

**Oral Statement by Soha Abdelaty, 10 March 2008**  
**Interactive Dialogue, Agenda Item 3 — Working Group on Arbitrary**  
**Detention, Office of the High Commissioner for Human Rights**

Thank you, Mr. President,

This question is directed to Madam Chairperson-Rapporteur of the Working Group on Arbitrary Detention.

My name is Soha Abdelaty and I am an Egyptian human rights defender speaking on behalf of five organizations: the Canadian HIV/AIDS Legal Network, Human Rights Watch, Development Alternatives with Women for a New Era (DAWN), Federation of Women and Family Planning-Poland, and Action Canada for Population and Development with its partners, including the Egyptian Initiative for Personal Rights. We express our gratitude to the Working Group on Arbitrary Detention for its vital work this year on behalf of people unjustly imprisoned around the world.

Mme. Chair, we commend the Working Group for highlighting the situation of vulnerable groups in detention in its 2008 report. We wish to seek the Chairperson-Rapporteur's views on an important issue for both public health and human rights, that of people prosecuted and imprisoned because of their HIV serostatus. The Human Rights Committee and other UN bodies consider discrimination on the basis of HIV serostatus a violation of the International Covenant on Civil and Political Rights. Nonetheless, in some cases people have been targeted for arrest and prosecution due to their presumed HIV serostatus.

Since last October, for example, police in Egypt have arrested at least twelve men under an archaic law prohibiting the "habitual practice of debauchery." This crackdown began because one man told the police that he was HIV-positive: police immediately arrested him and his companion, and began interrogating them and torturing them to identify their contacts. Although police presented no evidence that any of these men have committed any crimes, prosecutors and judges have explicitly and repeatedly stated that these men must remain in detention because "they represent a threat to public health".

A court has already sentenced four of these men to one year in prison. New trials for other defendants are set to begin in Cairo this week.

Among the human rights violations in this case,

- Doctors from Egypt's Ministry of Health and Population subjected all the arrested men to forcible testing for HIV without their consent.
- The men who tested HIV-positive received no counseling or assistance after the tests. To the contrary: one of the men reports that a prosecutor

told him he had tested positive by saying, "People like you should be burnt alive. You do not deserve to live."

- Until recently, the men who tested HIV-positive were kept in hospitals, chained to their beds.
- Some of the arrested men were also subjected to forcible anal examinations, which are medically valueless and a form of torture.

Mme. Chair, the Working Group on Arbitrary Detention in 2002 condemned the detention of men in Egypt on the basis of consensual homosexual conduct. In this case, the same law is being used to arrest and abuse people because of their actual or presumed HIV serostatus. Forcible HIV testing also violates basic rights to privacy and to bodily integrity.

Madam Chair, we have highlighted one example of particular concern, but the issue is a general one. Forcible HIV testing violates basic rights to privacy and to bodily integrity. Arresting or detaining people because of their actual or presumed HIV status threatens public health, by sending the message that it is dangerous for anyone to seek information about HIV prevention or treatment. Torture and invasion of privacy based on suspected HIV serostatus cannot be condoned in any culture or by any moral code.

Mme. Chair, in your opinion, what steps in law and policy are incumbent upon States to protect people living with HIV/AIDS from human rights violations?

Thank you.