



Access Now, Egyptian Initiative for Personal Rights and ARTICLE 19 Joint Submission to the United Nations Human Rights Council on the Universal Periodic Review Fourth Cycle for Egypt

About Access Now

Access Now defends and extends the digital rights of people and communities at risk. As a grassroots-to-global organization, we partner with local actors to bring a human rights agenda to the use, development, and governance of digital technologies, and to intervene where technologies adversely impact our human rights. By combining direct technical support, strategic advocacy, grassroots grantmaking, and convenings such as RightsCon, we fight for human rights in the digital age. As an ECOSOC accredited organization, Access Now routinely engages with the United Nations in support of our mission to extend and defend human rights in the digital age.¹

About ARTICLE 19

ARTICLE19 is an international human rights organization which works around the world to protect and promote the right to freedom of expression and information. With an international office in London and regional offices in Tunisia, Senegal, Kenya, Mexico, Netherlands, Brazil and Bangladesh, and other regional programmes and national offices, ARTICLE 19 monitors threats to freedom of expression in different regions of the world, and national and global trends, develops long-term strategies to address them and advocates for the implementation of the highest standards of freedom of expression, nationally and globally.²

About Egyptian Initiative for Personal Rights

The Egyptian Initiative for Personal Rights has been working since 2002 to strengthen and protect basic rights and freedoms in Egypt, through research, advocacy and litigation in the fields of civil liberties, economic and social rights, and criminal justice.³

¹ Access Now, available at: <https://www.accessnow.org/>, 2024.

² ARTICLE 19, available at: <https://www.article19.org/>, 2024.

³ Egyptian Initiative for Personal Rights, available at: <https://eipr.org/>, 2024.

I. Introduction

1. The Universal Periodic Review (UPR) is an important United Nations (UN) mechanism aimed at addressing human rights issues across the globe. It is a rare mechanism through which citizens around the world get to work with governments to improve human rights and hold them accountable under international law. Access Now, the Egyptian Initiative for Personal Rights and ARTICLE 19 welcome the opportunity to contribute to Egypt's Fourth review cycle.
2. President Abdel Fattah al-Sisi, who took power in 2014, has governed Egypt in an increasingly authoritarian manner. Since Egypt's third review cycle, thousands of government critics remain arbitrarily detained and unjustly persecuted. Civil liberties, including press freedom and freedom of peaceful assembly, are tightly restricted. Enforced disappearances, torture, and other forms of ill-treatment continue to be rampant. Impunity prevails for grave human rights violations committed in 2024 and previous years. Women and girls, religious minorities, and LGBTI individuals face discrimination, violence, and prosecution for exercising their human rights. Authorities fail to address economic and social rights affected by the worsening economic crisis.¹
3. Constitutional amendments were adopted in a tightly controlled referendum in April 2019 further concentrated power in the hands of President Sisi, and authorized him to remain in office until 2030. The amendments also undermined the independence of the judiciary and strengthened the military's role in civilian governance.²
4. The 2019 amendments to the 2014 Constitution reestablished the Egyptian Parliament as a bicameral body in which members serve 5 year terms. The upper house, the Senate, consists of 300 seats and has no significant legislative competencies. Two-thirds of senators are elected (half through closed lists and half in individual seats), and one-third are appointed by the president. The House of Representatives comprises 568 members, half are elected through closed party lists and half in individual seats. The president has the right to appoint 28 additional members to the House.³
5. The last presidential elections occurred in a repressive environment, where opposition candidates were obstructed from conducting their campaigns and collecting the

¹ Amnesty International, *Situation of Human Rights in Egypt*. Available online at: <https://www.amnesty.org/en/location/middle-east-and-north-africa/north-africa/egypt/report-egypt/>

² Human Rights Watch, *Constitutional Amendments Entrench Repression*, April 20, 2019. Available online at: <https://www.hrw.org/news/2019/04/20/egypt-constitutional-amendments-entrench-repression>

³ For more information, see: Tahrir Institute for Middle East Policy, Brief: *Egypt 2019 Constitutional Referendum*. Available online at: <https://timep.org/2019/04/30/egypts-2019-constitutional-referendum/>

necessary voter signatures to meet the requirements for running.⁴ In February 2024, former MP Ahmed Tantawi, who attempted to challenge President Sisi in the last elections was sentenced to one year in prison on politically motivated charges, together with his campaign manager and 21 of his staff supporters.⁵

6. Since the last UPR in 2019, the situation has been characterized by a sharp and continuing decline for the rights to freedom of expression and privacy.
7. This submission addresses the following themes:
 - Cooperation with international human rights mechanisms;
 - Freedom of expression;
 - Right to privacy; and
 - Harassment and attacks on bloggers, journalists, and HRDs.

