



Australian Government
Department of Foreign Affairs and Trade



DFAT COUNTRY INFORMATION REPORT EGYPT

17 June 2019

MAP



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CONTENTS

ACRONYMS	4
GLOSSARY	5
1. PURPOSE AND SCOPE	6
2. BACKGROUND INFORMATION	7
Recent History	7
Demography	7
Economic Overview	8
Political System	11
Human Rights Framework	12
Security Situation	13
3. REFUGEE CONVENTION CLAIMS	15
Race/Nationality	15
Religion	15
Political Opinion (Actual or imputed)	22
Groups of Interest	25
4. COMPLEMENTARY PROTECTION CLAIMS	35
Arbitrary Deprivation of Life	35
Death Penalty	36
Torture	37
Cruel, Inhuman or Degrading Treatment or Punishment	38
5. OTHER CONSIDERATIONS	39
State Protection	39
Internal Relocation	44
Treatment of Returnees	44
Documentation	45
Prevalence of Fraud	47

ACRONYMS

CAT	Convention Against Torture
CCRO	Central Civil Registration Office
CSF	Central Security Forces
CEDAW	Convention on the Elimination of Discrimination Against Women
CESCR	International Covenant on Economic, Social and Cultural Rights
CERD	International Convention on the Elimination of All Forms of Racial Discrimination
CRC	Convention on the Rights of the Child
CRC-OP-AC	Optional Protocol to the CRC on the involvement of children in armed conflict
CRC-OP-SC	Optional Protocol to the CRC on the sale of children, child prostitution and child pornography
CRPD	Convention on the Rights of Persons with Disabilities
ECRF	Egyptian Council for Rights and Freedoms
EGP	Egyptian pound (currency)
ENP	Egyptian National Police
FGM/C	Female genital mutilation/cutting
ICCPR	International Covenant on Civil and Political Rights
IOM	International Organisation for Migration
IMF	International Monetary Fund
LGBTI	Lesbian, gay, bisexual, transgender and intersex
MP	Member of Parliament
NCHR	National Council for Human Rights
NGO	Non-Government Organisation
SSEC	State Security Emergency Courts
UNICEF	United Nations International Children's Emergency Fund
UN OHCHR	United Nations Office of the High Commissioner on Human Rights
UPR	Universal Periodic Review

GLOSSARY

<i>baksheesh</i>	a gratuity payment expected in return for the provision of services
<i>sharia</i>	Islamic law
<i>shura</i>	consultative

Terms used in this report

high risk	DFAT is aware of a strong pattern of incidents
moderate risk	DFAT is aware of sufficient incidents to suggest a pattern of behaviour
low risk	DFAT is aware of incidents but has insufficient evidence to conclude they form a pattern

official discrimination

1. legal or regulatory measures applying to a particular group that impede access to state protection or services that are available to other sections of the population (examples might include but are not limited to difficulties in obtaining personal registrations or identity papers, difficulties in having papers recognised, arbitrary arrest and detention)
2. behaviour by state employees towards a particular group that impedes access to state protection or services otherwise available, including by failure to implement legislative or administrative measures

societal discrimination

1. behaviour by members of society (including family members, employers or service providers) that impedes access by a particular group to goods or services normally available to other sections of society (examples could include but are not limited to refusal to rent property, refusal to sell goods or services, or employment discrimination)
2. ostracism or exclusion by members of society (including family, acquaintances, employers, colleagues or service providers)

1. PURPOSE AND SCOPE

1.1 The Department of Foreign Affairs and Trade (DFAT) has prepared this report for protection status determination purposes only. It provides DFAT's best judgement and assessment at time of writing and is distinct from Australian government policy with respect to Egypt.

1.2 The report provides a general, rather than an exhaustive country overview. It has been prepared with regard to the current caseload for decision makers in Australia, without reference to individual applications for protection visas. The report does not contain policy guidance for decision makers.

1.3 Ministerial Direction Number 56 of 21 June 2013 under s 499 of the Migration Act 1958 states that:
Where the Department of Foreign Affairs and Trade has prepared a country information assessment expressly for protection status determination processes, and that assessment is available to the decision maker, the decision maker must take into account that assessment, where relevant, in making their decision. The decision maker is not precluded from considering other relevant information about the country.

1.4 This report draws on DFAT's on-the-ground knowledge and discussions with a range of sources in Egypt. It takes into account relevant information from government and non-government sources, including (but not limited to) those produced by US State Department, UK Home Office, World Bank, Transparency International, Amnesty International, Human Rights Watch, Freedom House, Reporters Without Borders, the Committee to Protect Journalists; UN agencies; and credible news sources. Where DFAT does not refer to a specific source of a report or allegation, this may be to protect the source.

1.5 This updated Country Information Report replaces the previous DFAT report released on Egypt published on 19 May 2017.

2. BACKGROUND INFORMATION

RECENT HISTORY

2.1 Egypt is one of the world's oldest continuous nation-states, with a written history dating back several millennia. Contemporary Egypt owes its origins to a 1952 military coup, which overthrew Egypt's last monarch and led to the establishment of a republic the following year. For most of the period since 1952, military-backed presidents have ruled over a heavily centralised state with a strong internal security apparatus. Egypt fought a series of costly wars against Israel from 1948 to 1973. After losing control of the Sinai Peninsula in 1967, Egypt regained it through the 1979 Egypt-Israel Peace Treaty that followed the 1978 Camp David Accords. The two countries established full diplomatic relations in 1980. President Anwar Sadat, who signed the Camp David Accords, was assassinated in 1981 by an Islamist extremist.

2.2 Under Sadat's successor, former Air Chief Marshal Hosni Mubarak, security was the paramount state concern. Inspired by the popular uprising in Tunisia, which sparked the broader Arab Spring movement, widespread protests broke out against the Mubarak regime in January 2011. The unrest in Egypt was due to a number of key factors, including general frustration with the high cost of living, growing economic hardships, heavy-handed security practices, lack of political representation, and endemic corruption within the ruling elite. Mubarak resigned within weeks, and an interim military regime took power.

2.3 A June 2012 election resulted in the election of Mohammed Morsi of the Freedom and Justice Party, the political wing of the formerly outlawed Muslim Brotherhood ('the Brotherhood'). As President, Morsi drew criticism for his perceived inability to improve Egypt's economic situation, and for his increasingly authoritarian tendencies. Sporadic, large-scale protests and violent clashes took place between Morsi's opponents and supporters, and led quickly to crippling political polarisation. Following nationwide anti-government protests, a military intervention removed Morsi from power and re-installed an interim military regime in July 2013. Security forces violently suppressed pro-Morsi demonstrators protesting the military intervention. The military regime subsequently re-designated the Brotherhood a terrorist organisation (see [Muslim Brotherhood](#)).

2.4 Egypt adopted a new Constitution in February 2014. Abdel Fattah el-Sisi (Sisi), a former head of the Egyptian Armed Forces, was elected president in May 2014 and remains in office. Parliamentary elections were belatedly held in late 2015, and Sisi transferred legislative powers to the parliament in February 2016. Sisi was overwhelmingly re-elected president in April 2018 from a turnout of well below half of eligible voters, and commenced a second four-year term in June 2018. Many Egyptians have welcomed the return to stability and order provided by the Sisi administration. Ongoing economic difficulties and the tight security environment, however, have caused some frustration and disillusionment. Egypt has been under a state of emergency since April 2017 (see [Security Situation](#)).

DEMOGRAPHY

2.5 Egypt's population is estimated at 94.8 million (2017). Around 95 per cent of Egyptians live in the fertile area along the Nile Valley, comprising just five per cent of the country's area. About half of the

population lives in urban areas, particularly the capital, Cairo (estimated population 18.8 million) and Alexandria (estimated population 4.8 million). According to 2016 data, the child population (aged between 0 – 17 years of age) is 33.4 million, representing 37.1 per cent of the total population. The national language is Arabic. Virtually all Egyptians (99.7 per cent) reported that they were ethnically Arab in the 2006 national census. For religious demography, see [Religion](#).

ECONOMIC OVERVIEW

2.6 Egypt's economy has relatively large tourism, agricultural and services sectors; derives substantial revenues from the Suez Canal; receives considerable remittances from overseas workers; and garners additional income from the sale of hydrocarbons. The World Bank classifies Egypt as a lower middle-income country.

2.7 Military-owned companies, often run by retired generals, have long played an active role in Egypt's economy. The military has significantly broadened its economic profile under the Sisi administration, supervising massive infrastructure projects, running food distribution networks, and investing heavily in real estate and factory projects. In addition to scores of companies owned by the military, private companies often hire former senior military officers as board members. Some observers have suggested that as much as 60 per cent of the economy may be controlled directly or indirectly by the military.

2.8 The uncertain political, security, and policy environment since 2011 led to significant falls in tourism and foreign investment, severely impacting the economy. In late 2016, persistent dollar shortages and waning aid from its Gulf allies led the government to request a three year, USD12 billion loan program from the International Monetary Fund (IMF). To secure the IMF loan, the government introduced a major economic reform program, based on floating the Egyptian pound (EGP), strict austerity measures, tax hikes, and energy subsidy cuts. The reform program has helped the economy stabilise, assisted by promising oil and gas discoveries, an improvement in tourism numbers (still well down from the pre-2011 high point) and Suez Canal revenues, and an all-time high level of remittances. In July 2018, the government announced that Egypt had achieved a slight primary surplus in the 2017-18 financial year, the country's first in 15 years. The IMF and World Bank have both strongly praised Egypt's commitment to economic reform.

2.9 The reform program has, however, come at a cost for ordinary Egyptians, particularly those at the poorer end. International observers reported in July 2017 that since economic reforms were introduced, poverty rates (defined as those living on less than \$US2 per day) had increased from 28 per cent in 2015 to around 30 per cent. Another third of the population was classified as 'vulnerable', meaning they could easily slide into poverty. Egyptians have also faced cost of living increases due to the removal of subsidies. In May 2018, the government announced a 46 per cent increase in water prices and a threefold increase in metro ticket prices, while in June it announced a 50 per cent increase in fuel prices and an average 26 per cent increase in electricity costs. Fees for selected government services, such as driving licences, increased by up to 1400 per cent. The government has off-set the subsidy cuts with 15 per cent increases to pensions and public sector wages, one-off bonuses to public servants, and an increase to the tax-free threshold.

2.10 The IMF support package is due to conclude in November 2019, and the IMF has continued to be positive about Egypt's economic prospects. Some economists, however, have raised concerns about the resilience of the economy in the face of global headwinds, particularly given Egypt's significant debt burden. Egypt's total external debt doubled between 2011 and 2017, and the government lacks a clear debt reduction strategy. Observers also expressed concern that the EGP has been unnaturally stabilised rather than being allowed to float freely; that the increasing pursuit of localisation labour policies by Gulf countries will likely lead to a drop in employment for Egyptian expatriates and a subsequent drop in remittances; and the declining geo-strategic and fiscal value of the Suez Canal.

Employment

2.11 The size of Egypt's informal sector makes the employment rate difficult to measure accurately. The official unemployment rate averaged 10.9 per cent from 1993 to 2018, reaching an all-time high of 13.4 per cent in the third quarter of 2013 and a record low of 8.1 per cent in the second quarter of 1999. The official statistics agency announced in February 2019 that unemployment had fallen to 8.9 per cent in the fourth quarter of 2018, from 10 per cent in the previous quarter. The actual rate is likely to be considerably higher, however, with under-employment a significant issue. The World Bank reported that labour force participation in 2017 for all Egyptians aged 15 and older stood at 48 per cent. Participation for women stood at 22.2 per cent, compared to 73.7 per cent for men.

2.12 Youth unemployment is a particular problem: more than half of all Egyptians are aged under 24. In 2017, youth unemployment (for those aged 15 to 24 years) stood at 34.4 per cent. There is frustration over the lack of economic opportunities, which prevents many young Egyptians from being able to access their own housing or to marry. DFAT assesses that poor economic opportunities act as a significant 'push factor' for emigration from Egypt, particularly for young Egyptians.

Health

2.13 Article 18 of the Constitution states that every citizen is entitled to comprehensive health care. It commits the state to establishing a comprehensive health care system, maintaining public health facilities, and to allocating a percentage of no less than 3 per cent of Gross Domestic Product (GDP) to health care. The World Health Organisation reported that the government spent 5.6 per cent of GDP on health care in 2014 (most recent available figure).

2.14 Responsibility for the provision of health is divided. The Ministry of Health funds primary care clinics and the Ministry of Higher Education funds university hospitals. A third strand of public health care is provided by various independent ministries, including defence, transport, aviation, electricity and interior, and the Health Insurance Organisation. Many Egyptians lack access to affordable public health care, particularly in rural areas, and the standard of public hospitals is very low. Quality in the private sector is better, but limited to those few who can afford it.

2.15 In his June 2018 re-inauguration speech, President Sisi signalled health as one of his key priorities. The government is in the process of introducing a compulsory universal health insurance scheme that will provide basic healthcare coverage to around 30 per cent of the population who could not previously afford any. Fees are set based on income level, with the state covering participation by the poorest. The government launched the first stage of the scheme in July 2018.

2.16 The Ministry of Health announced in April 2018 that a nationwide survey found that a quarter of the population had some form of mental health issue. Of survey recipients, 43.7 per cent suffered from anxiety disorders, while 30.1 per cent suffered from depression linked to substance abuse. Rural governorates reported higher rates of mental health issues than their urban counterparts, with the governorate of Minya reporting the highest overall percentages of anxiety. The availability of mental health care is limited. Most mental health resources are allocated to a small number of centralised psychiatric hospitals rather than being integrated into primary health care; the number of beds available for psychiatric patients requiring acute inpatient care is insufficient to meet demand; and medical schools and health institutions do not devote a significant number of hours given to covering mental health issues.

2.17 Drug addiction is a serious and growing problem. The Minister for Social Solidarity stated in January 2018 that 9.6 million Egyptians (10 per cent of the population) were addicted to drugs, twice the global rate. The numbers appear to have risen considerably over the past decade. According to Narconon (a worldwide

rehabilitation organisation), between 600,000 and 700,000 people were addicted in 2007. A 2017 study by the Fund for Drug Control and Treatment found that the most commonly abused drug was the prescription-only painkiller tramadol, while more affluent Egyptians also used higher end drugs such as heroin, cocaine, imported cannabis, and ecstasy. Females made up 27.5 per cent of drug users, 24 per cent were drivers (who rely on the drugs to stay awake longer), and around 10 per cent were aged between 12 and 19 years.

2.18 The government has taken a multifaceted approach in response to the drug addiction issue. Attempts to cut off supply have been difficult due to the Egypt's multiple international entry points, long coastline, and physical location. Egypt serves as a transit point for transnational narcotics shipments between Africa and Europe. Drug trafficking is punishable by death, while drug possession will generally lead to a prison sentence, the length of which is at the discretion of the presiding judge. The government is also increasing efforts to rehabilitate addicts, including through expanding the number of drug treatment centres (as of February 2018, there were 21 drug treatment centres nationwide, with plans to establish one in every governorate), and hotlines to help make drug addicts aware of treatment and rehabilitation services. According to the Minister for Social Solidarity, 104,000 addicts benefited from these services in 2017, a 20 per cent increase from the previous year.

2.19 Article 81 commits the state to providing health, economic, social, cultural, entertainment, sporting, and educational rights of persons with disabilities; to providing them with job opportunities (including through quotas); and to adapting public facilities to their needs. Several other constitutional articles also directly and indirectly address the rights of persons with disabilities. In February 2018, the government introduced the *Law on the Rights of Persons with Disabilities* (Law 10/2018), the first legislation directly affecting persons with disabilities since 1975. The new law provides a wide range of legal rights and protections, including rights to non-discrimination in employment, health, political activity, rehabilitation, and training, and introduces provisions for the rights of persons with disabilities in education at all levels. It prohibits educational institutions from rejecting applications from students on grounds of disability, punishing violations with fines raising up to EGP2,000 (AUD160). Human rights observers have reported that authorities have not previously enforced employment quotas for persons with disabilities, and that government-owned treatment centres for persons with disabilities (especially children) are generally of poor quality.

