

UPR: Egypt

Acton Canada for Population and Development &

International Lesbian and Gay Association (European Region)

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Presented by Rowland Jide Macaulay

Mr. President, distinguished members of the delegation,

An issue of serious concern, reflected in recommendations 5, 7 and 8 of paragraph 97 of the Working Group relates to the importance of ensuring that national legislation is not misapplied to intimidate or criminalise individuals because of their actual or presumed sexual orientation, gender identity or HIV status.

UNAIDS and other key actors in the fight against the HIV/AIDS pandemic recognizes that criminalization of consensual same-sex conduct or HIV status has a negative impact on the spread of the virus, and UN Secretary General Ban Ki Moon recently called for the repeal of laws against consensual same-sex conduct.

We note that the Committee against Torture, several Special Procedures, and NGOs including Human Rights Watch and Amnesty International have expressed concern at persons arrested and charged with the “habitual practice of debauchery”, which has been applied to criminalise sexual activity between consenting adults of the same sex.

These reports also indicate instances in which detainees have been subject to cruel, inhuman or degrading treatment, including in some cases being chained to hospital beds and being subjected to forcible anal examinations without consent.

According to the Compilation of UN Information, Egypt has responded that any such prosecutions or verdicts are not related to the defendants' sexuality, sexual orientation or HIV status. We therefore urge Egypt to confirm that the "habitual practice of debauchery" provision is not to be interpreted or applied to criminalise any individual on the basis of his or her actual or presumed HIV status or sexual activity between consenting adults of the same sex.

We further recommend that no other provision in Egyptian law be interpreted or applied to criminalise such activity, and that steps be taken to ensure that no-one is detained, incarcerated or mistreated because of actual or presumed HIV status or consensual adult same-sex conduct.

Finally we urge Egypt to implement education and training of police, prison, medical and other authorities to help ensure that no-one is subjected to cruel, inhuman or degrading treatment or punishment on these grounds.