II. Cooperation with international human rights mechanisms

8. In the period under review, Egypt's cooperation with international human rights mechanisms has not improved. While Egypt accepted a recommendation to strengthen cooperation with the special procedures of the Human Rights Council,⁶ it merely "noted" the recommendations of specific actions such as responding positively to pending visit requests and or issuing standing invitations to all UN special rapporteurs, especially those on the situation of HRDs and on torture.⁷
9. Despite outstanding and repeated visit requests from the UN Special Rapporteurs on extrajudicial, summary, or arbitrary executions; on the rights to freedom of peaceful assembly and of association; on religion; on torture; and on human rights and counter terrorism, none of the special rapporteurs were granted to visit the country in the period

⁴ Mada Masr, Opposition politician Ahmed Tantawi stands trial after campaigning to contest presidential elections, 7 November 2023. Available online at:

<https://www.madamasr.com/en/2023/11/07/news/u/opposition-politician-ahmed-tantawi-stands-trial-after-campaigning-to-contest-presidential-elections/>

Amnesty International, Egypt: Authorities step up repression ahead of presidential elections, 23 November 2023. Available online at:

<https://www.amnesty.org/en/latest/news/2023/11/egypt-authorities-step-up-repression-ahead-of-presidential-elections/>

⁵ EIPR, EIPR condemns prison sentence against Tantawi and his campaign members and depriving the former candidate from running for Parliamentary elections for 5 years, 8 February 2024. Available at: <https://eipr.org/en/press/2024/02/eipr-condemns-sentence-imprisonment-against-tantawi-and-his-campaign-members-and>

⁶ Rec 31.32, Strengthen cooperation with the special procedures of the Human Rights Council , Latvia. (Supported)

⁷ Rec 31.23, Respond positively to the pending visit requests and consider extending a standing invitation to all special procedure mandate holders, Latvia. (Noted)

Rec 31.22, Issue standing invitations to all special rapporteurs, especially those on the situation of human rights defenders and on torture, Norway. (Noted)

Rec 31.25, Enhance its cooperation with international human rights mechanisms by extending a standing invitation to all special procedure mandate holders and accepting pending requests to visit the country, Republic of Korea. (Noted)

under review.⁸

Recommendation

- Accept all outstanding visit requests of special procedures, including in particular the UN Special Rapporteurs on extrajudicial, summary, or arbitrary executions and on the rights to freedom of peaceful assembly and of association, and cooperate fully with special procedures to ensure the visits take place.

III. Freedom of expression

10. During the 2019 UPR, the government accepted recommendations to guarantee freedom of expression and the press, and the right to peaceful demonstration, in accordance with Egypt's Constitution and international commitments.⁹ Recommendations to guarantee the right to freedom of expression and of the press, online and offline, by revising respective laws,¹⁰ and put in place specific legislation on freedom of and access to information were also accepted.¹¹ Regrettably, none were implemented.

Constitutional framework

11. Egypt's Constitution, adopted in 2014, enshrines the right to freedom of opinion and expression and press freedom in a number of articles, namely:¹²

- **Article 65** guarantees freedom of thought and opinion, and states " [e]very individual has the right to express his or her opinion verbally, in writing, through imagery, or by any other means of expression and publication."
- **Article 70** ensures "[f]reedom of the press, printing, and paper, visual, audio, and electronic publication is guaranteed. Egyptians—whether natural or legal persons,

⁸ Special Rapporteur on extrajudicial, summary, or arbitrary executions: Last reminder of visit request was made on November 6, 2019.

Special Rapporteur on the rights to freedom of peaceful assembly and of association: Last reminder of visit request was made on November 26, 2020.

Special Rapporteur on freedom of religion: Last reminder of visit request was made on May 25, 2023.

Special Rapporteur on torture: Last reminder of visit request was made on March 25, 2024.

Special Rapporteur on human rights and counter terrorism: Last reminder of visit request was made on February 2, 2021.

More information available online at:

<https://spinternet.ohchr.org/Search.aspx?Lang=en>

⁹ Rec 31.189, France. (Supported)

¹⁰ Rec 31.190, Germany. (Supported)

¹¹ Rec 31.170, Seychelles. (Supported)

¹² The 2014 Constitution with its amendments through 2019 is available online at: <https://faolex.fao.org/docs/pdf/egy127542e.pdf>

public or private—have the right to own and issue newspapers and establish visual, audio, and digital media outlets.”

- **Article 71** prohibits censorship of newspapers and media outlets in any way, stating “It is prohibited to censor, confiscate, suspend or shut down Egyptian newspapers and media outlets in any way.”
- **Article 72** declares “[t]he state shall ensure the independence of all press institutions and owned media outlets, guaranteeing their neutrality and their plurality and diversity, and avoiding monopolistic practices.”

12. While the Constitution protects freedom of opinion and expression, theoretically aligning with Article 19 of the ICCPR, the enforcement of such protections is often undermined by vague legal restrictions, broad security measures, and the lack of judiciary independence.

The Penal Code

13. The Egyptian Penal Code, issued in 1937, and amended numerous times, stands as one of the main legal tools used to curtail freedom of expression.¹³ Its vague and ambiguous articles allow for broad interpretations, therefore exposing activists, journalists, and artists to legal prosecution. Among the most commonly relied upon provisions are:

- a. **Articles 80 bis, 102 bis, and 188**, which include severe penalties for publishing what is deemed “false news.” Penalties include imprisonment for up to five years in addition to fines. The ambiguity in defining “false news,” in addition to other vague phrases such as “disturbing public security,” allows courts to interpret the articles differently or contradictorily, thereby subjecting activists, journalists, and social media users to legal prosecution.
- b. **Article 98 (f)** criminalizes religious contempt with a penalty of up to five years imprisonment. This article is applied in a manner that limits public discourse and the free analysis of religious ideas. Additionally, **Article 178** imposes penalties for publishing content which is “offensive to public decency” without specifying the meaning of “public decency,” contributing to the arbitrary use of these articles to restrict artistic and creative expression.
- c. **Article 184** protects public authorities from criticism. The article imposes imprisonment and fines on those who damage the reputation of regulatory bodies such as the parliament and the military. **Article 178 bis** imposes fines for