Education

2.20 Article 19 of the Constitution guarantees citizens the right to education, which is compulsory until the end of secondary stage (or its equivalent). All levels of education are free within all government schools. Article 19 also commits the state to allocating a percentage of GDP of no less than 4 per cent to education. There are no up to date statistics available on the government's spending on education.

2.21 The quality of public education in Egypt is poor. Egypt's education system has faced criticism for overcrowding in classrooms, poor teaching quality, a focus on rote learning for examinations, and inadequate university access, funding and research capacity. Quality in the private sector is better. The World Economic Forum's Global Competitiveness Index for 2017-18 ranked Egypt 130 out of 137 countries for education. There is a considerable disconnect between the needs of the Egyptian economy and the skills taught in Egypt's universities. Vocational training has limited availability, and observers report that there is a social stigma attached to vocational employment.

2.22 Access to basic education, including for girls, has improved in recent years. According to the Ministry of Education, the net enrolment rate in primary education in 2015/16 was 92 per cent, while the rate was around 83 per cent in preparatory school and approximately 60 per cent in secondary school. According to the United Nations Development Programme, boys receive an average of 7.9 years of education, while girls

receive an average of 6.5 years. The same source records that 70.7 per cent of adult men have some secondary education, compared with 58.2 per cent of adult women.

Corruption

2.23 Egypt is a State Party to the UN Convention Against Corruption (2005), and Article 218 of the constitution commits the state to fighting corruption. The Criminal Code criminalises active and passive bribery, attempted corruption, providing gifts with the intention to influence, abuse of office and the use of public resources for private gain. Several government agencies work to combat corruption, including the Central Agency for Auditing and Accounting, the Administrative Control Authority, the Ministry of Justice, the Ministry of Interior, the Public Prosecution Office, and the Egyptian Money Laundering and Terrorist Financing Combating Unit. President Sisi has made the fight against corruption a personal priority since he was first elected in 2014. In one high profile case, Egypt's customs chief was arrested in October 2018 on allegation of taking bribes in exchange for smuggling of goods prohibited for import and without payment of required customs duties.

2.24 Despite this strong official framework, corruption is widespread throughout Egypt. The payment of *baksheesh*, or tips, in order to receive basic services is part of everyday life. A weak legal framework and a widespread culture of corruption leave businesses reliant on strong connections and the use of intermediaries to operate, and well-connected businesses enjoy privileged treatment. Legislation is enforced unevenly, leading government officials to act with impunity. In January 2019, Transparency International ranked Egypt 105th out of 180 countries (180 being most corrupt). One official report calculated the cost of corruption in Egypt between 2012 and 2015 as being USD 67.6 billion.

POLITICAL SYSTEM

2.25 Egypt is a presidential republic. The President is Head of State and leads the executive branch of government. Presidents must be an Egyptian born to Egyptian parents, be over 40 years of age, have performed military service, and none of their parents or spouses may have held another citizenship. The Constitution gives considerable power to the President: they appoint the Prime Minister and other Ministers, civil and military personnel, and diplomatic representatives; and are Supreme Commander of the Armed Forces (see '[Military](#)'). The President also has the power to declare a state of emergency, issue a pardon or mitigate a sentence, issue a decree with the force of law should the Parliament not be in session (the Parliament must subsequently approve it within 15 days of convening), and call for a referendum.

2.26 On 16 April 2019, Parliament approved a package of constitutional amendments that significantly alter the current political system. The proposed amendments were subsequently put to voters in a referendum held nationwide from 20-22 April. Authorities announced on 23 April that 89 per cent of voters were in favour of the reforms, with official voter participation at 44 per cent. Critics of the referendum questioned the legitimacy of the results, describing the voting process as undemocratic and casting doubt over the accuracy of the official participation rate. The amendments took effect immediately following the announcement.

2.27 The constitutional amendments effectively centralise and concentrate power in the Presidency. Of particular significance are amendments that extend President Sisi's current term in office by two years (to 2024), and make him eligible to run for a final six-year term that would see him remain in office until 2030. Previously, presidents were restricted to two four-year terms. The amendments also restore features of previous governing arrangements, including reintroducing the office of Vice President (abolished in practice in 1981); reinstating an Upper House of Parliament ('the Senate'), replacing a *Shura* (Consultative) Council

disbanded in 2013; and introducing a 25 per cent parliamentary quota for women and minorities (discontinued in 2012). The amendments also have a significant impact on the [Military](#) and [Judiciary](#). Some commentators have criticised the amendments as undoing the achievements of the 2011 Revolution, arguing that the changes shrink further the already limited space remaining for civil society, dissent, and political opposition.

2.28 The current Parliament was elected in late 2015 for a five-year term and was convened in January 2016. It consists of 596 members, including 39 Copts and 87 women. It originally comprised 245 members of parliament (MPs) affiliated with political parties and 351 independent members. In defiance of parliamentary bylaws, however, hundreds of MPS have subsequently changed their political affiliation. Most have reportedly joined the overtly pro-Sisi Nation's Future Party, which is closely tied to the security services. Actual parliamentary opposition to the government is extremely limited: over 490 MPs from all parties signed declarations of support for President Sisi's re-election campaign in 2018, and observers report that only around 15 MPs can be genuinely considered 'opposition'. Several of these MPs are under investigation by the parliamentary ethics committee and face possible expulsion from Parliament: one prominent opposition figure, for example, has been sued for publicly criticising the government's economic reform program. In the 2017-2018 parliamentary session, only a small number of bills tabled by MPs became law; the vast majority of laws passed were those presented by the executive branch. In-country sources advise that Parliament's already limited power is likely to deteriorate further under the proposed constitutional amendments.

2.29 Egypt is divided into 27 governorates, each of which is further subdivided into regions. Each governorate has a capital city and a governor appointed by the President. The police and other aspects of state protection are administered centrally.

2.30 Article 74 of the Constitution gives citizens the right to form political parties by notification as regulated by the law. Political parties cannot be formed based on religion, sex, origin, sect or geographic location. Activities that are hostile to democracy, secretive, or military in nature are prohibited. Every citizen has the right to vote and to run for office.

HUMAN RIGHTS FRAMEWORK

2.31 Egypt is a state party to the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (CESCR), the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), the Convention on the Elimination of Discrimination Against Women (CEDAW), the Convention on the Rights of Persons with Disabilities (CRPD), the Convention on the Rights of the Child (CRC) and its Optional Protocols on the involvement of children in armed conflict (CRC-OP-AC) and on the sale of children, child prostitution and child pornography (CRC-OP-SC), and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), although not its Optional Protocol. Egypt has acceded to the 1951 Refugee Convention and the 1967 Protocol. Article 93 of the Constitution commits the state to the agreements, covenants and international conventions it has ratified.

2.32 The Constitution grants rights and freedoms to citizens, including equal opportunity for all citizens without discrimination (Article 9) and equality regardless of gender (Article 11). It also prohibits discrimination based on religion, belief, sex, origin, race, colour, language, disability, social class, political or geographical affiliation, or for any other reason (Article 53). The constitution allows for these rights and freedoms to be constrained by legislation.

2.33 Egypt participated in a first cycle of the UN Human Rights Council's Universal Periodic Review (UPR) in February 2010, and a second cycle in October 2014. At its October 2014 session, Egypt pledged to accept

243 (81 per cent) of the 300 recommendations it received. Egypt declined to accept recommendations that it claimed violated either the Criminal Code or *sharia* (Islamic law), including recommendations that related to full equality between men and women and to eliminating discrimination against women in matters related to marriage and family relations. Egypt is due to participate in a third session of the UPR in November 2019.

National Human Rights Institution

2.34 The National Council for Human Rights (NCHR) was established in 2003. Article 99 of the Constitution grants the NCHR the power to file complaints with the Public Prosecution Office in the event of violations of legally established civil rights. Although Article 214 of the Constitution guarantees the NCHR's independence, the NCHR's enabling law (Law 94/2003) does not specifically establish the NCHR's independence from the executive and legislative branches of the government.

2.35 The Global Alliance of National Human Rights Institutions awarded the NCHR an 'A' status in May 2018, confirming the NCHR was in full compliance with the Paris Principles. These principles rate the ability of national human rights organisations to monitor human rights, give advice to government, liaise with other human rights institutions, educate the population about human rights and exercise quasi-judicial independence.

2.36 The NCHR publishes annual reports on human rights shortcomings, and regularly releases reports critical of government. Resource and mandate restraints limit its effectiveness, however: it lacks the power to subpoena officials, and has no authority to make binding demands on the government, which has rarely acted on its findings. International and domestic observers have raised concerns over the organisation's independence, capacity, and judgement: in September 2017, for example, the NCHR's head responded to a Human Rights Watch report detailing torture against perceived dissidents in Egypt by declaring that torture no longer occurred in Egyptian prisons. This opinion is not shared by any international or domestic human rights organisation (see [Torture](#)).

2.37 The government announced the establishment of a new Supreme Committee for Human Rights in November 2018, mandated with responding to allegations of human rights abuses and setting a strategy for improving Egypt's human rights record. It is unclear how the division of labour will work between the NCHR and the new committee. In-country observers report, however, that the establishment of the new committee is likely to marginalise further the NCHR.

SECURITY SITUATION

2.38 Egypt experienced a major decline in law and order in the wake of the 2011 Revolution. A sizeable increase in violent crime, civil unrest and terrorist attacks at this time affected all Egyptians. There was a significant growth in communal violence, which impacted particularly on the Christian community (see [Communal Violence](#)). The Sisi Government's strong emphasis on internal security has largely restored general law and order throughout most of the country. Large-scale ongoing protests such as those experienced in 2011 and 2013 (see [Recent History](#)) are now very rare. Most of Egypt, including Cairo, has low rates for serious or violent crimes, excluding violence against women (see [Violence against Women](#)).

2.39 Security forces have been engaged since 2013 in a military conflict with up to 1000 militant Islamists claiming affiliation with the Islamic State (IS) terrorist organisation in North Sinai province. Although most attacks in North Sinai have been carried out against government and military installations and personnel, some have targeted civilians suspected of working with the authorities. Over 150 Christian families fled the northern Sinai town of al-Arish in early 2017 after militants killed seven Coptic Christians in a series of

separate attacks, while an attack by militants on the Sufi Muslim-aligned al-Rawda mosque in North Sinai in November 2017 killed 305 people and injured a further 128. North Sinai has been under a localised state of emergency since October 2014. In February 2018, security forces launched 'Operation Sinai 2018' which significantly intensified the offensive in North Sinai in an attempt to create a buffer zone along the Gaza border. Although restrictions on reporting and a lack of official information makes it difficult to assess the outcomes from Operation Sinai 2018, human rights groups claim the operation caused food shortages and led to mass displacement, with over 3000 homes and commercial buildings destroyed. Authorities have responded by declaring that all actions undertaken during the operation were legal.

2.40 Militants claiming various affiliations, including with IS, have carried out or taken responsibility for a number of attacks in recent years. The most common targets have been the security forces or other senior representatives or the state, but militants have also targeted Coptic Christian churches and pilgrims (see [Terrorist Attacks on Christians](#)), mosques, and tourists and other foreigners. The aforementioned attack on the al-Rawda mosque, for example, was the deadliest attack in recent years. As part of its response to these attacks, the government established a National Council to Confront Terrorism and Extremism in July 2017. The council is chaired by the president and includes the head of parliament, the prime minister, the head of Al Azhar University (Sunni Islam's most prestigious educational institution, and the most prominent religious authority in Egypt), and several ministers. It is tasked with formulating a comprehensive national strategy to combat terrorism and religious extremism, including through proposing amendments to existing legislation, creating job opportunities in areas with high levels of extremism, and promoting moderate religious discourse.

State of Emergency

2.41 Article 154 of the Constitution grants the president the power to declare a nation-wide state of emergency after consultation with Cabinet and with the approval of Parliament. President Sisi declared a state of emergency on 9 April 2017 (immediately following the Palm Sunday bombings), which Parliament approved unanimously two days later. The government has subsequently issued a number of extensions to the state of emergency, most recently for a period of three months commencing on 25 April 2019. Article 154 stipulates that the maximum time allowable for a state of emergency is three months, extendable once for an additional three month period by a two-thirds majority parliamentary vote. The government has effectively circumvented this provision by letting the state of emergency expire once it has reached its six month maximum, allowing an interlude of two to three days, and then declaring another state of emergency.

2.42 The state of emergency is governed by Law 162/1958 (the 'Emergency Law'). The Emergency Law grants the president extraordinary powers, including the power to refer civilians to State Security Emergency Courts for the duration of the state of emergency (see [Military Courts and State Security Emergency Courts](#)). It also extends the powers of the president to monitoring and intercepting all forms of communication and correspondence, imposing censorship prior to publication and confiscating errant publications, imposing a curfew for (or ordering the closure of) commercial establishments, and the sequestration of private properties. Article 4 of the Emergency Law grants the Armed Forces the authority to address any violations of these powers. Authorities have increasingly used state of emergency laws and courts against critics of the government, including political opponents, human rights defenders, and the media (see relevant sections).

3. REFUGEE CONVENTION CLAIMS

RACE/NATIONALITY

3.1 The Egyptian population includes several very small ethnic minority communities, including Nubians, Bedouins, Berbers and Europeans, but is almost entirely ethnically Arab. DFAT does not consider discrimination based on ethnicity to be relevant for the purposes of this report.

RELIGION

3.2 No official statistics exist in relation to the breakdown of Egypt's religious population. While estimates vary, most observers agree that Sunni Muslims comprise approximately 90 per cent of the population, Coptic Christians make up between eight and ten per cent, and the remainder consists of small numbers of other religious minorities, including Shi'a Muslims, Sufi Muslims (officially considered Sunni) non-Coptic Christians, Baha'i, and Jews. The government officially recognises three religions: Islam, Christianity, and Judaism.

Personal Status Laws

3.3 Religion is central to identity in Egypt. Egypt's constitution states that Islam is the state religion, and the principles of *sharia* are the primary source of legislation. Article 64 of the constitution states that 'freedom of belief is absolute'. Religious institutions of the three recognised religions (Islam, Christianity and Judaism) are responsible for personal status issues such as marriage, divorce and inheritance. Muslim personal status laws derived from *sharia* are reflected in legislation. Family Courts apply this legislation to Muslim couples; Muslims married to Christians, and married couples who belong to different Christian denominations (see '[Christians](#)'). For Christians and Jews, the religious authorities themselves adopt personal status rules, based on relevant religious doctrine. These rules are considered equivalent to administrative decisions, and are subject to review in Egyptian courts. The Personal Status Laws are currently undergoing a review process, but it is unclear whether this will result in any significant change from the status quo.

3.4 Recent court rulings have allowed Egyptians belonging to unrecognised religions, such as Baha'i, or unrecognised Christian sects (see '[Christians](#)') such as Jehovah's Witnesses, to have a dash (-) recorded against the religion field in their identity documents. Members of these groups, however, may still face difficulties in relation to personal status issues due to the lack of a civil alternative.

