.
34. In Administrative Court judgment No. 17406/63 JY in 2017, these broad powers were upheld in a case involving the deportation of a British citizen suspected of engaging in "debauchery" and spreading HIV. The court upheld the deportation and entry ban for the British citizen, despite him submitting an official medical certificate stating that he does not have HIV and the absence of any official legal prosecution finding him guilty of the crimes of "debauchery"³⁵.
35. Between 2018 and 2022, there have been 12 incidents where foreigners suspected of immorality, especially those belonging to the LGBTQ+ community, were deported or denied entry arbitrarily without being allowed access to any judicial process to challenge such orders.³⁶

VII. Recommendations

By implementing the below recommendations, the Egyptian government can address the human rights violations arising from the current application of vice laws and ensure the protection of civil liberties for all citizens:

A. Legal Reform

36. Amend existing vice laws including Law 10/1961 and Cybercrime Law 175/2018 to bring them in line with international human rights standards including clear, precise definitions and limit the discretionary power of law enforcement officers and prosecutors, and ensure that individuals are not arbitrarily targeted

³² Entry and Residence of Foreigners Law No. 89 of 1960 <https://manshurat.org/node/7355>

³³ Cairo 52 Legal Research Institute. "Your Kind Is Not Welcome Here." Cairo 52, November 27, 2023. <https://cairo52.com/2023/11/27/your-kind-is-not-welcome-here/>.

³⁴ *Ibid*

³⁵ *Ibid*

³⁶ *Ibid*

37. Conduct a comprehensive legal review of vice laws, with the aim of reforming or abolishing any laws and legal articles that undermine the fundamental human rights protections enshrined in the Constitution and international treaties to which Egypt is a party.
38. Ensure transparency and accountability in the application of vice laws by strengthen the oversight mechanisms of police and judicial conduct, in particular to establish independent oversight mechanisms that are responsible for receiving and investigating complaints, monitor and evaluate the enforcement of these laws to prevent abuse and arbitrary application, and to ensure access to justice in cases involving police and judicial misconduct.

B. Right to Fair Trial

39. Strengthen judicial oversight to ensure due process is followed in all vice-related prosecutions.
40. Prevent the use of coerced evidence and ensure that all evidence is obtained legally and transparently in line with international human rights standards .

C. Right to Privacy

41. Enforce strict adherence to legal procedures for searches and seizures in order to Prohibit unauthorized access to private digital information and ensure that any digital evidence is obtained with proper judicial authorization.

D. Non-discrimination

42. Protect the fundamental rights of all individuals without discrimination, and ensure that all citizens are treated equally before the law in all judicial and administrative processes, and that their constitutional rights are upheld.
43. Implement legal and policy measures to protect women, transgender people and other vulnerable groups from discrimination and arbitrary prosecution.
44. Provide training and education for law enforcement and judicial officers on human rights standards and the protection of marginalized communities.

E. Right to Freedom of Expression

45. Guarantee the constitutional right to freedom of speech and prevent the use of vice laws to silence dissent and ensure that individuals are not prosecuted based on arbitrary grounds and that freedom of expression is protected in both digital and physical spaces including by fostering an environment that respects and promotes freedom of expression and privacy through open dialogue and the free exchange of ideas without fear of prosecution or retribution.

F. Right to Employment

46. Review and amend internal bylaws and administrative laws that allow for the termination of employment based on accusations of immorality, and ensure that employment decisions are based on objective criteria to ensure non-discrimination.

G. Judicial Review for Deportations

47. Ensure that all deportation and entry ban decisions are subject to judicial review and Provide foreigners with the right to challenge deportation orders and ensure that such decisions are based on clear and objective criteria to ensure non-discrimination in line with international human rights standards.