¹³ The Penal Code is available online at: <http://hrlibrary.umn.edu/research/Egypt/criminal-code.pdf>

publishing images that may damage the country's reputation, thereby constraining press freedom and limiting its ability to critique public policies. Marking its first recorded use against a human rights defender, the Cairo Economic Court convicted EIPR executive director Hossam Bahgat in 2021 under Article 184 for "insulting the High Election Authority" over a tweet in which he criticized the conduct of the former chair of the authority.

14. These vague provisions fail to meet the requirements of legality, legitimate aim, necessity, or proportionality under Article **19(3)** of the ICCPR. The severity of penalties in place, and their arbitrary enforcement against media outlets, HRDs, journalists, and social media users, has had a significant chilling effect on freedom of expression online and offline.

The Anti-Cyber and Information Technology Crimes Law No. 175 of 2018

15. The Anti-Cyber and Information Technology Crimes Law ("Cybercrimes Law") contains several provisions which can be used to curb the right of freedom of expression and press freedom. For example, **Article 25** provides a 6-month prison term for anyone who "publishes, via the information network or by any means of information technology, information, news, images or the like, which infringes the privacy of any person involuntarily, whether the published information is true or false."
16. This article poses a threat to individuals, particularly investigative journalists, who disseminate facts or opinions regarding the private lives of public figures, such as politicians or high ranking officers, on matters related to the public interest. International standards on freedom of expression recognize the legality of this content as protected speech. Therefore, **Article 25** goes against the requirements of Article 19 of the ICCPR.¹⁴
17. It has been used against journalists and HRDs. For example, in September 2022, the Public Prosecution's office summoned three journalists from the Mada Masr website after publishing an investigation into the Future of the Nation Party (the majority party in the Egyptian parliament). The Public Prosecution charged the journalists with spreading false news and accused the editor-in-chief, Lina Attalah, of operating a website without a

¹⁴ "National legal systems should make it clear, either explicitly or through authoritative interpretation, that open and free debate on matters of public interest is at the very core of a democratic society. Public figures, especially heads of state, elected representatives, individuals with a role in public life, exercising a public function or otherwise engaged in public activities, inevitably and knowingly lay themselves open to close scrutiny by both journalists and the public. They therefore have a lower expectation of privacy than ordinary individuals or lesser public officials in relation to matters of public interest." ARTICLE 19 and others, *The Global Principles on Protection of Freedom of Expression and Privacy*, available online: <https://www.article19.org/data/files/medialibrary/38657/Expression-and-Privacy-Principles-1.pdf>; Council of Europe, Council of Europe, *Recommendations on the Protection of Privacy in Media Coverage*, available online at: <https://rm.coe.int/recommendations-on-the-protection-of-privacy-in-media-coverage-prepare/168073f565>

license. The journalists were released on bail, but the case was not closed.¹⁵

18. In April 2020, the Egyptian authorities arrested Haneen Hossam, a 20-year-old student and TikTok influencer for inviting women to join her on a mobile application (app) called LIKEE in order to meet, chat and build relationships with men online. She was charged with violating “the values of the Egyptian family and society” under the Cybercrime Law. She was also sentenced to two years in prison, her assets frozen, and fined with a hefty sum of 300,000 LE (nearly USD \$19,000).¹⁶

The Anti-Terrorism Law No. 94 of 2015, modified in 2020

19. The Anti-Terrorism Law is another extremely dangerous and repressive legislation routinely used to prosecute HRDs and journalists, and to crackdown on civil society organizations through complicated and long criminal trials. **Article 1**, for instance, defines several key terms such as “terrorist group” and “terrorist act” with a broad and ambiguous manner that can comprise a variety of lawful and peaceful acts including protected speech. Therefore, it might be applied to digital campaigns led by NGOs or online media outlets if they publish content which could be interpreted as a crime of harming the national economy.
20. Under **Article 2**, a terrorist act can comprise any “intimidation domestically or abroad for the purpose of disturbing public order.” Such a vague definition can be used by public authorities to ban and to punish legal activities like strikes or demonstrations or freedom of expression online.
21. **Articles 26** and **27** impose a prison term of at least five years for any person who promotes or plans to promote the commission of a terrorist crime, or establishes a website with the purpose of promoting terrorist ideas, misleading the authorities, or influencing justice. **Article 35** provides that “whoever intentionally, by any means, publishes, broadcasts, displays, or promotes false news or statements on terrorist acts inside the country or anti-terrorism operations contrary to the official statements released by the Ministry of Defense shall be punishable by a fine of no less than 200,000 Egyptian pounds and no more than 500,000 Egyptian pounds, without prejudice to the disciplinary penalties prescribed (...).” This Article prohibits media and individuals from