3.5 Egypt is a socially conservative country, and very few couples live together outside of marriage in both urban and rural areas. The state administers marriages between Muslims in accordance with Muslim personal status laws. Christians and Jews must seek marriage under their respective religious institutions before obtaining a marriage contract from the state. All marriages must be registered with the Ministry of Justice, which issues official [marriage certificates](#). According to *sharia* (as interpreted by Egyptian courts), a Muslim man can marry a non-Muslim woman without her having to convert to Islam. A Muslim woman,

however, can only marry a non-Muslim man if he converts to Islam. Some Christian denominations will reportedly marry Christians from different denominations without requiring one party to convert, but most, including the Coptic Orthodox Church, will generally only marry couples from the same denomination.

3.6 There is no civil marriage in Egypt, and all religious authorities are strongly opposed to the concept. Civil marriages of Egyptians abroad are recognised in Egypt only when they comply with Egyptian personal status laws. For example, if a Muslim woman married a Christian man in a civil marriage in Australia, it would not be recognised in Egypt. Likewise, Egypt would not recognise a same-sex marriage.

Religious Conversions

3.7 There is no statutory prohibition in Egypt on converting from one religion to another. In order to convert to Christianity, authorities require documents from the receiving church, identity documents and fingerprints. Checks are also made on criminal history as conversion often requires a change in name. Converts to Islam will generally have their conversions recognised and their identity cards changed accordingly without difficulty or delay. However, courts and government officials have generally interpreted *sharia* as prohibiting conversion from Islam. Authorities have at times reportedly refused to recognise such conversions, including through failing to amend a convert's national identity card (and corresponding record) to reflect their chosen faith. This has significant ramifications for personal status issues, such as marriage and divorce, and the state's view of the religious identity of any children born to a convert. Egyptian children obtain a national identity card at age 16, with their religious identity matching that of their parents (their Muslim parent, in the case of a mixed marriage between a Muslim man and Christian woman).

3.8 A 2011 court ruling allowed Christians who converted to Islam and then back to Christianity (generally in order to more easily access divorce) to amend their identity cards to reflect their return to their original faith. DFAT understands, however, that only a small number of such individuals have been permitted to do so, and that several thousand others are still waiting to have their cards changed back.

3.9 Converts from Islam to other religions are not generally subject to officially sanctioned violence, detention or surveillance. However, they face significant societal discrimination in the form of rejection, ostracism and sometimes violence from their families or communities. Such discrimination is worse in poorer and rural areas, which tend to be more socially conservative. The level of discrimination is likely to be higher if the convert engages in proselytization.

3.10 DFAT is aware of anecdotal reports of Christian women and girls being abducted and forcibly converted to Islam. Such reports have occasionally led to increased tensions and clashes between Christian and Muslim communities, particularly when the alleged abductions involve family members of Christian priests. However, there is little evidence to suggest that forced conversions occur as a regular phenomenon. DFAT assesses that most religious conversions in Egypt occur either to enable a person to marry someone from another faith, or to access divorce.

3.11 DFAT assesses that a person converting from Islam faces a moderate risk of official discrimination. They may experience difficulties in having their conversion officially recognised, including on national identity cards, which may affect their ability to access government or religious services. DFAT assesses that a person converting from Islam faces a high risk of societal discrimination in the form of rejection, ostracism and possible violence from their families and communities.

Blasphemy/Defamation of Religion

3.12 Article 98(f) of the Egyptian Criminal Code provides for prison sentences of up to five years and/or fines of up to EGP1000 (\$AU145) for 'exploiting and using religion in advocating and propagating extremist thoughts with the aim of instigating sedition and division or disdain and contemplating any of the heavenly religions, or prejudicing national unity or social peace'. Articles 160 and 161 proscribe various acts connected with religion, including disturbing religious ceremonies, violating the sanctity of religious buildings or cemeteries, printing adulterated versions of holy books, or imitating religious ceremonies for the purpose of ridicule.

3.13 Courts of general jurisdiction (see '[Judiciary](#)') hear defamation of religion cases. While the Misdemeanour Courts hear most cases, the Criminal Courts may have jurisdiction if the charge is serious enough to involve a potential term of imprisonment. It is common for cases to last over a year, and for proceedings to be postponed repeatedly. The Public Prosecution Office places charges, which may occur after a lawsuit is filed, a private citizen files a complaint, or the state itself files a case. A conviction under Article 98(f) can result in a prison sentence of up to five years, and/or a fine.

3.14 Before the 2011 Revolution, defamation of religion cases were rare. The number and frequency of charges rose considerably under the Morsi government, and this trend has continued under Sisi. A January 2015 decree permitted the government to ban any foreign publications deemed offensive to religion, and Article 98(f) has been used against an increasingly wide range of groups across the country, including atheists, Christians (including converts from Islam), and artists. The increased use of social media has reportedly been a contributing factor in the rise of such cases: more people have had visibility of potentially controversial material, and so the number of complaints has risen accordingly.

3.15 According to the US Commission on International Religious Freedom (USCIRF), there were 15 known ongoing cases and investigations under Article 98(f) in 2017, an increase from 2016. Many of the cases involved expression on social media. The majority of charges filed have been against Sunnis, including a cleric who was sentenced to five years' imprisonment in February 2017 for questioning various interpretations of Koranic texts on Facebook. The majority of those sentenced to prison terms, however, have reportedly been non-Muslims.

3.16 DFAT understands that those accused of blasphemy rarely have an adequate defence counsel. Penalties include fines and/or imprisonment ranging from six months to five years. In some cases, families have reportedly had to leave their homes due to threats received because of defamation of religion cases.

Construction and Restoration of Churches

3.17 Church building is one of the most sensitive communal issues in Egypt. It has traditionally been very difficult to build a new church in Egypt, as local authorities have imposed convoluted processes to request permission and then ultimately refused the building permit. In contrast, the law does not stipulate any government role in reviewing the number or size of mosques, and no approval is required for mosque renovation. DFAT understands that there are approximately 2,800 registered churches throughout Egypt, compared to nearly 110,000 mosques.

3.18 In August 2016, the parliament passed law 80/2016 required by Article 235 of the constitution to allow Christians to build and renovate churches. The law requires the size of a church to be 'commensurate with' the number of Christians in the area. Because there are no official statistics in relation to the size of religious communities, determining the size of local Christian communities is difficult and most likely arbitrary. The power to approve requests is exercised by local governors, who must respond to a request to

build or renovate a church within 120 days. Refusals must include a written justification. There are no appeal mechanisms.

3.19 Local contacts have reported that the 2016 law was welcome, but that implementation at the local level had been problematic in some areas. These contacts reported that the Coptic Church had presented requests for over 2,500 existing unlicensed churches and affiliated buildings following the passing of the law, but (as of October 2018) authorities had only approved around 200 applications. Local sources report that authorities had refused to grant permits in sensitive areas (including the Upper Egypt cities of Minya, Luxor, and Esna) due to strong opposition from local Muslims, and had closed up to 12 churches in these cities in defiance of the new law. In less sensitive areas, however, authorities had granted permits for around 50 new churches to be built and had made large areas of previously uninhabited land available. The Ministry of Housing also reportedly issued an order in January 2018 permitting Christians to practice their religious rites at unlicensed churches pending the legislation of their status. Local media and some international religious publications have reported that the government has recently approved the construction of up to 170 new churches. President Sisi inaugurated a new cathedral outside Cairo in January 2019 (the largest cathedral in the Middle East).

3.20 The government has rebuilt a number of churches and other church-owned properties destroyed or damaged in mob violence in 2013. The Saints Peter and Paul Church in Cairo was also repaired after a December 2016 suicide bombing that killed 29 people (see [Security Situation](#)). The government has funded a church in al-Our village in Minya in honour of 20 Copts beheaded by an Islamic State-affiliated militant in Libya. In Alexandria, the main synagogue is undergoing extensive renovations paid for by the Egyptian Government (estimated USD \$5 million) with a renovation team comprised of technical specialists.

Terrorist Attacks on Christians

3.21 In December 2016, a suicide bomber targeted a church service at a chapel adjoining St Mark's Cathedral in Cairo, killing 29 and injuring 49. Following the previously mentioned February 2017 attacks in el Arish, IS claimed responsibility for two major attacks against Palm Sunday church services on 9 April 2017. The first attack occurred at a service in Tanta, killing 27 people and injuring over 70. The second attack occurred at a cathedral in Alexandria. At least 16 people were killed and 66 people were injured in the Alexandria attack: Pope Tawadros was saying mass at the cathedral at the time, but escaped unharmed. In May 2017 in Minya, a gunman opened fire on a bus and killed 29 people who refused to renounce their faith. In November 2018, militants ambushed three buses carrying Christian pilgrims to a remote desert monastery south of Cairo, killing seven and wounding 19. In addition to these attacks, security services have reportedly thwarted a number of attempted attacks.

Communal Violence

3.22 Most Egyptians, especially those living in urban areas, work, live and socialise together with little regard to each other's religious identity. However, small-scale disputes such as neighbourhood disagreements can on occasion adopt religious overtones and escalate into community-level violence, particularly in poorer and rural areas. Most communal incidents in Egypt take the form of vandalism and destruction of property. The large-scale anti-Christian violence that occurred in 2011 and 2013 notwithstanding (see [Security Situation](#)), high-profile incidents in which people are killed or churches attacked are not a frequent occurrence.

3.23 A general breakdown in law and order nationwide occurred in the years following the 2011 Revolution, peaking in the period leading up to and immediately following the July 2013 military

intervention, and again in the aftermath of the August 2013 dispersals of pro-Morsi protests in Cairo. On these occasions, Muslim Brotherhood members and supporters attacked Christian targets across the country, including churches, schools, and private property. A November 2014 government report into the anti-Christian violence found that 29 people had died in communal-related killings, 52 churches had been completely razed, another 12 damaged, and numerous Christian-owned properties destroyed. Most, but not all, of the incidents were marked by a slow police response, which may have been in part the result of police and security personnel being otherwise engaged in protecting government institutions. Large-scale anti-Christian violence ended with the declaration of a nationwide state of emergency and curfew in August 2013, combined with a security crackdown on protest activity by Brotherhood supporters. In December 2014, 40 perpetrators found responsible for attacks on churches in Upper Egypt received prison terms ranging from one to 15 years.

3.24 The majority of incidences of communal violence in recent years have taken place in the provinces of Upper Egypt. The province of Minya – which has a sizeable (approximately 40 per cent) and relatively assertive Christian population, high concentration of Islamists, high rate of poverty, and low rate of education – has been particularly notable in this regard. According to the National Council of Human Rights, around ten incidents of communal violence occur each month in Minya. In one particularly high profile incident in May 2016, an elderly Christian woman was stripped and assaulted by a 300-strong mob angered by rumours that her son was in a relationship with a divorced Muslim woman. In July 2016, eight men involved in the incident were released and ordered to pay a fine.

3.25 Egyptian leaders are sensitive to the impact of communal violence. President Sisi has repeatedly denounced attempts to create rifts among Egyptians and called for national unity, most recently in relation to the displacement of Christians from northern Sinai. In December 2018, the government announced it would form a higher committee tasked with developing a general strategy to prevent and confront communal incidents. While acknowledging Sisi's personal engagement on the issue, Church officials have questioned the commitment of some local officials and law enforcement to upholding the law equally for Christians and Muslims.

3.26 DFAT assesses that while Egyptian authorities are generally committed to preventing communal violence, this commitment may vary between individuals and locations. Occasional violent incidents of communal violence are likely to continue to occur, especially in Upper Egypt and in Minya in particular. Most cases are likely to be the result of small-scale localised disputes that take on a religious dimension.

Atheists

3.27 The centrality of religion in Egypt is rarely questioned and it is virtually impossible to live in Egypt completely free of religious tradition. National identity cards and corresponding records reflect a person's religious identity at birth. There is no legal statute preventing atheism in Egypt. However, the state has strongly opposed the practice. Egyptian authorities have prosecuted a number of atheists over the past years under Article 98(f) for publicly questioning Islam in writing or speech, including through Facebook posts (see 'Blasphemy/ Defamation of Religion'). In December 2017, for example, a 29 year old man was detained and interrogated for administrating a Facebook page that allegedly promoted atheism. It is unclear whether the man remains in custody.

3.28 There has been some inconsistency in prosecuting proclaimed atheists. Atheists have occasionally appeared on mainstream television to debate religious topics without official consequence. A volunteer atheist network has produced an online television program on atheism since March 2015, although it is unclear whether the program is still being produced.

3.29 Atheism has little public support in Egypt, regardless of socio-economic status or geographic location. Proclaimed atheists have experienced physical attacks and death threats, and are likely to face arrest if they seek police protection. Families and communities are likely to disown proclaimed atheists from both Muslim and Christian backgrounds.

3.30 DFAT assesses that people who are open about their lack of religious belief face a high risk of official discrimination because vilification by government officials leaves them vulnerable to arrest (under Article 98) or vigilantism. DFAT assesses that atheists face a moderate level of societal discrimination, although this is dependent on individual and socio-economic circumstances. Proclaimed atheists in rural and poorer areas, which tend to be more conservative than middle class urban areas, face an increased risk of violence, discrimination and harassment.

Christians

3.31 Christianity was established in Egypt in the first century and is one of the oldest centres of Christianity in the world. Although there are twelve officially recognised Christian denominations in Egypt (four Orthodox, seven Catholic and one Protestant), the vast majority of Christians in Egypt are members of the Coptic Orthodox Church. All those belonging to recognised Christian denominations are identified as Christian on their national ID cards. While Christians reside throughout the country, they are particularly concentrated in Upper Egypt (the southern part of Egypt) and in major cities such as Cairo and Alexandria. Suburbs in Cairo and other cities and some villages are sometimes regarded or described as ‘Christian areas’, but few are exclusively Christian (or Muslim). Egyptian Christians are politically and socio-economically diverse: they hold varied professions; range from the very poor to the very rich; and have attained a range of education levels.

3.32 Christians generally dress similarly to Muslim Egyptians. In urban areas, however, Christian women are more likely than Muslim women to leave their hair uncovered. Christian women living in rural or conservative areas are more likely to cover their hair, but generally do not wear the Islamic hijab. Christians tend to have identifiable names. Some Christians tattoo small crosses on the inside of their wrists or between their thumb and forefinger as a mark of their identity, often following visits to monasteries or holy sites. Not all Christians have these tattoos and it is not a mandatory religious practice.

3.33 There are no legal barriers to prevent Christians from being visible in public life, and a number of Christians have become prominent and influential in Egyptian politics and business. DFAT understands that the percentage of Christians in the Egyptian civil service is broadly representative of the religious breakdown of the population. However, Christians tend to be under-represented in senior civil servant roles, and in the upper ranks of the military and security services. It is very rare for Christians to be appointed as presidents, deans or vice-deans in public universities. While anti-discriminatory laws and legal protections exist, these are not always enforced fairly and Christians may experience some discrimination, particularly in rural areas.

3.34 Most Christians viewed the post-2011 Revolution ascendancy of the Muslim Brotherhood with considerable apprehension. They regarded the Morsi government’s removal and the restoration of general law and order as a cause for relief, and strongly supported the ascendancy of Sisi to the presidency. Many Christians and representatives of other minority faiths report that while things could always improve, they generally consider themselves better protected under President Sisi than previous Egyptian leaders. Christian religious authorities have consistently expressed appreciation for Sisi’s public messaging which has called upon Egyptians to place national unity above religious differences, and for his personal example: in 2015, Sisi became the first Egyptian head of state to attend Christmas mass at the St. Mark’s Cathedral in Cairo and has attended every year since. Sisi has actively engaged with the Christian community, declaring days of national mourning or calling personally on Pope Tawadros to express his condolences following

terrorist attacks against Christians (see [Security Situation](#)). Local sources report that Christians generally remain strong supporters of Sisi, although (like other Egyptians) their initial enthusiasm has waned due to the lack of economic improvement and ongoing social difficulties in Egypt.

3.35 Minority Rights Group International estimates that there are between 1000 and 1500 Jehovah's Witnesses living in Egypt. Although the denomination is not officially recognised, authorities permit its members to meet privately in gatherings of fewer than 30 people). Jehovah's Witnesses are banned from importing religious literature such as Watchtower publications, which are a key part of religious instruction and practice for Witnesses.

3.36 DFAT assesses that Christians face a moderate risk of discrimination that is more likely to be societal than official in nature, and is likely to vary considerably according to geographic location. Christians, particularly in rural areas, may face difficulty in obtaining justice through legal means (see [Judiciary](#)). Despite the lack of any official policy of discrimination, Christians remain less likely than Muslims to be able to achieve senior positions in institutions such as the civil service, military and security services, and universities.

Shi'a

3.37 Estimates of the numbers of Egyptian Shi'a vary between 800,000 to two million. Egyptian Shi'a do not have any defining characteristics such as appearance or dress that would distinguish them from other Egyptians. They do not live in identifiable communities. Although most Shi'a have given names such as 'Ali' or 'Hussein' that would identify them as Shi'a in other parts of the Middle East, many Egyptian Sunnis also use these names. National identity cards identify the holder as 'Muslim' without any additional clarifying information about sect, and Shi'a are not required to carry any other form of additional identification.

3.38 Although there is no official legislation prohibiting Shi'ism in Egypt, the state has acted on occasion to prevent its practice. State action against Shi'a activities has tended to peak during times when Egypt has been experiencing diplomatic tensions with Iran, backed by media coverage which has frequently portrayed Egyptian Shi'a as spies for Iran. In May 2015, the Ministry of Social Solidarity announced the formation of a committee tasked with investigating non-government organisations (NGOs) alleged to be practising or promoting Shi'a religious rites. On several occasions in recent years, the Ministry of Endowments has closed the Imam Hussein Shrine in Cairo (a site of particular significance for Shi'a) for a three-day period surrounding the observation of Ashura, releasing a statement that described Shi'a practice as a falsehood with no connection to Islam.

3.39 Popular Islamist rhetoric against Shi'a rose during the Morsi period. In June 2013, a mob numbering several hundred lynched a prominent Shi'a cleric and three others in Greater Cairo. The killings took place in the midst of violence that followed months of Shi'a denigration by Salafist preachers and the then-ruling Muslim Brotherhood. In June 2015, 23 men implicated in the killings were sentenced to 14 years in prison without parole, while a further eight defendants were acquitted. However, those who incited the violence were not prosecuted.

3.40 DFAT assesses that state authorities have generally attempted to prevent sectarian tensions from escalating, although this commitment may vary between locations. The level of societal discrimination against Shi'a varies according to socio-economic level and geographic location. Most Shi'a maintain a low profile in relation to their religious identity. DFAT is aware of reports that Shi'a have been arrested for practising their faith in private homes after local residents have called the police to complain. DFAT is aware of allegations that Shi'a have been dismissed from private sector employment after their employers discovered their religious identity, but DFAT is not aware of any cases where Shi'a have been dismissed from public sector employment because of their faith. Like other religious minorities, courts have prosecuted a

number of Shi'a under Article 98(f) of the Criminal Code (see [Blasphemy/Defamation of Religion](#)). In October 2016, for example, a Shi'a man was accused of teaching children about Shi'a beliefs and later convicted on insulting Islam. He was sentenced to two months in prison.

3.41 DFAT assesses that Shi'a face a moderate risk of societal and official discrimination as they are unable to freely practise key elements of their religion and because vilification by government officials leaves them vulnerable to arrest under Article 98(f) or to public vigilantism. DFAT assesses that Shi'a face a moderate level of societal discrimination, although this is dependent on individual and socio-economic circumstance and is unlikely to include violence.

POLITICAL OPINION (ACTUAL OR IMPUTED)

3.42 Article 73 of the Constitution guarantees citizens the right to organise public meetings, marches, demonstrations, and all forms of unarmed peaceful protest by serving a notification as required by law. The Constitution further guarantees the right to peaceful and public assembly without need for prior notification, and prohibits security forces from attending, monitoring, or eavesdropping on such meetings.

3.43 In practice, the passing of Law 107/2013 ('the Protest Law') in November 2013 has severely restricted the ability of citizens to protest peacefully against the state. The Protest Law was introduced amid a tense political environment characterised by recurrent protests. It requires organisers of any kind of public event or meeting involving more than ten people to provide police with three days' notice; prohibits houses of worship (or their vicinities) being used for political gatherings or as meeting points for marches; and limits activities which could be seen as violating general security, public order, production, or which could impact on public services or the flow of traffic, among other things. Failure to comply with the Protest Law's provisions are punishable with fine of up to EGP300,000 (AUD50,000), or up to seven years' imprisonment.

3.44 In December 2016, the Supreme Constitutional Court confirmed that the majority of the Protest Law was constitutional, with the exemption of one article allowing the Interior Minister to unilaterally cancel or change the location of planned protests. The law is now protected from any further legal challenges. President Sisi has signed a number of parliamentary amendments to the law intended to meet the Supreme Constitutional Court's ruling, but these have not significantly affected the law's highly restrictive nature. Since its introduction, the provisions of the Protest Law have been strictly applied, resulting in a number of harsh sentences and a decrease in the number of large-scale street protests in Egypt. Sentencing, and the completion of sentences, for those convicted under the Protest Law has been inconsistent: in March and June 2018, Sisi pardoned 705 prisoners, most of whom had been convicted in cases related to peaceful protests.

3.45 Human rights observers report that security forces have rounded up activists pre-emptively ahead of anticipated protests. In April 2018, for example, security forces arrested 190 political activists, primarily in home raids, ahead of the mid-June parliamentary approval of the controversial government decision to cede two Red Sea islands to Saudi Arabia. While rare, demonstrations do still occur: in May 2018, police arrested at least 35 people for protesting against a Ministry of Transportation decision to increase fares on the Cairo metro system by up to 250 per cent. While 22 of those arrested were released on the same day pending investigation, Amnesty International reported in November 2018 that the remaining 13 were still in pre-trial detention on charges of participating in unauthorised protests and membership in a terrorist group.

3.46 The government has restricted the ability of citizens to assemble for non-political purposes, notably football (soccer). Authorities banned supporters from attending domestic league matches after 74 people were killed and hundreds injured in clashes between supporters of two leading clubs in 2012. Although the ban was partially lifted in 2018, only fans whose names have been vetted by the security services are allowed to attend matches. Authorities have targeted for arrest hard core supporters (commonly known as 'Ultras') of

the major Cairo football clubs Al Ahly and Zamalek, who have had a long history of enmity with security services, including during the 2011 Revolution. Security forces arrested at least 44 members of the Zamalek Ultras over the course of February 2018 on charges of joining a terrorist group, and a similar number of Al Ahly Ultras in March 2018 on the same charge.

3.47 A November 2018 Amnesty International report noted that in the lead up to the March 2018 elections, authorities detained many senior political figures who had either criticised President Sisi or announced their intention to run against him:

- In January 2018, security forces arrested Sami Anan, the military's former chief of staff, after he announced on Facebook his intention to run in the presidential election. The military reported that Anan would face legal action for making his announcement without obtaining the permission of the armed forces. Anan remains in a military prison.
- In February 2018, security forces arrested Hisham Genina, formerly Egypt's most senior anticorruption official and a senior figure in Anan's campaign. Genina was referred in April to a military court for trial on charges of publishing false information with the aim of harming national security in relation to comments he made to an online magazine alleging irregularities in the electoral process. The military court sentenced him in May to five years' imprisonment.
- In February 2018, security forces arrested Abdelmonim Aboufotouh, the founder of the centrist Misr al-Qawia ('Strong Egypt') political party, after he made critical remarks regarding human rights abuses in interviews with two satellite television stations, including Al Jazeera. Aboufotouh remains detained on the charges of membership in a terrorist group and publishing false information. According to his lawyer, Aboufotouh has had four heart attacks since being detained but has been refused permission to transfer to a hospital outside prison. Security forces arrested Aboufotouh's deputy, Mohamed al-Kassas, weeks earlier on the same charges. Al-Kassas has been held in solitary confinement since his arrest.
- Security forces also arrested a number of political activists, including a former Ambassador, after they variously called for a boycott of the presidential election; for a referendum on whether Sisi should continue in office; or invited political activists to gather in Cairo's politically symbolic Tahrir Square to discuss the political situation in Egypt. While some of the activists were subsequently released, DFAT understands that others remain imprisoned on security charges.

3.48 Insulting the military or the judiciary is a criminal offence, and those so accused are liable to be prosecuted in military courts. Human rights observers report that the definition of 'insult' is broad enough to include anyone who satirises the military or brings it into disrepute. In July 2018, a military court sentenced a poet to three years in prison for publishing false news and insulting the military. The poet, Galal el-Behairy, had gained publicity for writing a satirical song that criticised the government. The charges against him related to the title of an anthology of poems the plays on a phrase used to describe the military. In February 2019, a military court upheld an October 2018 ruling that sentenced the owner of a small bookstore to five years' imprisonment for revealing military secrets and spreading rumours (false news). The bookstore owner had published an Arabic translation of a book written by an Israeli author that alleged that the son-in-law of the late President Nasser was an Israeli spy. This rumour is widely known among Egyptians, and the book has been adapted into a movie on Netflix, which is available in Egypt. Egyptians on social media have strongly criticised the decision to uphold the sentence.

3.49 The government has taken additional legislative steps in 2019 that reduce further the ability of citizens to express dissent. Under recently approved amendments to Law 94/2015, property owners must provide National IDs of renters (or passport details in the case of a foreign renter) to the police within 72 hours of signing the lease. Failure to comply can result in a one year prison sentence and a minimum fine of LE5,000 (AUD400). The amendments also empower authorities to confiscate any property if the tenant

therein is convicted of a terrorist crime, irrespective of involvement by the property owner. The government has explained the amendments under its counter-terrorism agenda, focused on catching Muslim Brotherhood members (see following section) hiding under alias-renter identities and/or moving sporadically between properties. Human rights observers have criticised the amendments for allowing for greater surveillance of ordinary citizens and encroachment on proprietary rights.

3.50 Authorities have also reportedly stepped up efforts to ensure that ride sharing companies comply with a June 2017 law requiring them to provide information on customers and their journeys to security bodies without a judicial or prosecution warrant. Uber, which had reportedly pushed back against the requirement, experienced significant problems with the operation of its app in the opening months of 2019. Although these issues were attributed officially to a now-resolved separate dispute over a taxation charge, in-country analysts have reported that the app's operational problems are more likely to be related to the data access issue. Uber's app is now working without any issues, suggesting that the company has agreed to the demand to provide data. Other ride sharing companies have not experienced any such operational difficulties, indicating that they were already complying with the law.

3.51 DFAT assesses that the ability of Egyptian citizens to protest peacefully against the government or express dissent is severely restricted, and is continuing to narrow. Those who come to the attention of authorities for attempting to protest are highly likely to face arrest and prosecution on national security charges.

Muslim Brotherhood

3.52 The Muslim Brotherhood ('the Brotherhood') is an Islamist religious, political and social movement founded in 1928. The Brotherhood has traditionally represented the primary political opposition to Egypt's military rulers, despite being prevented for the most part from participating in formal politics and being subjected to intermittent (and often violent) crackdowns. Although the Brotherhood did not play a significant role in the 2011 revolution, it took a more assertive role afterwards. Since the July 2013 military intervention that removed President Morsi from office (see [Recent History](#)), Egypt's security apparatus and courts have carried out a significant crackdown on the Brotherhood's members and activities.

3.53 The Interim Cabinet declared the Brotherhood a 'terrorist organisation' under Article 86 of the Criminal Code in December 2013. Under Article 86, membership of a designated terrorist group may incur penalties of up to five years' imprisonment. Article 86 also criminalises the distribution of materials, in writing or in speech, pertaining to a proscribed organisation or in service of its objectives. Tens of thousands of Brotherhood members have been arrested and detained since July 2013. Key members of the Brotherhood senior leadership have been in detention since the July 2013 military intervention, and much of the leadership has fragmented. According to his family, Morsi has been held in solitary confinement since being overthrown in 2013. He is currently serving a number of lengthy prison sentences, and has had at least one death sentence overturned.

3.54 Courts throughout the country have handed down a series of harsh sentences (including the death penalty) in mass trials of those charged with participating in violent protests or riots following the military takeover (see also [Death Penalty](#)). In September 2018, a court handed down 75 death sentences and 47 life sentences against Brotherhood members, including the spiritual leader of the organisation, Mohamed Badi. Although the large-scale crackdown on the Brotherhood has largely concluded, arrests of Brotherhood members continue: on 29 January 2019, authorities arrested 54 members of the group over charges of planning to carry out hostile actions against state institutions on the anniversary of the 2011 Revolution.

3.55 DFAT understands that most, if not all, NGOs affiliated to the Brotherhood have either been shut down, had their assets seized, and/or had their board replaced with government appointees. In September

2018, an Egyptian judicial committee announced that it had frozen the assets of 1,133 charities allegedly connected to the Brotherhood. The committee additionally announced the freezing of the assets of some 118 companies, 104 schools, 69 hospitals, 33 websites and satellite channels, and 1,589 Brotherhood members.

3.56 In-country sources report that the government and state media consistently blame the Brotherhood (and terrorism) for all manner of domestic woes: the head of the National Football Federation blamed the group for the national football side's disappointing performance at the 2018 World Cup in Russia, for example, while media suggested that the Brotherhood was behind a train crash at Cairo's main railway station in February 2019 that killed 22 people (caused by a negligent conductor). While there is a degree of (unexpressed) public cynicism about this practice, it has reportedly created a social environment whereby any affiliation or connection with the Brotherhood – or any attempt to express political dissent (see [Political Opinion \(Actual or imputed\)](#)) – is considered evidence of supporting terrorism. This has resulted in a number of arbitrary arrests, prosecutions, and dismissals – in one case, the son of a non-politically active Brotherhood member was reportedly dismissed from his job in a regional hospital for 'supporting terrorism'.

3.57 Analysts report that the Brotherhood has undoubtedly been weakened by the government's broadly applied crackdown, and the movement has been driven underground. Broad popular support for the Brotherhood was reportedly damaged considerably by the incompetence demonstrated by their year in power, reinforced by years of anti-Brotherhood propaganda under Sisi. They note, however, that the Brotherhood retains a core support of up to 20 per cent of the population, strengthened by feelings of victimisation after the crackdown. As in the past, the restriction of all other avenues for political and social organisation (political parties, unions, universities, civil society, and media; see relevant sections) has left Egypt's tens of thousands of mosques as the only meeting place left, and religion the only social outlet. Brotherhood satellite channels broadcasting from Turkey are reportedly popular in Egypt, offering the only opposition voice accessible to the public.

3.58 DFAT assesses that Muslim Brotherhood leadership figures and members who continue to pursue political activities actively either within or outside the party structure are highly likely to be arrested and prosecuted. Ordinary inactive members, party supporters and those with family links to members are less likely to be personally targeted, but still face a risk of arrest, prosecution, or dismissal from state employment should their affiliations become known to authorities. All persons with MB links are likely to be subjected to surveillance and monitoring of their activities.

GROUPS OF INTEREST

Human Rights Defenders

3.59 The ability of individuals and organisations to carry out human rights-related activities has been considerably tightened under the Sisi administration. The government has increasingly restricted the ability of international and domestic NGOs to receive foreign funding. Authorities have frozen the funds of at least seven prominent NGOs and ten high-profile human rights defenders in relation to the 'Foreign Funding Case' (173/2011), which has also seen 28 activists banned from foreign travel. This case, which began in September 2016, relates to allegations that the NGOs and activists involved received foreign funding illegally in order to destabilise Egypt. The case remains ongoing, with the affected NGOs and activists unable to conduct activities.