¹⁵ Mada Masr, *Public Prosecution summons Lina Attalah, 3 journalists for investigation tomorrow*, September 6, 2022. Available online at: <https://www.madamasr.com/en/2022/09/06/feature/u/public-prosecution-summons-lina-attalah-3-journalists-for-investigation-tomorrow/>

¹⁶ Access Now, *These women were jailed for TikTok. You can help them*, October 14, 2020. Available online at:

<https://www.accessnow.org/egypt-women-jailed-for-tiktok/#:~:text=On%20March%2014%2C%202021%2C%20the,freedom%20of%20expression%20in%20Egypt.>

For an in depth legal analysis, see: Global Freedom Of Expression, *The Case of the Egyptian TikTok Influencers*. Available online at: <https://globalfreedomofexpression.columbia.edu/cases/the-tiktok-girls-case/>

publishing any information that has not been confirmed by the government. It's very dangerous to empower government authorities with deciding on what the truth is, especially that experience shows that regulations on disinformation are often abused to silence critical voices in society. This is particularly true given Egyptian authorities' track record of prosecuting activists, journalists, and HRDs.

22. The Anti-Terrorism Law is complemented with another law called **Law No. 8 of 2015 Organizing the Lists of Terrorists and Terrorist Entities** which authorizes the public prosecution to issue both a "Terrorist List" and a "Terrorist Entities List," under which individuals and organizations can be designated by a previous court verdict or a new request. In the latest such incident, the 13th Circuit of the Cairo Criminal Court ruled in May 2023 to add 81 Egyptians to the terrorism lists for a period of five years, including HRDs and political activists.¹⁷
23. Egypt's Supreme State Security Prosecution (SSSP), a special branch of the Public Prosecution responsible for investigating national security threats and terrorist-related activities, is a notorious abuser of the anti-terrorism laws and have been responsible for prosecuting thousands of peaceful political activists, journalists, lawyers, and HRDs in Egypt. The SSSP has special powers afforded under Egyptian law which allows it to order the prolonged pre-trial detention of suspects for up to 150 days, which can be renewed for an additional 45 days by terrorism circuit courts at the request of the SSSP. Detainees can submit a request to appeal the decision but it is up to the SSSP to decide on whether the case can be heard before a judge. In some instances, even when a judge orders the release of a detainee, the SSSP orders the re-detention of the individual under new charges. Such abusive powers have led to the prolonged and illegal detention of many peaceful activists and journalists in the country without access to a fair trial or due process. The SSSP has also been complicit in crimes of torture and forced disappearance.¹⁸
24. In 2021, eight UN human rights experts "expressed grave concern over Egypt's Anti-Terrorism Law and Terrorism Circuit Courts, and said the systematic use of overly broad and vague definitions of terrorism that target HRDs, journalists, and those exercising their human rights and fundamental freedoms - including the freedoms of expression and of peaceful assembly and of association - are detrimental to human rights. The experts

¹⁷ EIPR, Egypt adds human rights defenders to new terrorism lists after launch of 'national dialogue', 8 May 2023. Available at: <https://eipr.org/en/press/2023/05/egypt-adds-human-rights-defenders-new-terrorism-lists-after-launch-%E2%80%98national-dialogue%E2%80%99>

¹⁸ Amnesty International, *Egypt: Permanent State of Exception: Abuses by the Supreme State Security Prosecution*, November 27, 2019. Available online at: <https://www.amnesty.org/en/documents/mde12/1399/2019/en/>.

affirmed that the Law's provisions go beyond the scope necessary to counter-terrorism and severely limit civic space and the exercise of fundamental freedoms in Egypt."¹⁹ They have also asserted that Egypt's Anti-Terrorism Law and measures fail to comply with the country's obligations under international law. The UN Human Rights Committee expressed similar concerns following its review of Egypt's compliance with the ICCPR in 2023.²⁰

25. This law has been used on several occasions. For example:

- In October 2023, The Bureau of the SCMR decided to conduct an investigation with those responsible for the "Saheeh Masr" website and refer them to the Public Prosecutor if they were found to have violated regulations. This decision was made in light of the website's news coverage of the Egyptian presidential elections.
- On July 18, 2023, following a trial rife with due process violations, an Egyptian emergency state security court handed down a three-year prison sentence to Patrick Zaki on trumped up charges of spreading false news. He was solely prosecuted for an article he had published two years earlier on the *Daraj* news website about Coptic Christians rights in Egypt while working as a researcher for EIPR. Patrick, who was a graduate student at the University of Bologna at the time, was arrested by Egyptian authorities on February 7, 2020, while at the Cairo Airport during a visit home to see his family. In custody, he was held incommunicado for a 24-hour period; he was beaten, stripped, electrocuted, verbally abused, and threatened. He was initially accused of joining a terrorist organization and spreading false news.²¹

The Law No. 180 of 2018 on the Organization of Press, Media and the Supreme Council of Media

26. The Law No. 180 of 2018 on the Organization of Press, Media and the Supreme Council of Media ("the Law") was ratified by President Abdel-Fattah El Sisi in 2018. An executive regulation was issued two years later on February 16, 2020. The law was heavily criticized and opposed by Egyptian and international civil society organizations, and by the

¹⁹ UN Special Procedure, *UN experts urge release of rights defenders in Egypt, condemn misuse of counter-terrorism measures*, December 1, 2021. Available online at:

<https://www.ohchr.org/en/press-releases/2021/12/un-experts-urge-release-rights-defenders-egypt-condemn-misuse-counter>.