3.60 Further restrictions on foreign funding came with the May 2017 introduction of the *Law on Associations and Foundations Working in the Field of Civil Work* (Law70/2017). This law ('the NGO Law')

established the National Authority for the Regulation of Non-governmental Foreign Organisations, a body whose membership includes representatives from a number of key government ministries and the intelligence services. The National Authority's mandate includes monitoring foreign organisations and all NGOs receiving funding from international sources, and verifying that these organisations are spending this money in approved ways. The NGO Law required that all international and domestic NGOs (at least 50,000) re-register with the Ministry of Social Solidarity within a 12 month timeline or face de-registration. A year after the law's introduction, however, the government had still not released the NGO Law's by-laws, making it difficult for NGOs to officially register and causing significant delays for their projects.

3.61 The NGO Law permits NGOs to receive foreign funding, provided they notify the National Authority and receive an approval within 60 business days. Non-response within this period is considered denial, reversing the previous legal position whereby non-response was considered de facto approval. The law does not outline appeals processes. The NGO Law established an NGO support fund comprising of government officials and NGO representatives, funded by NGO registration fees and one per cent levy on all funding that NGOs are eligible to receive. Foreign donors have expressed concern that this levy may be incompatible with international taxation laws, which would inhibit their ability to disperse funding to Egyptian NGOs.

3.62 Article 14 of the NGO Law states that NGOs are not permitted to practice activities that compromise national unity, security, public order, or public morals; while Article 62 states that the activities of international NGOs must be in line with the priorities of Egyptian society and government development plans, and cannot include any activity of a political nature or that impairs national security, public order, public morals, or public health. Article 78 of the law outlines penalties for non-compliance with the law, including up to five years' imprisonment and fines of up to EGP1 million (AUD79,500) for those cooperating with foreign organisations and working in civil society without a permit, or participating in field research or opinion polling without prior approval. Separate to the NGO Law, Article 78 of the Criminal Code states that individuals or organisations that receive foreign funding that harms Egypt's national security can face life imprisonment. NGOs have raised concern that the ill-defined nature of the provisions of Articles 14 and 78 leaves NGOs highly vulnerable to violating them inadvertently, and subsequently facing lengthy prison terms. In November 2018, President Sisi acknowledged that the NGO Law required amendment. The law has gone through a consultation process that has included foreign donors, resulting in a number of proposed amendments aimed at alleviating concerns. Until these amendments are approved, however, the law will continue to restrict significantly the ability of international and domestic NGOs to conduct human rights-related activities.

3.63 Authorities have increasingly used provisions under the Counter-Terrorism Law and other state of emergency measures against human rights defenders and other activists. HRW reported in November 2018 that authorities had arrested at least 40 human rights workers, lawyers, and political activists since late October. Many of those arrested were people who provided humanitarian and legal support to the families of political detainees, including some with Muslim Brotherhood connections. HRW reported that most detainees had been arrested in home raids, although at least one had been detained at the airport while attempting to leave Egypt. None of those arrested were shown warrants, and security forces refused to inform families and lawyers of the whereabouts of the arrested (see also [Enforced or Involuntary Disappearances](#)). While three female arrestees were subsequently released, the others remain detained in undisclosed locations. Some of those arrested were reportedly involved with the Egyptian Coordination for Rights and Freedoms (ECRF), an independent human rights group that has come under increasing attack by pro-government media in recent months. The ECRF's executive director has been in detention since September 2018, despite a court order to release him. Following the arrests, the ECRF announced that it was suspending its work in Egypt until further notice.

3.64 Human rights defenders have reported that the state has attempted to stigmatise their activities as being disloyal or 'un-Egyptian'. This has included through negative coverage in the state and pro-government

media and in the courts: the investigating judge in the foreign funding case criticised the involvement of one of the NGOs in the UPR process (see [Human Rights Framework](#)), and the issuing of statements that ‘harmed Egypt’s reputation’. Authorities have targeted for reprisal human rights defenders critical of the government, including through raids, hostile phone calls, the confiscation of assets, or prosecution. Prosecutors have most often charged human rights defenders (and other government critics) with ill-defined charges such as ‘publishing false information for the purposes of harming national security’ or ‘membership in a terrorist (or banned) group, generally without providing any supporting evidence. Prosecutors have appealed judicial release orders, and in many cases insisted on the long-term pre-trial detention of detainees.

3.65 In addition to those involved in the foreign funding case, dozens of other prominent human rights defenders are the subject of travel bans preventing them from leaving the country. Most bans are not formally announced, and the subject has only learned of their status upon arrival at the airport. Amnesty International reported in November 2018 that many human rights defenders had stopped expressing their political opinions on social media, fearing reprisals from authorities. Hundreds of human rights defenders and other political activists have reportedly left the country to avoid arrest, travel bans, or prosecutions in relation to their work.

3.66 DFAT assesses that human rights defenders engaged in human rights activities face a high risk of arrest and/or prosecution, which is likely to be through the [Military Courts and State Security Emergency Courts](#) system. They are highly unlikely to be able to conduct their activities without significant interference from state agents. High profile human rights defenders are likely to be subjected to travel bans prohibiting them from leaving Egypt.

Media

3.67 The constitution provides numerous guarantees relating to freedom of the press, the independence of media outlets, and the prevention of censorship. Egypt has a wide variety of traditional and electronic media, with satellite television particularly popular. The state, while not a monopoly, is a major force in the media and runs many TV, radio, print and online media outlets. In-country sources have advised that security agencies are expanding their ownership of local media outlets. Forty-five million Egyptians (48 per cent of the population) went online in 2017.

3.68 Under the Sisi administration, the ability of journalists and social media users to exercise freedom of expression has been significantly reduced. An ever-growing number of journalists have been imprisoned in relation to their work: while authorities imprisoned 11 journalists in the period between July 2013 and November 2017, since December 2017 prosecutors have ordered the detention of at least 28 journalists and documentary filmmakers. Most of the journalists detained work for online media outlets, have worked with media outlets based abroad, interviewed opposition leaders, or critically covered the 2018 presidential elections. International news agencies have reported serious concerns in relation to the safety of their Egypt-based staff. Reporters Without Borders ranks Egypt 161 out of 180 countries in relation to press freedom.

3.69 Human rights observers report that authorities have treated reported information related to human rights abuses or criticism of the performance of state institutions as ‘false information’ that requires punishment with prison sentences or prolonged pre-trial detention. The Office of the Public Prosecutor and the Supreme Council of Media have also imposed several gag orders on cases related to public affairs, including corruption. Whereas before 2018 authorities primarily brought defamation charges against imprisoned journalists, over the past year they have increasingly charged journalists (and others, including human rights defenders) with national security-related offences, including terrorism-related charges, membership of a banned group, or ‘spreading false news’. Journalists have been tried in the regular court

system and in military and state security emergency courts, and have in some cases received prison sentences. Prosecutors have routinely opposed judicial release orders, in many cases insisting on the long-term pre-trial detention of detainees. Some journalists have reported being subjected to beatings and other forms of torture while in detention (see [Torture](#)).

3.70 Restrictions on media reporting, including a full media ‘blackout’ in North Sinai (see [Security Situation](#)), have resulted in a lack of critical coverage. Even in the absence of such restrictions, in-country sources advise that self-censorship is common: journalists are often reluctant to report about sensitive ‘red line’ issues including terrorism and government corruption, or to voice opinions that might be deemed critical of the state. Those who have attempted to report on such issues have faced the full weight of the law: in May 2018, a military court convicted a freelance journalist of being a member of a banned organisation and of spreading false news, and sentenced him to ten years’ imprisonment.

3.71 Reporting on [LGBTI](#) issues represents another red line: In August 2018, a presenter on a privately owned TV network interviewed a gay man about his relationships and his prior activity as a sex worker. The presenter also interviewed a journalist who had posed as a gay man on the dating app Grindr in order to learn more about the community. Following the broadcast, a private lawyer filed a lawsuit against the presenter, after which the Supreme Media Regulatory Council suspended the program for two weeks. On 20 January 2019, a Giza court sentenced the presenter to a year in prison and fined him EGP3,000 (AUD238) on charges of promoting homosexuality and inciting debauchery. The reporter has reportedly filed an appeal and it is unclear whether he is currently imprisoned.

3.72 The *Law of the Organization of the Press, Media and the Supreme Council of Media* (the Media Regulation Law), introduced in August 2018, increases the government’s already broad powers to monitor, censor, and block social media websites and blogs, and criminalises any content that violates vaguely defined political, social, or religious norms. The Media Regulation Law gives the Supreme Council of Media the authority to file criminal complaints against digital media platforms and individuals on the basis of vaguely worded offences such as ‘inciting people to violate laws’, and defamation against individuals and state institutions’; and imposes bureaucratic and financial barriers to opening new websites that are usually out of reach for digital creators. The new law subjects any individual social media accounts with more than 5000 followers to the same level of criminal responsibility as formalised media outlets with regard to acts such as ‘publishing false information’ or ‘inciting the public to disobey laws’. In-country sources report that authorities periodically detain ordinary citizens for social media comments made in relation to a wide range of issues, including gender-based violence (see [Violence against Women](#)). Amnesty International reported in November 2018 that the new law gives the state near-total control over print, online, and broadcast media.

3.73 The *Anti-Cyber and Information Technology Crimes Law* (the Cybercrime Law), also introduced in August 2018, gives police and investigative authorities the power to monitor and block websites for material they deem as inciting crime or damaging national security. Even before the Cybercrime Law’s introduction, authorities frequently blocked access to websites: over 500 are currently blocked, and Freedom House rates Egypt one of the ten worst performers in the world in terms of internet freedom. According to local NGOs, 62 per cent of the blocked websites provide news services, 24 per cent provide tools for circumventing online censorship and surveillance, 6 per cent belong to human rights groups, and 5 per cent to political groups. The blocking of websites has generally taken place without a court order.

3.74 DFAT assesses that journalists and social media users who attempt to report or comment on issues perceived as sensitive or critical of the state or government are highly likely to face significant interference from the state. This interference may include arrest, prosecution, defamation charges, monitoring, or travel bans.

Women

3.75 Article 11 of the Constitution commits the state to achieving equality between women and men, and to ensuring appropriate representation of women in national bodies. There are considerable legal protections for women in many areas, including on personal safety, participation in the workforce, and mandatory schooling for girls. The government's National Strategy for the Empowerment of Egyptian Women (2017 – 2030) sets a number of concrete targets for political, economic and social empowerment for 2030, including increasing the percentage of women in public posts from 5 per cent to 17 per cent; reducing the unemployment rate for women from 24 per cent to 16 per cent; and halving the maternal mortality rate (currently 33 women die from pregnancy related causes for every 100,000 live births, compared to 8.5 in Australia). The strategy also aims to eliminate sexual harassment and domestic violence entirely, and to improve Egypt's ranking on the UN Gender Inequality Index to 88 of 159 selected countries from its 2017 position of 115.

3.76 Women participate in all areas of Egyptian society, including government, business and civil society. However, societal, cultural, legislative, and religious barriers continue to place considerable limits on that participation. The implementation of constitutional protections can be unpredictable, and frequently dependent on the individual discretion of police, prosecutors, or judges. Human rights organisations have told DFAT that some judges, particularly in rural areas, allow their religious or cultural view of women to influence their findings. This problem is exacerbated by the fact that the judiciary is almost entirely male – only 0.5 per cent of judges are women. The accountability of police is also an issue, both in terms of their capacity to enforce laws preventing violence and harassment of women and as perpetrators of such acts. DFAT understands that police have targeted some women living alone (which is a social taboo in Egypt) for arrest or extortion under Law 10/1961, which prohibits prostitution.

3.77 Religiously-based Personal Status Laws tend to disadvantage both Christian and Muslim women (see [Personal Status Laws](#)). For example, while Muslim men can unilaterally divorce their wives without providing any justification, Muslim women must either forfeit their financial rights by accepting a 'no-fault' divorce, or fight a long and costly court battle to prove their husband harmed them. Christian women married to Christian men are only able to access divorce if their husband converts to another religion or is unfaithful, which results in many women being unable to leave abusive relationships. Women are entitled to inherit only half as much as their male relatives. Laws related to adultery are far more severe for women than men. Women have fewer custodial rights than men. If a divorced woman with children decides to remarry she loses custody of her children to the children's father or his closest female kin, leading most divorced women to elect not to remarry. Abortion is criminalised in all cases. Women may not remove a child from Egypt without the specific permission of the father (see [Exit and Entry Procedures](#)).

3.78 There have been considerable improvements on women's representation in parliament in recent years, achieved through a quota system: Law 46/2014 stipulated the presence of 56 women on party lists, as well as 14 women appointed directly by the President. Women make up 14.6 per cent of the current Parliament (compared to 2 per cent in 2012), there are eight women Ministers, a female National Security Advisor, and a woman Governor. The government has made progress in improving financial inclusion for women: formal account ownership among women more than tripled between 2011 and 2017, and the Central Bank is now collecting sex-disaggregated data. The government's economic reform agenda, however, has had a disproportionate impact on women, who since 2014 have dropped out of the employment market in increasing numbers. The IMF-backed efforts to cut the public sector wage bill (see [Economic Overview](#)) has had a particularly impact, given the public sector provided the majority of formal employment for women. In-country sources have reported a considerable rise in women being forced into prostitution for economic reasons.

3.79 Female genital mutilation/cutting (FGM/C) is a strongly held traditional practice in Egypt. It is widely practiced in both Muslim and Christian communities, and strong social pressure is placed on young women and girls to undergo the procedure in order to get married. FGM/C has been illegal in Egypt since 2008 (Article 242 of the Criminal Code), although the law does not explicitly set out punishments for aiding or abetting the practice, nor addresses failure to report FGM/C, whether it is planned or has taken place. Egypt's highest Muslim religious authorities have repeatedly declared that FGM/C has no basis in Islam. A comprehensive 2013 study by the United Nations International Children's Emergency Fund (UNICEF) found that over 90 per cent of Egyptian women had been subjected to FGM/C, which had been conducted by a medical professional in around three-quarters of cases. In February 2016, UNICEF reported a noticeable reduction in the percentage of girls aged 15 – 19 years who had undergone the procedure, which may indicate that the practice is on the decline.

3.80 Despite the high rate of medicalised FGM/C in Egypt, no laws explicitly address medical malpractice and the performance of FGM/C by health professionals, whether in government or private hospitals, clinics or private homes. Prosecutions are rare and have generally been limited to cases where girls die during or after the procedure.

Violence against Women

3.81 Rape, sexual harassment, and other forms of sexual and gender-based violence are all strongly prevalent in Egypt. A 2017 survey by the Thomson Reuters Foundation found Cairo the world's most dangerous megacity for women.

3.82 Article 267 of the Criminal Code makes rape a crime punishable by death. The legal definitions for rape and sexual assault are weak, however, and rape within marriage is not a crime. Women's rights activists estimate that tens of thousands of incidents of rape occur annually, very few of which result in conviction. Human rights observers report that authorities generally treat allegations of rape and sexual assault as a 'social nuisance' rather than a crime to be prosecuted, and rarely make serious attempts to prosecute those responsible for sex crimes.

3.83 Sexual harassment is a frequent occurrence for women across the socio-economic spectrum. A 2013 UN Women study found 99.3 per cent of Egyptian women had experienced sexual harassment, while 91.5 per cent reported experiencing unwanted physical contact. The study found that most sexually assaulted women would not report the crime to the police or tell their families. Those who do make reports sometimes face retaliation from perpetrators or even their own families, who may blame them for provoking the assault or for bringing shame on the family. Sexual harassment was found to be particularly prevalent during mass street celebrations such as religious feasts, or political demonstrations. State officials and members of parliament have sometimes blamed victims of sexual violence because of their "revealing clothing".