²⁰ OHCHR, UN Human Rights Committee publishes findings on Egypt, Panama, Peru, Sri Lanka, Turkmenistan and Zambia, 24 March 2023. Available at <https://www.ohchr.org/en/press-releases/2023/03/un-human-rights-committee-publishes-findings-egypt-panama-peru-sri-lanka>

²¹ Amnesty International, *Civil society organizations condemn sentencing of Egyptian academic and researcher Patrick George Zaki*, July 20, 2023. Available online at: <https://www.amnesty.org/fr/documents/mde12/7024/2023/en/> Patrick was released in July 2023 following a presidential pardon.

Egyptian Journalists Syndicate deeming it “a threat to journalism's freedom and future.”²² It provides expansive powers to block websites to an authority overseen only by the executive branch.

27. The Law introduces stringent and stifling licensing and administrative requirements on journalists and media outlets, which contravenes international law standards on freedom of expression, including Article 19 of the ICCPR. For instance, it prohibits the establishment of any website in Egypt or managing any website outside of the country without obtaining a license from the Supreme Council for Media Regulation (“SCMR”), a body responsible for regulating the media sector in Egypt.²³ Media outlets or web administrators could face disproportionate fines between one and three million Egyptian Pounds, in addition to closure and confiscation of tools, devices, and their contents if they operate without a license.²⁴ The law stipulates an unlimited doubling of the fine in case of recidivism, creating a door to bankrupting ‘offending’ media outlets that fail to obtain the license. Al Manassa and Mada Masr, two of Egypt’s most prominent independent news websites and among a handful of such outlets left in Egypt, have not only both been unlawfully blocked, but have also had their application of license denied or blocked since 2018, forcing them to operate in apparent violation of this provision under penalty of law.
28. The Law introduces broad and vaguely-defined restrictions on publishing and disseminating content, which are fundamentally incompatible with international freedom of expression standards, including Article 19 of the ICCPR. **Article 4**, for instance, allows the SCMR to ban any publication or newspaper from entering Egypt “for reasons of national security.”²⁵ It also prohibits the publication and dissemination of any content “which contradicts the provisions of the Constitution, calls for violation of the law, violates the obligations of the Code of Professional Ethics, violates public order and morals, or incites to discrimination, violence, hate, and racism.”²⁶
29. Furthermore, **article 19** of the Law prohibits newspapers and websites from publishing “false news,” or content that incites to “breaking the law, or to violence or hate,” or engaging in “defamation of the reputation and honour of individuals,” or to “disregard

²² Ahram Online, *State Council concerns about draft media law in line with syndicate's views: Egypt press syndicate official*, July 9, 2018.

Available online at: <https://english.ahram.org.eg/NewsContent/1/64/306537/Egypt/Politics-/State-Council-concerns-about-draft-media-law-in-li.aspx>.

²³ See Article 6 of the Law No. 180 of 2018 on the Organization of Press, Media and the Supreme Council of Media, available online: https://www.ilo.org/dyn/natlex/natlex4.detail?p_isn=111247&p_lang=en

²⁴ Masaar, *Guide to the Press and Media Regulation Law*, December 6, 2021. Available online at: <https://masaar.net/en/guide-to-the-press-and-media-regulation-law/>.

²⁵ Article 4 of the Law No. 180 of 2018 on the Organization of Press, Media and the Supreme Council of Media.

²⁶ *Id.*

divine religions or religious beliefs.”²⁷ These rules apply not only to media outlets but also to personal websites, blogs, and social media accounts with over 5,000 followers.

Websites blocking

30. The Egyptian government has blocked over 600 websites since 2017 in a blatant violation of Article 19 of the ICCPR.²⁸
31. The Law gives the SCMR sweeping powers to block websites for vaguely-defined reasons, such as publishing or broadcasting false news, publishing or broadcasting calls for breaking the law, hatred or violence, publishing or broadcasting content that encourages discrimination between citizens, or libel or ridicule of faiths or religious beliefs.²⁹ It does not mandate the SCMR to obtain an order from court or other independent adjudicatory bodies in order to block websites, giving it discretionary powers to block any website at will.
32. The international standards related to freedom of expression, including Article 19 of the ICCPR, enshrine any action by public authorities aimed to restrict access to websites shall be prescribed by law, pursue a legitimate aim, and be necessary and proportionate to the aim pursued. The UN Human Rights Committee emphasized in its General Comment No. 34 “[a]ny restrictions on the operation of websites, blogs or any other internet-based, electronic or other such information dissemination system, including systems to support such communication, such as internet service providers or search engines, are only permissible to the extent that they are compatible with paragraph 3. Permissible restrictions generally should be content-specific; generic bans on the operation of certain sites and systems are not compatible with paragraph 3. It is also inconsistent with paragraph 3 to prohibit a site or an information dissemination system from publishing material solely on the basis that it may be critical of the government or the political social system espoused by the government.”³⁰
33. In 2011, four special mandates on freedom of expression confirmed in their Joint Declaration on “Freedom of expression and Internet” that “mandatory blocking of entire websites, IP addresses, ports, network protocols or types of uses (such as social

²⁷ Article 19 of the Law No. 180 of 2018 on the Organization of Press, Media and the Supreme Council of Media.

²⁸ Egyptian Initiative for Personal Rights, Authorities must stop targeting independent news website Mada Masr, December 5, 2023. Available online at:

<https://eipr.org/en/press/2023/12/egypt-authorities-must-stop-targeting-independent-news-website-mada-masr>

²⁹ See Article 19 of the Law on the Organization of Press, Media and the Supreme Council of Media (No. 180/2018). Available online at: https://www.ilo.org/dyn/natlex/natlex4.detail?p_isn=111247&p_lang=en

³⁰ See General comment no. 34, Article 19, Freedoms of opinion and expression, UN Human Rights Committee, 2011. Available online at:

<https://digitallibrary.un.org/record/715606?ln=en>

networking) is an extreme measure.”³¹

34. Independent media and civil society websites are particularly targeted with online censorship, and are often blocked within short hours from their launch. On June 28, 2019, the Egyptian authorities blocked a news website called “Katib” launched by the Arabic Network for Human Rights Information (ANHRI) to document human rights violations, only nine hours after it launched.³²
35. During the 27th Conference of the Parties to the United Nations Framework Convention on Climate Change, held in Egypt between 6 and 20 November 2022, the Egyptian government un-blocked the websites of Medium and Human Rights Watch following an international outcry over its online censorship.³³ The website of Human Rights Watch was blocked for five years for publishing a report documenting cases of torture, abuse, and systemized enforced disappearances of dissidents in Egypt.³⁴
36. Other blocked sites include over 352 websites that provide VPN and circumvention-related tools, such as TunnelBear and Tor Project.³⁵ It should be noted that **Article 27** of the Law grants the SCMR the “sole and exclusive right” to establish and license “encrypted digital platforms” in Egypt.

Recommendations

- Revise the Penal Code in accordance with Egypt’s international commitments;
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- Rescind the Cybercrime Law no. 175 of 2018, the Anti-Terrorism Law of 2015, and the Law on Terrorist Entities;
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- Unblock all blocked websites since 2017 and cease from banning further websites in-country; and
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³¹ Organization for Security and Co-operation in Europe, *Joint Declaration On Freedom Of Expression and the Internet*, June 1, 2011. Available online at: <https://www.osce.org/fom/78309>.

³² Mada Masr, *New website documenting rights abuses blocked 9 hours after launch*, June 25, 2018. Available online at: <https://www.madamasr.com/en/2018/06/25/news/u/new-website-documenting-rights-abuses-blocked-9-hours-after-launch/>.

³³ Guardian, *Cop27 wifi in Egypt blocks human rights and key news websites*, November 7, 2022. Available online at: <https://www.theguardian.com/environment/2022/nov/07/cop27-wifi-egypt-blocks-human-rights-key-news-websites>.

³⁴ See Human Rights Watch’s tweet: <https://twitter.com/hrw/status/1590068486378000385?s=20&t=eEg5AM3YAWEZwXKAIVP7CQ>

³⁵ Masaar, *Blocked websites in Egypt*, April 27, 2021. Available online at: <https://masaar.net/en/blocked-websites-in-egypt/>.

- Amend the Law on the Organization of Press, Media and the Supreme Council of Media (No. 180/2018) to comply with Article 19 of the ICCPR.

V. Right to privacy

37. The right to privacy is enshrined in the Egyptian Constitution, which provides in **Article 57** “[p]rivate life is inviolable, safeguarded, and may not be infringed upon. Telegraph, postal, and electronic correspondence, telephone calls, and other means of communication are inviolable, and their confidentiality is guaranteed.” It also stipulated in **Article 58** “[t]he state shall protect the data, information, and documents of citizens. Such data, information, and documents may not be accessed, disclosed, or made available except by judicial order and in cases specified by law.”
38. Despite these constitutional protections for privacy and communications’ confidentiality, the Egyptian authorities’ use of spyware and surveillance technologies raises significant privacy concerns. Additionally, laws like the Cybercrimes Law grant the authorities broad surveillance powers, including the ability to monitor the internet and online communications without adequate judicial oversight.

Legislative framework related to the right to privacy

39. Several legal provisions undermine the right to privacy and data protection in Egypt. First of all, **Article 64 of the Egyptian Telecommunications Law No. 10 of 2003** obligates operators or service providers to provide, at their own expense, within the licensed telecommunications network, all technical capabilities, including equipment, systems, programs, and communications within the telecommunications network, that enable the armed forces and national security agencies to exercise their powers within the limits of the law.
40. Secondly, **Article 2 of the Cybercrimes Law** obligates internet and telecommunications service providers to store and retain user data for a period of 180 days. This must include data that enables the identification of the service user, data related to communication traffic, data related to communication peripherals, and any other data that the Board of Directors of the National Telecommunications Regulatory Authority decides to specify. The article also obligates service providers and their affiliates to provide, upon request from the national security agencies, all technical capabilities that enable those agencies to exercise their powers in accordance with the law.