3.84 Decree 50/2014 criminalised sexual harassment for the first time, providing for prison sentences of up to five years, and parliament imposed higher penalties for sexual harassment in December 2017, including fines of up to 10,000 Egyptian pounds (about \$750 AUD). There have been some instances in which authorities have successfully prosecuted perpetrators of sexual harassment: nine men received lengthy prison sentences in July 2014 for participating in mob sexual assaults, and a man received a five-year sentence in April 2015 for sexually harassing a woman on public transport in Cairo. However, such prosecutions and sentences remain rare. Authorities have instead taken action against individuals and groups who have spoken out on the issue. For example, in May 2018 authorities arrested an activist who had posted a video on Facebook which spoke about the prevalence of sexual harassment and criticised the government's failure to protect women. In September, a court sentenced the activist to two years' imprisonment for publishing false news, and fined her EGP10,000 (AUD795) for making public insults. The

activist continues to face charges in a separate case of belonging to a terrorist organisation. Human rights observers report that several other women's rights groups and activists also face criminal charges in relation to their activism, with a number of activists subject to travel bans (see [Exit and Entry Procedures](#)).

3.85 Domestic violence is prevalent and commonly accepted across religious communities and socio-economic levels: a 2017 UN Women survey of gender attitudes found that 90 per cent of Egyptian men and 71 per cent of women agreed with the statement that wives should tolerate violence to keep the family together. In-country sources report that domestic violence rates have risen in line with widespread frustration over economic austerity measures (see [Economic Overview](#)). Socio-economic factors can make it difficult for a woman to escape a violent relationship: attempting to do so in conservative or rural areas will usually result in communal and familial ostracism.

3.86 Very limited services are available for women seeking to escape domestic violence: only eight government-run shelters operate nationwide (in Cairo, Giza, Qalyubia, Alexandria, Beni Sueif, Fayoum and Minya). These shelters provide social, family, and psychological counselling, along with referrals to other service providers. According to human rights observers, the shelters focus primarily on reconciling women with their abusive husbands, and tend to shelter women on a limited basis. The shelters are poorly resourced and advertised, and they apply rules and procedures that greatly limit their accessibility and utility to survivors of domestic violence. For example, unmarried women (including those perceived not to be virgins), those seeking divorce, and those with children are all precluded from accessing them. In-country sources report that attempts by civil society organisations to set up private shelters have been prevented by court orders or other legal proceedings against their activities.

3.87 There are no reliable statistics available regarding the incidence of killings and assaults motivated by 'honour' – these are not specifically addressed in the Criminal Code, and are considered as any other crime. Several articles of the Criminal Code in effect condone the committing of such crimes, including Article 17, which provides for reduced sentences in light of mitigating circumstances; Article 60, which does the same for offences committed in good faith of a *sharia* right; and Article 237, which provides for reduced sentences when a husband surprises his wife in the act of adultery and kills her. Human rights observers report that the practice of honour killings is more common in rural areas, with some incidences officially categorised as suicides or accidents.

3.88 Underage girls, particularly those from rural areas, are vulnerable to early or forced marriage. The government's official statistics agency reported in 2017 that 118,904 girls in Egypt were under 18 when they married, and 18,127 were under the age of 16. The Ministry of Health has reported that 500,000 are born every year to underage mothers. Some early marriages are temporary arrangements designed to mask child prostitution, known colloquially as 'tourism' or 'summer' marriages. These 'marriages' involve wealthy foreign men (generally tourists from the Gulf States) purchasing young girls for the purpose of sexual exploitation, with the transaction often facilitated by the girl's family. The Ministry of Justice introduced measures in December 2015 to discourage such arrangements, but refrained from eliminating the practice altogether.

3.89 DFAT assesses that the majority of Egyptian women, regardless of religion or socio-economic status, face societal discrimination in that long-standing traditional values and gender roles continue to restrict their participation in the community and the workforce. DFAT assesses that the majority of Egyptian women face a high risk of gender-based violence, including sexual assault and domestic violence. Activists who criticise government failures in relation to gender violence are likely to face arrest and prosecution in relation to their activism (as outlined in [Human Rights Defenders](#)).

LGBTI

3.90 Although Egyptian law does not explicitly outlaw homosexuality, it is nevertheless a strict social taboo across socio-economic backgrounds and geographic locations. A 2013 study by the Pew Research Center found that 95 per cent of Egyptians surveyed believed society should reject homosexuality. As such, the overwhelming majority of LGBTI (lesbian, gay, bisexual, transgender or intersex) Egyptians hide their identity as far as possible. According to local interlocutors, if an individual is discovered to be LGBTI, or is perceived to be so, they are likely to face significant hostility in both urban and rural areas that may include violence. An October 2018 report by the UN Special Rapporteur on the Right to Adequate Housing found that gay Egyptians face 'horrific' discrimination and harassment when looking for somewhere to live, and that they were frequently evicted, denied housing, and harassed because of their sexual orientation. Both gay men and lesbians come under considerable social pressure to enter into heterosexual marriages, and to produce children.

3.91 While there are no laws that specifically prohibit homosexual acts, many LGBTI people have been charged with 'habitual debauchery' under Law 10/1961 (a law that has also been used to prosecute women for prostitution). Human rights organisations report a considerable increase in instances of arrest, harassment and mistreatment of LGBTI individuals by police under the Sisi government. While most individuals arrested on suspicion of homosexuality are arrested from the street, local NGOs have also reported cases of entrapment via dating apps. Police reportedly seize the phones of those arrested and search data to find other LGBTI individuals, while some detainees have reported being tortured to provide names of others. Police also reportedly use the possession of condoms as evidence of debauchery. Following arrests, detainees are commonly subjected to intrusive anal examinations, which police maintain can prove if a person has been engaged in homosexual conduct. Human rights groups report that detainees accused of homosexuality are regularly subjected to rape and assault in prisons and police stations by both guards and other inmates informed of their 'crimes', while authorities often deny HIV+ detainees medication. There is anecdotal evidence suggesting an increase in criminals mimicking police tactics by entrapping people online and extorting, assaulting, or burglarising their homes in the knowledge that victims are unlikely to report it to the police.

3.92 A significant crackdown against LGBTI individuals occurred in the months following a September 2017 incident at a music concert in Cairo by a Lebanese band fronted by an openly gay singer. Photographs of young people flying the rainbow pride flag went viral on social media, attracting international attention and sparking a considerable societal backlash. Following the incident, the Supreme Council for Media Regulation banned all forms of support to the LGBTI community on domestic media outlets. In its statement, the Council referred to homosexuality as a 'shameful disease', and said it was only permissible for homosexual people to appear in the media 'to show repentance' (see [Media](#)). The Coptic Church announced it would hold a conference to combat the 'volcano of homosexuality' within Egypt; while the Deputy Sheikh of Al Azhar University described the concert as 'an act of moral terrorism'. One prominent MP described homosexuality as a major national security issue for Egypt. Attempts to introduce an Anti-Homosexuality Law that would have explicitly criminalised homosexual intercourse and punished offenders with between one and five years' imprisonment did not result in any draft legislation being put to parliament.

3.93 Authorities responded to the backlash by arresting up to 66 individuals in the month following the concert on charges of 'debauchery' and 'inciting sexual deviancy' (compared with around 300 arrests on similar charges in the 17 preceding years). Many of those detained were quickly tried, receiving sentences of between six months and six years' imprisonment (although most sentences were reduced on appeal and the detainees released). The young man and woman accused of initially raising the flag also faced charges of forming an illegal group and receiving foreign funding to disrupt societal cohesion and inciting debauchery.

Local sources reported that both received sexual abuse from prison guards and other detainees while in detention.

3.94 While the crackdown against LGBTI individuals peaked in late 2017, the number of arrests for suspected homosexuality continues to be higher than pre-2017 levels: local human rights groups reported that authorities arrested at least 70 individuals in 2018. The actual number of arrests is likely to be higher, however, due to many cases going unreported due to the significant social stigma attached to being LGBTI. One human rights organisation reported that more than two-thirds of cases of the LGBTI arrest cases they had worked on in 2018 had resulted in an initial prison sentence of between one to three years, with three-quarters of those subsequently acquitted on appeal to a higher court. Even if acquitted, however, individuals publicly 'outed' were unable to return home due to conservative family and community attitudes. Media coverage of LGBTI issues has continued to be hostile: a July 2018 newspaper article showed screenshots of the gay dating app 'Grindr' with the headline, 'Documenting the most dangerous online gay organization'. Another newspaper had an investigative article about 'gay slang', in which the writer incited readers to report to authorities anybody heard using the language.

3.95 It is almost impossible in Egypt to change documents of identity from male to female. Many trans women unable to access other forms of employment reportedly turn to prostitution, leaving them highly vulnerable to sexual abuse, harassment or arrest under Law 10/1961. Since 2003, the Egyptian medical ethics code has prohibited doctors from performing corrective gender reassignment surgery for those 'electing' to change their gender (in practice, meaning that intersex people can access surgery but transgender people cannot). Visibly identifiable trans women are at particular risk of societal harassment, including from police, which may include sexual or other violence.

3.96 A small number of NGOs advocate for LGBTI rights, focusing their efforts on providing legal support to those arrested, psycho-social support and safe spaces to the community, and discreet advocacy with international organisations. They are not currently advocating legislative changes, given the likelihood that any such changes would likely be for the worse and may include the explicit criminalisation of homosexuality (as mentioned above). NGOs have reported being subjected to tracking and censorship by authorities, including through having their website blocked.

3.97 DFAT assesses that LGBTI people face a high risk of official discrimination, including through entrapment, arrest, harassment and mistreatment by police; and a high risk of societal discrimination, with ongoing traditional views about sexuality and gender restricting their participation in the community and workforce. High profile or highly visible LGBTI individuals, particularly trans women, face a high risk of violence, from both police and the public.

Military Objectors

3.98 Article 86 of the Constitution states that military service is compulsory according to the law. Military service is regulated by the *Law on the Military and National Service (Law 127/1980)*. All Egyptian males older than 18 are required to serve. Recruits face up to three years of mandatory service and a nominal monthly wage of EGP250 (AUD37). Conscripts may be placed in a branch of the military, in the police force or prison service. If a male over the age of 18 years seeks employment without having completed military service, he generally has to produce an exemption certificate from the Ministry of Defence to his employer. National identity cards indicate completion of military service, and eligible men who have not completed their service (or gained an exemption) are reportedly not permitted to travel abroad or emigrate.

3.99 Service conditions for military conscripts vary considerably. Some conscripts have been sent to the military front lines in North Sinai (see 'Security'), while others have been dispatched to police urban areas. Those with significant family or other connections have been able to undertake their military service in

administrative departments, military hotels or offices, or in one of the military's economic projects (see [Economic Overview](#)).

3.100 Exemptions and deferrals are common. These can occur for family reasons, including when an individual is an only son; is the only breadwinner; has brothers who have migrated and is supporting the family; has a brother already serving in the military; or has a father or brother who died while serving in the military. Other family reasons may also be considered. This exemption is renewed every three years for reassessment of the situation until the subject is 30 years old, at which time he receives a permanent exemption. University students can be granted exemptions up to the age of 28, and exemptions are also possible for health reasons. In addition to these deferrals and exemptions, the military may exempt individuals if it has an excess number of conscripts. It has also been reported that the military will not recruit as conscripts those arrested as Islamists. Final exemptions from military service are granted when the individual turns 30.

3.101 If an individual is not able to renew his military service exemption and does not complete his military service, he is liable to pay a fine of up to EGP1000 (AUD170) and/or face a minimum of one year's imprisonment. It is unclear how many people have been imprisoned in Egypt for evading military service. Anecdotal evidence suggests that those imprisoned for not completing military service are not targeted or treated differently relative to other prisoners.

3.102 Conscientious objection to military service is not a common phenomenon in Egypt. However, there is a small conscientious objector movement, launched by prominent conscientious objector, Maikel Nabil, who refused to be enlisted in 2009. Nabil was detained five times for publicly campaigning against compulsory military service, and was imprisoned for two years for insulting the military. In June 2015, two conscientious objectors (including Nabil's brother) were granted an exemption from service from the office of the Defence Minister. The exemption did not state a reason or recognise the two as conscientious objectors. It is unlikely that these exemptions represent any formal move towards recognition of conscientious objection.

3.103 DFAT assesses that most (but by no means all) Egyptian males will undergo some form of national service. Obtaining a deferral or exemption from military service is largely dependent on individual and socio-economic circumstance. Military service conditions can vary considerably depending on individual placements. Those with significant connections are likely to have an easier experience than those without them. DFAT assesses that those seeking to avoid military service face a high likelihood of arrest and detention.

4. COMPLEMENTARY PROTECTION CLAIMS

ARBITRARY DEPRIVATION OF LIFE

Extra-Judicial Killings

4.1 International human rights organisations allege that police and military actions since the 2011 revolution have resulted in the extrajudicial deaths of several thousand people, with few credible investigations or prosecutions of those responsible. In particular, no government official or member of the security forces has been investigated to date for participation in the violence associated with the 2013 military intervention that overthrew the Morsi government, particularly the deaths of up to 1,000 civilian protesters during the dispersal of two pro-Morsi sit-in protests in Cairo.

4.2 Human rights groups also allege that security forces have committed widespread abuses during the protracted campaign against militant groups in the Sinai, including extrajudicial killings. Amnesty International reported in August 2017 that it had documented several suspected cases of extrajudicial executions by security forces in 2017. In one case, a leaked video purportedly showed the killing by military forces of seven unarmed individuals, including a seventeen year old. Another case involved the killing in January by police of six men who had been held in incommunicado detention for up to three months.

4.3 Amnesty International's August 2017 report also detailed the extrajudicial killing of a schoolteacher in Behira Governorate in April 2017. Although the Ministry of Interior issued a statement claiming the man was killed in an exchange of fire with security forces, Amnesty provided considerable evidence to suggest he had instead been abducted by security forces from the school where he worked and while killed in custody.

Enforced or Involuntary Disappearances

4.4 Reports of enforced disappearance have risen considerably under the Sisi administration. The UN Working Group on Enforced or Involuntary Disappearance reported in May 2018 that it had a total number of 363 unresolved cases, of which 173 were classified urgent. The Working Group's report showed a sharp rise in reported disappearances in the years 2015 (119 reports) and 2016 (161 reports), compared with a combined total of 56 reported disappearances in the five preceding years (2010-14). Although the number of reported disappearances reduced in 2017 to 35, the Working Group noted in its written comments that this was more likely to be the result of reduced reporting of cases than an actual reduction.

4.5 In-country sources suggest the number of actual enforced disappearances may be much higher than the Working Group's figures would suggest. In its 2018 annual report, Human Rights Watch noted that the Stop Enforced Disappearance campaign had documented 1,530 cases from July 2013 to August 2018, with at least 230 of these occurring between August 2017 and August 2018. The Human Rights Watch report also noted that the Ministry of Interior had acknowledged that 500 out of 700 people whose families had reported their disappearance since 2015 remained in detention. In-country sources have suggested that

some instances of enforced disappearance may be the result of administrative failings rather than intentional duplicity from the security services.

4.6 A June 2016 Amnesty International report stated that in the first five months of 2016 an average of three to four people a day were seized from their homes by security forces and interrogated. The report noted that although the families of those seized attempted to report their disappearances to state authorities, in most cases no investigations resulted. In the rare cases where cases were opened, they were closed once authorities acknowledged that the detainee was in the custody of state security, and detainees continued to be denied access to their lawyers or families afterwards. The report criticised the role of the Public Prosecutor, stating that it had accepted questionable evidence from state security, including falsified dates of arrest to conceal the time detainees had spent under conditions of enforced disappearance; based charges on confessions obtained under duress; and failed to investigate allegations of torture.

Deaths in Custody

4.7 Egypt does not publish official statistics on deaths in custody, although cases are often reported in the local media. DFAT understands that deaths in Egyptian detention facilities happen regularly, due to severe overcrowding, violence, and a lack of access to medical care and treatment (see [Detention and Prison](#)). In July 2018, the Arab Organisation for Human Rights UK reported that at least 717 detainees had died since the July 2013 military intervention, including 512 who died as a direct outcome of medical neglect and inhumane conditions at detention centres.

DEATH PENALTY

4.8 Under the Criminal and Military Codes, 104 offences are punishable by execution, including a number of offences not resulting in death. Executions are carried out by hanging, although military personnel can be executed by firing squad. All death sentences are referred to the Grand Mufti, who issues non-binding legal opinions based on *sharia*. Appeals against death sentences are referred to the Court of Cassation, except in the case of military trials that preclude the possibility of appeal.

4.9 Since 2014, the Sisi administration has overseen changes to legislation that increase the number of crimes punishable by death, remove the possibility of a procedural retrial for death penalty cases, and expand the jurisdiction of military courts (see [Military Courts](#)). The State of Emergency permits those accused of terrorism to be tried in State Security Courts which do not have the right of appeal.

4.10 Under Sisi, Egypt has seen a steep increase in the number of death sentences issued, confirmed, and implemented. According to Amnesty International, Egypt executed at least 139 people since 2014, including at least 39 in 2018, 35 in 2017, and 44 in 2016. By comparison, in the mid to late 2000s, executions were in the single figures. A local human rights NGO reported that at least 581 death sentences were issued in 2018. The rise in death penalty sentences and executions was linked initially to events following the ousting of President Morsi and the crackdown on the Muslim Brotherhood (see [Muslim Brotherhood](#)). The assassination of the Prosecutor-General in a car bomb in 2015, a wave of terrorist bombings of churches since 2016, and ongoing attacks on security forces in the Sinai (see [Security Situation](#)) have all helped keep the number of annual death sentences and executions at a high level. To date, the hundreds of Muslim Brotherhood members and other political detainees sentenced to death have not been among those executed, although they remain on death row. In February 2019, nine men convicted of involvement in the Prosecutor-General's assassination were executed. Several of the men had alleged that they had been tortured by security forces while being interrogated.

4.11 International observers have expressed concern that many of the death penalty sentences handed down by both civilian and military courts in recent years have not met international standards of fairness. In December 2018, the European Parliament adopted a resolution on human rights violations in Egypt that stated that under Sisi Egypt had recommended at least 2,443 preliminary death sentences (including for at least 12 children); confirmed at least 1,451 death sentences, of which at least 926 people had been initially sentenced in mass trials of 15 or more people simultaneously; and applied the death penalty, particularly in mass trials, against persons exercising their fundamental rights, including freedom of assembly.

4.12 In-country sources report that the overwhelming majority of Egyptians support the use of the death penalty against those convicted of rape, homicide, or killing civilians in terrorist attacks. Many Egyptians also assume the death penalty is required under *sharia* (although most of the 104 capital crimes do not have a religious base). There is, however, a degree of popular discomfort around the current high levels of execution and sentencing. NGOs working in the death penalty space tend to focus their advocacy on highlighting the cases of those proven innocent after execution in an attempt to foster public debate on the issue.

TORTURE

4.13 Egypt is a State Party to the Convention Against Torture, but not its Optional Protocol. Article 52 of the Constitution states that all forms of torture are a crime with no statute of limitations. Article 126 of the Criminal Court provides for punishments of between three to ten years' imprisonment for ordering or conducting torture to extract a confession. The Office of the Public Prosecutor has responsibility for investigating complaints of torture and for referring them to the criminal courts.

4.14 Despite these legal protections, international and domestic human rights observers continue to report that the security authorities routinely resort to torture as a means of obtaining confessions, upon which the judicial system is heavily reliant. Human Rights Watch reported in September 2017 that security officers had used torture to force detainees to read prewritten confessions on video, which was then uploaded onto social media. Torture reportedly occurs in both police stations and the offices of national security agencies, particularly the Ministry of Interior's National Security Agency (NSA). Detainees have reported being subjected to electric shocks, beatings, and anal rape with wooden sticks; being held in stress positions; and being suspended naked by their wrists and ankles for hours at a time. The United Nations Committee against Torture reported in June 2017 that it had concluded that torture was a systemic practice in Egypt. The ECRF reported in May 2018 that it had documented over 140 cases of torture in the first five months of 2018. In some cases, the use of torture has caused the death of the detainee.

4.15 Authorities, including President Sisi, have denied that systemic torture occurs in Egyptian detention facilities. Most complaints of torture are not investigated or prosecuted. Authorities have instead taken action against individuals and groups who have highlighted the existence of torture in Egypt. For example, in March 2018 security forces arrested a woman who had appeared in a BBC documentary about torture in Egypt to discuss the enforced disappearance of her daughter. Prosecutors subsequently ordered her detention on charges of publishing false information and joining a banned group. The official State Information Service likewise criticised the report and called on Egyptian officials to boycott the BBC. In May 2018, security forces arrested a blogger who had exposed many cases of torture and ill-treatment by the police dating back to 2004. The blogger remains in pre-trial detention on suspicion of joining a terrorist group, using the internet to promote the thoughts and ideas of a terrorist group, and publishing false information with the purpose of harming national security (see also [Media](#)). The El Nadeem Center for Rehabilitation of Victims of Violence, one of the country's most prominent anti-torture NGOs, has been

repeatedly raided by security authorities. It is unclear whether authorities are currently permitting the Center to operate.

CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Arbitrary Arrest and Detention

4.16 Article 54 of the Constitution states that, except when caught in the act, citizens may only be apprehended, searched, arrested, or have their freedoms restricted by a causal judicial warrant necessitated by an investigation. Those detained must be immediately informed of the reason, allowed to contact family and a lawyer, and brought before the investigating authority within 24 hours. Questioning may only begin in the presence of a lawyer. Arrests may only be made by officers in possession of a warrant, which is issued under the Penal and Military Codes.

4.17 As detailed throughout this report, arrests without reference to any of these constitutional protections occur frequently. This is due in large part to the passing of a 2015 counter-terrorism law that gives prosecutors greater power to detain suspects without judicial review, and significantly expanded the definition of activities for which individuals and groups may be designated terrorists. The expansion of security agency's powers under the state of emergency has also been a contributing factor, with military personnel currently having the power of arrest in civil jurisdictions.

4.18 In June 2018, the UN Office of the High Commissioner for Human Rights (UN OHCHR) expressed concern over the significant rise in the number of arrests of political activists, bloggers, and journalists (see relevant sections). UN OHCHR noted that in many cases security authorities had not presented those arrested with warrants, including when the charges for which the person was arrested carried long prison sentences, and stated that arbitrary detention had become a 'chronic problem' in Egypt.

Corporal Punishment

4.19 Article 55 of the Constitution states that detainees may not be physically or mentally harmed. Corporal punishment has been illegal as a disciplinary measure in prisons since 2002, and is unlawful as a sentence for crime, including for children. Corporal punishment is, however, lawful in Egyptian homes, alternative care settings, and day care centres. The use of corporal punishment has long been extremely common. A 2017 UN Women survey reported that more than 60 per cent of Egyptian adults had been spanked or slapped by their parents while growing up, while a third had been beaten at home with an object. A separate joint survey by UNICEF and the National Council on Motherhood and Childhood in 2015 found that more than three-fifths of teenagers aged between 13 and 17 had experienced physical violence in the previous year.

4.20 Despite the prohibition on the use of corporal punishment in prisons, human rights observers report that prisoners in detention facilities are routinely beaten during the course of interrogations.

5. OTHER CONSIDERATIONS

STATE PROTECTION

Military

5.1 Article 152 of the Constitution states that the President is Supreme Commander of the Egyptian Armed Forces. The President cannot declare war, or send the military into combat outside state territory, without consultation with the National Defence Council (consisting of senior political and military leaders) and the approval of the House of Representatives with a two-thirds majority. Article 201 states that the Minister of Defence is the Commander in Chief of the Egyptian Armed Forces (although answerable to the Supreme Commander), and must be appointed from among its officers.

5.2 The military comprises an Army, Navy, Air Force, and Air Defence Force. Most Egyptians view the military as an institution that offers stability, and it enjoys considerable power, prestige, independence, and popular support. The majority of Egyptian males will serve in the military at some stage (see [Military Objectors](#)). The military has long played a prominent role in Egyptian political and economic life. It held interim power in Egypt from February 2011 (Mubarak's resignation) until June 2012 (Morsi's election), removed Morsi from power in July 2013, and again held interim power until Sisi's election in May 2014.

5.3 Law 136/2014 allows the military to assist police in the protection of vital public facilities, including roads, bridges, railroads, power stations and universities, and provides military personnel with arrest authority during periods of significant turmoil. Any crimes committed against these facilities fall within the jurisdiction of the military judiciary (see 'Judiciary'). The Parliament voted unanimously in August 2016 to extend the application of the law for a five-year period commencing 28 October 2016.

5.4 The July 2018 Military Commanders Immunity Law allows the president to grant legal immunity to senior military officers for any crimes committed between 3 July 2013 (when the Constitution was suspended) and 10 January 2016, when parliament reconvened. Under the new law, any legal action against the selected officers requires permission from the Supreme Council of the Armed Forces. The selected officers also enjoy "special immunities" in line with those granted to diplomats. The constitutional amendments introduced in April 2019 (see [Political System](#)) further empower the military by granting the Supreme Council of Armed Forces the right to approve the appointment of the Defence Minister, thus effectively making the military an independent institution of state.

Police

5.5 Articles 206 and 207 of the Constitution set out the roles and responsibilities of the police force, namely ensuring safety and security to citizens, and preserving public order and morality. The Supreme Police Council, which is composed of senior police officers and the State Council's Chief Legal Officer, assists the Minister of Interior in organising police affairs.

5.6 Police in Egypt are divided into two main forces: the Egyptian National Police (ENP), and the Central Security Forces (CSF). The ENP is a regular police force with approximately 350,000 personnel. It is responsible for law enforcement and maintaining public order nation-wide. It has a number of specialist agencies, including the General Directorate of Criminal Investigation and the General Administration of Criminal Evidence Verification. All police cadets are trained at the Cairo-based Mubarak Police Academy. The paramilitary CSF, which includes conscripts and whose estimated numbers vary considerably, is responsible for security at key infrastructure sites, diplomatic missions, and public events.

5.7 Professionalism varies across the police. The effectiveness of the police in general is limited by a shortage of equipment, a lack of training, low pay, and poor investigative skills, particularly in relation to investigating cases of sexual assault. In May 2015, the Ministry of Interior commenced a new policing strategy aimed at improving responses to violence against women, including through human rights training and the deployment of more female physicians to hospitals. Human rights groups report, however, that many women will not report crimes due to a lack of trust in the police.

5.8 The police do not enjoy the same high public esteem as the Egyptian military. The police's ability to deal with evidence is widely mistrusted, particularly in relation to politically sensitive cases. Police mistreatment and impunity was a particular focus of protesters in the January 2011 revolution. Calls for investigations into incidents of police brutality remain common. The Ministry of Interior announced in February 2017 the formation of committees to evaluate police officers on ethics, behaviour, and psychological condition; while in March 2017 it signed a joint protocol with the NCHR to train 300 police officers on human rights.

5.9 There have been cases of police officers being successfully prosecuted for sexually assaulting or fatally beating detainees. In October 2017, the Court of Cassation confirmed prison sentences for six officers found guilty of beating a detainee to death in a Luxor police station. Human rights observers report, however, that impunity for the police (and other security forces) remains a significant ongoing issue. Authorities do not investigate all complaints of police abuse, and many prosecutions have resulted in acquittals due to insufficient or contradictory evidence.

Judiciary

5.10 Article 184 of the Constitution guarantees the independence of the judiciary, and prohibits interference in judicial affairs; Article 186 guarantees the independence and permanent status of judges; and Article 198 prohibits the arrest or detention of lawyers engaged in defence work.

5.11 The judiciary remains a powerful actor in Egyptian society, and one with broad public support and respect: the mass demonstrations in 2013 that ultimately brought down the Morsi government were sparked by his decision to remove executive decisions from judicial oversight. Senior judges are generally seen as professional and independent. However, the quality and impartiality of individual judges may vary, particularly at more junior levels. Individual judges can be subjected to community pressure to rule in accordance with dominant social and political norms, particularly in cases where religion is a factor. In-country sources have reported instances in Upper Egypt where conservative Muslim lawyers and/or community leaders have demonstrated outside courtrooms hearing defamation of religion cases, implicitly threatening community unrest in the event of an unsatisfactory ruling.

5.12 Egypt has three supreme courts. The Supreme Constitutional Court is the highest judicial authority, and has exclusive jurisdiction to decide issues regarding the constitutionality of laws. The Court of Cassation is the supreme court of the common court system, which deals with civil and criminal matters. The Supreme Administrative Court is the highest court of the administrative court system, known as the State Council, which adjudicates disputes involving government actions or those involving government employees.

5.13 The common court system hears the majority of criminal and civil cases. Courts of first instance are the first level of litigation in civil cases, and in criminal cases involving misdemeanours (crimes punishable by up to three years' detention) and petty offences. Misdemeanour courts consist of a single judge attached to the court of first instance for that district. Appeals are to a misdemeanour court of appeals, consisting of a panel of three judges. Felonies that are more serious are tried before panels of three judges in criminal courts, which are a circuit of the courts of appeal. Egypt has eight courts of appeal, located throughout the country. Family courts deal with family-related disputes.

5.14 Misdemeanour and criminal court judges have the authority to conduct their own supplemental investigation into the facts if they are not satisfied with the evidence presented by the public prosecution and defence, or if new factual issues arise in the course of the trial. At the other extreme, trial judges can accept the evidence as presented by the parties in the court file without any requirement to hear live testimony from witnesses if not requested to do so by a party. In this manner, a large number of misdemeanour and even some felony cases are routinely tried fully in a single day – a way for misdemeanour courts, which struggle with very high caseloads, to reduce their backlog. Other trials, however, may unfold over the course of months, with trial sessions held only one or two days a month.

5.15 The Public Prosecution Office is an independent arm of the judiciary whose role is to conduct a neutral, unbiased investigation into the truth. It is headed by a Prosecutor-General, who is a senior judge selected by the Supreme Judicial Council from among the senior judiciary. Prior to the 2011 Revolution, the President had the power to select the Prosecutor-General. However, this authority has now been constitutionally reduced to the ability to merely appoint.

5.16 Public Prosecutors act as both investigators and courtroom prosecutors. Criminal investigations are generally initiated based on complaints filed by citizens or government officials, but may also be initiated by the Public Prosecution Office itself based on information such as news reports. It is considered mandatory to investigate criminal complaints, which means that no inference can be drawn from the mere opening of an investigation. However, it is common for complainants to file a complaint, and then announce to news media that the Prosecutor-General is conducting an investigation into the matter, thereby creating the misimpression that the Prosecutor-General sees potential merit to the allegations made in the complaint.

5.17 The only avenue for appeal for cases before the criminal courts is the Court of Cassation. Appeals to this court are limited to issues of law rather than substance. However, judgements in criminal courts unsupported by sufficient evidence can be, and sometimes are, reversed as erroneous as a matter of law.