41. **Article 46 of the Anti-Terrorism Law** grants the Public Prosecution or the investigating authority in a terrorist crime the power to issue a reasoned order for a period not exceeding 30 days, which may be extended for indefinite periods, to monitor and record conversations and messages received on wired and wireless means of communication and other modern means of communication, to record and film what happens in private places or through communication or information networks or websites, and to seize ordinary or electronic correspondence, messages, printed matter, parcels and telegrams of all kinds.

Personal Data Protection Law

42. The Personal Data Protection Law No. 151 of 2020 was issued nearly four years ago. However, the rules stipulated in the law are still not implemented due to the lack of executive regulations. According to the law, executive regulations were required to be issued within six months of the law's entry into force three months after its publication. While the law had the potential to advance privacy safeguards for Egyptians, its exceptions and lack of implementation have hindered its effectiveness in this regard.³⁶
43. **Article 3** of the law exempts national security agencies—including the President's Office, the Ministry of Defence, the Ministry of Interior, and the General Intelligence Service—, the Central Bank of Egypt, and the entities subject to its control and supervision, from the obligation to protect users' personal data. These exemptions are unconditional, lacking any regulatory measures or criteria. Consequently, they significantly diminish the law's substance and efficacy, undermining its primary objective of safeguarding personal data.
44. The Law established an oversight body responsible for enforcing the law and investigating data protection violations, which is the Personal Data Protection Center. **Articles 19 and 20** of the law regulate the tasks, powers, and structure of the Center. Despite the law's emphasis on the Center's independence, the data protection authority is established under the Minister of ICT and the composition of its Board is heavily weighted towards security and administrative officials. Security agencies, which have a documented record of human rights abuses, make up nearly half of the board members (four out of nine), which undermines any protection granted to people's personal data under the law.
45. While **Article 2** grants the data subject the right to know of any breach or violation of their personal data, the law does not specify the reporting mechanism or the timeframe

³⁶ Access Now, *Egypt's new data protection law: data protection or data control?*, September 24, 2020. Available online at: <https://www.accessnow.org/egypts-new-data-protection-law-data-protection-or-data-control/>

within which the victim of the violation must be notified. The law only states that the Data Protection Center must be notified, not the data subject, within 72 hours. In the event that this breach or violation is related to national security considerations, it must be reported immediately to the Data Protection Center, without mentioning any timeframe for notifying the data subjects whose data is breached.

Use of spyware and surveillance technologies

46. The Egyptian government has a long history of using spyware and other surveillance technologies to monitor online communications and target dissidents. Since 2008, human rights organizations have documented that Egypt has obtained surveillance software such as Cortex Vortex from Ecom (France), FinFisher from Gamma Group (UK), ProxySG from Blue Coat Systems (USA), Remote Control System from Hacking Team (Italy), Cerebro from Nexa Technologies (France), Pegasus from NSO Group (Israel), and PacketLogic devices from Sandvine (Canada).³⁷
47. Over the past years, human rights organizations and independent media outlets have proven the Egyptian regime's involvement in hacking the phones and devices of Egyptian dissidents:
 - a. Between May and September 2023, former Egyptian MP Ahmed Eltantawy was targeted with Cytrox's Predator spyware via links sent to him through SMS and WhatsApp messages. The targeting took place after Eltantawy publicly stated his plans to run for the presidential elections in December 2023. This spyware is capable of accessing text messages and emails and activating microphones and cameras on infected devices without the user's consent or knowledge.³⁸
 - b. In 2023, it was leaked that the Egyptian General Intelligence Service acquired the Israeli Webint Center platform. Developed by Israeli company Bler, this platform acts as an open-source intelligence (OSINT) tool, enabling the Egyptian regime to expand its traditional surveillance beyond monitoring social media. The platform empowers Egyptian authorities with tools that can identify the geolocation of targets using data extracted from social networks.³⁹

³⁷ Access Now, *Egypt: A long history of Internet and communications surveillance*, October 6, 2020. Available online at: <https://www.accessnow.org/مصر-تاريخ-طويل-من-مراقبة-الإنترنت-والا/>

³⁸ The Citizen Lab, *Predator in the wires: Ahmed Eltantawy Targeted with Predator Spyware After Announcing Presidential Ambitions*, September 22, 2023. Available online at: <https://citizenlab.ca/2023/09/predator-in-the-wires-ahmed-eltantawy-targeted-with-predator-spyware-after-announcing-presidential-ambitions/>

³⁹ Intelligence Online, *Egypt, Israel How Bler sold its OSINT wares to Egypt's technical intelligence agency*, June 30, 2023. Available online at: <https://www.intelligenceonline.com/surveillance--interception/2023/06/30/how-bler-sold-its-osint-wares-to-egypt-s-technical-intelligence-agency,109998815-art>

- c. On October 24, 2022, the Egyptian government released a smartphone application for COP27 attendees that requires users to provide personal information, including their passport numbers. Based on an initial analysis by two local rights groups, the application required access to the phone's camera, microphone, location, and Bluetooth connection. All information gathered by application can be shared with third parties. The wide-ranging information raises further surveillance and privacy concerns.⁴⁰

Recommendations

- Amend the Personal Data Protection Law No. 151 of 2020 in compliance with international standards and publish its executive order;
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- Conduct an independent investigation, through the Attorney General of the Republic of Egypt, into spyware use in the country;
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- Cease all surveillance operations and persecution of individuals and respect the right to privacy;
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- Introduce strong and effective transparency and oversight mechanisms to all matters related to mass surveillance and the acquisition of surveillance technology.
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VI. Attacks and harassment of journalists, HRDs, political opposition and social media users