5.18 Despite numerous attempts over the decades by various presidential administrations to wind back their power, Egyptian judges have been largely successful in asserting and retaining their autonomy. The Sisi administration, however, has introduced a number of sweeping changes which give the presidency much greater control over the administration of the judiciary, including through the constitutional amendments passed in April 2019 (see [Political System](#)). These amendments establish a Higher Council for the judiciary, presided over by the President, which oversees existing bodies that manage the judiciary, including their rules, conditions, appointments, and disciplinary issues. The amendments also give the president the right to appoint the head of the Constitutional Court, and the Prosecutor-General.

5.19 Prior to the passing of the constitutional amendments, there had already been considerable resistance among both the judiciary and civil society to Law 13/2017, which introduced sweeping changes to how the heads of judicial bodies are selected. The law, introduced in April 2017, granted the president the power to select, without review, the chief justices of the Court of Cassation and the head of the State Council. The law overturned the longstanding judicial norm that considered seniority the fundamental standing for all promotions within the judicial system. Judges have long considered seniority, mentioned in Articles 159 and 209 of the Constitution, as a strictly neutral principle for promotion, and a protection against the politicisation of the judiciary. Opposition to Law 13 has focused primarily on how the law will

undermine judicial independence and control the judiciary through the appointment process. The law is currently being appealed in the Supreme Constitutional Court.

5.20 Since the introduction of Law 13/2017, President Sisi has appointed new heads of both the Court of Cassation and the State Council, bypassing the most senior judge on both occasions. In the case of the State Council, the rejected senior judge had a history of issuing judicial rulings that could be read as anti-government. The constitutional amendments introduced in April 2019 established a Higher Council for the judiciary, presided over by the President

5.21 Human rights observers have also expressed concern about increasing political interference in more junior judicial appointments. In February 2019, the media reported that all of the 2015 Law Faculty graduates applying for positions in the Public Prosecution were made to undergo a series of evaluations by non-judicial bodies – including the intelligence services – in order to assess their political leanings and their loyalty to the state. The process reportedly took many months and culled hundreds of applicants. Critics expressed concern that the evaluations were indicative of a wider presidential strategy to further assert control over the judiciary and to undermine its independence.

Military Courts and State Security Emergency Courts

5.22 Egypt's military courts operate under the authority of the Defence Ministry rather than civilian judicial authorities. Military courts typically deny defendants rights accorded by civilian courts, including the right to be informed of the charges against them; to access a lawyer; and to be brought promptly before a judge following arrest. Although Article 204 of the Constitution prohibits military trials of civilians, it has a broad exemption for crimes representing a direct assault against whatever falls under military authority. This exemption will be further enshrined in law should the proposed constitutional amendments be approved (see [Political System](#)).

5.23 Law 136/2014 (issued in the wake of a deadly attack in North Sinai in October 2014 that killed 22 soldiers) granted the military the authority to protect public and state facilities for two years and directed state prosecutors to refer any crimes committed at these places to their military counterparts. In August 2016, Parliament approved the extension of Law 136/2014 for an additional five years until 2021. The jurisdiction of military courts was expanded further in June 2016 when Sisi issued a decree granting the military the authority to police public lands up to two kilometres from public roads and highways. In addition, a series of amendments to the Military Judiciary Law have redefined state properties and institutions – including roads, bridges, factories, gas pipelines, and companies - as military property.

5.24 The [State of Emergency](#) permits the existence of State Security Emergency Courts (SSEC). A SSEC is a special tribunal whose composition may at times include military officers as well as judges. Rulings by SSEC are referred to the military ruler (the President or his delegate) to be ratified, and judgements cannot be appealed once ratified. The government has issued a number of decrees requiring prosecutors to refer cases involving a wide range of subjects to the SSECs. In October 2017, such a ruling instructed prosecutors to refer cases to the SSEC if they involved crimes related to the laws of assembly, supply and rations, pricing and profit margins, firearms control and ammunition, the sanctity of houses of worship, protest and vandalism of public property, or the infringement on the freedom of others to work. In January 2019, another ruling instructed prosecutors to refer to the courts all cases and crimes related to thuggery, terrorism, and endangering the lives of others and places of worship.

5.25 Human rights observers report that authorities have prosecuted thousands of civilians before military courts and SSECs. DFAT assesses that those tried before such courts are highly unlikely to receive a fair trial and are likely to be convicted, regardless of the merits of their case.

Reconciliation Committees

5.26 Reconciliation committees are a form of traditional justice that authorities use to resolve communal incidents between Muslims and Christians. Reconciliation committees are particularly common in rural and poorer areas, where people may have no other form of access to justice. The reconciliation committee process typically involves victims of crimes accepting a negotiated apology and compensation and abandoning any claim to legal remedy. Authorities have strongly promoted the process, based on the belief that reconciliation committees are more likely than a formal judicial process to resolve issues at the local level, preventing revenge attacks and vendettas. Local sources report that authorities often pressure victims of crimes to abandon criminal complaints and participate in the process, regardless of the victim's personal wishes. The Prosecutor-General generally accepts verdicts issued by reconciliation committees and closes the relevant legal files.

5.27 Local sources report that in the majority of cases involving violence by Muslims against Christians, the compensation offered through the reconciliation court process is insufficient to meet the cost of the damage caused. In serious cases where one party is required to relocate in order to avoid ongoing violence, the Christian party is generally the one moved. Church authorities are strongly opposed to reconciliation committees, arguing that the practice undermines the protection of the law for all Egyptians. They have consistently called on state authorities to intervene to ensure that judicial processes are followed, but with limited success to date.

5.28 DFAT assesses that Christians involved in communal violence with Muslims are unlikely to receive a fair outcome through a reconciliation committee process. However, the negotiated settlement of the reconciliation committee process may provide some guarantee against future violence.

Detention and Prison

5.29 Article 56 of the Constitution relates to supervision of prisons. It states that prisons are houses for reform and rehabilitation, and that prisons and detention centres should be subject to judicial oversight. Article 56 forbids 'all that which violates the dignity of the person and/or endangers' their health. Prisons are the responsibility of the Ministry of Interior. As of 2016 there were 184 prisons, comprising 62 main prisons and 122 central prisons, and an unclear number of police detention facilities.

5.30 Egypt does not publish official prison population statistics. According to the World Prison Brief/ Institute for Criminal Policy Research's World Prison Population List, as of 30 September 2018 Egypt had an estimated total prison population of 106,000 (including pre-trial detainees and remand prisoners), representing a 53 per cent increase in the prison population rate since the List was last published in October 2015. The increase in the prison population reflects the rise in arrests resulting from both the crackdown on the Muslim Brotherhood and as a result of the state of emergency. Of the total prison population, approximately 90,000 were held in prisons and the remainder in police detention facilities; approximately 10 per cent were pre-trial detainees and remand prisoners; and approximately 96 per cent of detainees were male.

5.31 According to human rights observers, prison conditions do not meet international standards because of overcrowding, poor sanitary conditions and widespread violence. Egypt does not generally allow human rights bodies to visit prisons, and the NCHR must obtain approval from the Prosecutor-General to conduct prison visits. Visits by relatives and lawyers are regularly (and arbitrarily) banned, or are severely limited in time (often between five and ten minutes only). Food rations are severely limited and of poor quality, and authorities frequently deny prisoners basic comfort and hygiene items. While it is technically possible for

prisoners to complain internally about mistreatment, doing so is likely to result in punishment for the prisoner.

INTERNAL RELOCATION

5.32 Article 62 of the Constitution guarantees freedom of movement, residence and emigration. There is no legal impediment to internal movement within Egypt, and Egyptians can and do relocate for a variety of reasons. Major cities, such as Cairo and Alexandria, offer Egyptians greater opportunities for employment. Some Egyptians from the poorer parts of Upper Egypt have moved to the north coast of the country in search for better jobs and living conditions. Urban middle class Egyptian women will likely have a greater ability to find work and shelter, and will likely have better access to support networks, than Egyptian women from poor and more conservative areas.

TREATMENT OF RETURNEES

Exit and Entry Procedures

5.33 The Passport Control Department of the Interior Ministry is responsible for conducting exit checks, which are strictly enforced. When leaving Egypt, Egyptians must present a valid passport and a valid visa for their destination country, if required. Egyptian males are required to show evidence of their military service status (including proof of exemption, if relevant). Such proof could be an exemption certificate; an expired passport noting exemption from military service; or a permission to travel issued by the Conscription Department.

5.34 Egypt keeps records of entries and exits from the country, and security services have the capacity to find out if an individual is in Egypt or abroad. Egyptian law prevents persons from leaving the country if they have criminal charges against their names. These names are recorded on a 'warning list', amended by judges and the Prosecutor-General, against which all travellers are checked prior to departing from the country. Credible human rights organisations have reported that the Interior Ministry and the Egyptian General Intelligence Service can amend this 'warning list' to include persons of interest to the security apparatus, including for political reasons (see also 'Human Rights Activists').

5.35 Not all people with charges against their names (or trials or appeals pending) are automatically put on the warning list, and it is up to the Prosecutor-General to add their names. It is possible for names to be taken off the list, even if trials are pending. Should a person's lawyer request a name be taken off the list, it is the responsibility of the Prosecutor-General to show why the name should remain on it. There have been numerous cases where a person facing trial has had his or her name removed from the list, and subsequently travelled abroad without incident.

5.36 Children travelling with only their mothers must present proof of their father's approval to leave the country. This can take the form of: in-person approval by the father, written approval from the father presented by a paternal uncle or grandfather, written approval from the father signed and stamped by the Notary Office, or written approval from the father stamped by an embassy or consulate.

5.37 In mid-2016, the European Union's border agency Frontex reported a significant increase in the number of irregular maritime ventures from Egypt containing migrants attempting to reach Europe. Frontex reported that the number of migrants arriving in Europe on boats departing from Egypt had doubled from the previous year, with the total number being around 7,000. While most of the migrants were from Sudan

or the Horn of Africa, over 1,800 Egyptian nationals also made the journey. DFAT understands that Egyptian authorities have subsequently cracked down on such departures, and that the number of boats departing Egypt for Europe has greatly reduced.

Conditions for Returnees

5.38 The International Organization for Migration (IOM) runs a program in Egypt that assists voluntary returnees, in cooperation with the country from which they are returning. Egyptian authorities cooperate with the IOM in these arrangements. DFAT assesses that people who return to Egypt after several years' absence will not face any adverse attention on their return due to their absence. Likewise, DFAT assesses that failed asylum seekers will not face adverse attention because of their failed application for asylum when they return to Egypt.

5.39 Egypt accepts involuntary returnees. Egyptian officials generally pay little regard to failed asylum seekers upon their return to the country, although it is possible that some individuals will be questioned upon entry, or will have their entry delayed. Many thousands of Egyptians enter and leave the country every day. Egyptians who out-stay their work or tourist visas in other countries are regularly returned to Egypt with no attention paid to them by authorities. DFAT is not aware of failed asylum seekers being reported by airport authorities to the Ministry of the Interior or any of the security services beyond the normal processes for returning Egyptian nationals.

5.40 DFAT assesses that Egyptian embassies or other officials usually take note of political activities conducted by Egyptians abroad. However, only particularly high-profile cases (i.e. those that gain media notoriety in Egypt) are generally of interest to Egyptian authorities. Lower profile political activists may be questioned on return to Egypt, but are unlikely to be detained or otherwise mistreated.

DOCUMENTATION

Birth, Marriage, Divorce and Death Certificates

5.41 The Central Civil Registration Office (CCRO) holds information in relation to births, deaths, and marriages. Persons experiencing or affected by these events would generally report them to local authorities in the first instance through the CCRO's local and field offices. Local health units may register births and deaths.

5.42 A birth is reported by an informant, who must produce identification, and an additional witness is also needed. Births have to be registered within 15 days. A birth may be registered by a hospital or local health unit.

5.43 Christians, Jews, and Muslims can register marriages with documentation from a cleric. Marriage registration requires both parties and witnesses) to present identification and to pay fees. Divorces may be registered by a court. Both marriages and divorces must be registered within 15 days. Adherents of non-officially recognised religions (that is, non-Muslims, non-Christians and gentiles) may have difficulty having their marriages recognised and recorded. This may also affect some sects or denominations of Christianity who are not recognised by the state, including Jehovah's witnesses (see [Personal Status Laws](#)).

5.44 An informant of a death requires identification and a medical certificate, but health authorities can register a death. The procedure is the same for foetal and neonatal deaths: parents are required to produce

identification when reporting the death along with a medical certificate. Deaths must be notified to authorities within 24 hours.

5.45 Births are required to be registered within 15 days; deaths, including foetal and neonatal deaths are to be registered within 24 hours after the event occurs; marriages and divorces are to be registered within 15 days after the marriage contract or the divorce notification is issued.

National Identity Cards

5.46 National identity cards, which include the religion of the cardholder, are mandatory for adults in Egypt. Many key transactions are essentially impossible to conclude without them, including renting or buying property or vehicles, applying for passports, and opening bank accounts. Some banks require clients to provide national identity cards to access their accounts. It can be difficult finding employment without an identity card. Failure to obtain a national identity card does not usually result in prosecution. According to in-country sources, an estimated 5 million women do not have national identity cards.

5.47 Egyptians are eligible for national identity cards from 16 years of age. To issue the card, authorities require an original birth certificate and a declaration (in person) from either of the parents that the applicant is their child. The applicant must submit evidence of study (a recent certificate issued and endorsed by a school or university confirming enrolment and the applicant's photo and identity). A digital photo of the applicant is taken at the time of submitting the application. An electronic record of the identity card and associated documentation is kept at the Civil Registration Authority and is verified against and linked to the applicant's and parents' birth records.

5.48 The address on the identity card should be the holder's residence. Out-of-date or incorrect addresses may go undetected, as there are no checks on the residence records by the Civil Registration Authority. It is a requirement that the address is updated when a person relocates, but this requires the holder to actively make the change. There is no penalty for not updating one's address. Lost cards must be reported to the police, and their replacement is a straightforward process.

5.49 In July 2017, authorities issued a civil marriage license to a Baha'i couple with no religious designation listed who had sued for that right, thus enabling them to change their marital status on national identity cards and other documentation. With the exception of that couple, national identity cards continued to list married Baha'is as "single," which some Baha'i women with children said invoked a sense of embarrassment and public shame, in addition to creating difficulties obtaining proper documentation and services for their children. At year's end, standardized procedures for issuing civil marriage licenses to couples with no religious affiliation designated had not been developed.

Passports

5.50 Current requirements for adult passport applicants include a valid national identity card and four photographs. Male adults (except those born prior to March 1941) additionally require proof of completion of military service, a military service exemption certificate, an expired passport with a recorded exemption from military service or a permission to travel obtained from the Conscription Department. Children under 12 years of age require a computerised copy of their birth certificate, which includes the child's national identification number, and four photographs. Children between 12 to 16 years of age additionally require an educational enrolment certificate. Children over 16 years of age require all of the above, but with the substitution of a valid national identity card instead of a birth certificate.

5.51 The Egyptian Passports, Immigration and Nationality Department, which is responsible for issuing passports, has access to a travel warning list and would be able to check the person's travel ban status. If the person is on the list, they would not be issued a passport. See [Exit and Entry Procedures](#).

PREVALENCE OF FRAUD

5.52 Identity fraud is uncommon. The penalties for engaging in identity fraud are severe which discourages the practice. Fraudulently obtained genuine documents are also uncommon due to cross checking by various ministries.

5.53 If a non-Egyptian is found with fraudulent documents by front line official, then a second level investigation will occur. This may result in criminal prosecution and may result in administrative detention for an indefinite period. DFAT assesses that identity fraud does occur and that it is possible to obtain an identity card fraudulently, but these cases are not common because of the risk of prosecution and heavy penalties. Cases of identity fraud that are referred to or discovered by authorities are investigated and prosecuted.