48. During the 2019 UPR, the government accepted recommendations to allow HRDs and all other civil society actors to exercise freedom of expression and their professions without fear of being persecuted, intimidated or detained⁴¹ and to effectively protect HRDs against intimidation or reprisals, including guaranteeing the right to unhindered access to international and regional human rights mechanisms.⁴²

⁴⁰ Human Rights Watch, *Egypt: Arrests, Curbs on Protests As COP27 Nears*, November 6, 2022. Available online at: <https://www.hrw.org/news/2022/11/06/egypt-arrests-curbs-protests-cop27-nears>

⁴¹ Rec 31.207, Finland. (Supported)

⁴² Rec 31.205, Denmark. (Supported)

49. For dissenting voices, including journalists, HRDs, individuals affiliated with political opposition, and average citizens critical of the government, speaking out carries considerable risks ranging from arbitrary detention,⁴³ to enforced disappearance, physical attacks, smear campaigns,⁴⁴ travel bans,⁴⁵ state surveillance and harassment.⁴⁶ Those from marginalized or otherwise discriminated against groups, face additional and particular threats, and additional barriers to justice.
50. Many prominent Egyptian activists including Alaa Abd el-Fattah,⁴⁷ Hoda Abdelmoneim, Ibrahim Metwally Hegazy, Ismail al-Iskanderani, Hala Fahmy, Safaa Al-Korbagi, Mohamed Oxygen, Abdel Moniem Aboul Fotouh, among others, face charges, or have been already sentenced, of joining or aiding a terrorist group as a result of their non-violent political activities or exercising their freedom of expression whether online or offline.
51. Emblematic cases of arbitrary arrest and detention include:
- a. In March 2024, journalist Rana Mamdouh from Mada Masr was arrested while heading to cover the “Ras al-Hikma” deal in Marsa Matrouh Governorate. She was interrogated by the State Security Prosecution and released on bail.⁴⁸
 - b. In October 2023, the Supreme Council for Media Regulation (SCMR) issued a decision to block Mada Masr website for six months for “performing journalistic activities without obtaining a license and publishing false news that harms national security interests.” SCMR also decided to refer the incident to the Public Prosecutor's office for investigation. SCMR's decision came in response to a report published by Mada Masr titled “Egypt Tends to Accept Conditional Palestinian Displacement Imposed by Israel.” The report suggested Egypt was under pressure to accept the entry of Palestinians in Gaza into Sinai.⁴⁹ The Public Prosecutor's office then summoned Mada Masr's editor-in-chief Lina Attalah in February 2024

⁴³ Reuters, *Egyptian security arrests dozens ahead of COP27 climate summit- rights group*, November 1, 2022. Available online at: <https://www.reuters.com/business/cop/egyptian-security-arrests-dozens-ahead-cop27-climate-summit-rights-group-2022-11-01/>

⁴⁴ Human Rights Watch, *Rights Group and its Director Threatened and Smeared*, February 26, 2024. Available online at: <https://www.hrw.org/news/2024/02/26/egypt-rights-group-and-its-director-threatened-and-smeared>

⁴⁵ Human Rights Watch, *Egypt: Arbitrary Travel Bans Throttle Civil Society*, July 6, 2022. Available online at: <https://www.hrw.org/news/2022/07/06/egypt-arbitrary-travel-bans-throttle-civil-society>

⁴⁶ The Citizen Lab, *Predator in the wires: Ahmed Eltantawy Targeted with Predator Spyware After Announcing Presidential Ambitions*, September 22, 2023. Available online at: <https://citizenlab.ca/2023/09/predator-in-the-wires-ahmed-eltantawy-targeted-with-predator-spyware-after-announcing-presidential-ambitions/>

⁴⁷ For more information, see #FreeAlaa campaign. Available online at: <https://www.accessnow.org/campaign/free-alaa/>

⁴⁸ Mada Masr, *Mada Masr journalist detained on way to Ras al-Hikma for work assignment*, March 10, 2024. Available online at: <https://www.madamasr.com/en/2024/03/10/news/u/mada-masr-journalist-detained-on-way-to-ras-al-hikma-for-work-assignment/>

⁴⁹ Cairo Institute For Human Rights Studies, *Authorities must stop targeting independent news website Mada Masr*, December 5, 2023. Available online at: <https://cihrs.org/egypt-authorities-must-stop-targeting-independent-news-website-mada-masr/?lang=en>

for investigation, where she was charged with publishing “false news” and managing a website without license. He was released on bail, but the case was not closed.⁵⁰

- c. On August 19, 2023, Egyptian security forces raided the home of Matsadaash journalist Karim Asaad in al-Shorouk, Cairo, and arrested him. During the raid, forces assaulted Asaad and his wife, threatening to harm their two and a half year old son; logged into the Matsadaash platform and deleted two Facebook posts; and seized all phones and computers from the home, in addition to pieces of jewelry and 8,000 EGP. The raid came hours after the platform had published reports implicating the government in corruption allegations linked to gold smuggling. The journalist was held for two days in an undisclosed location without being presented to investigative authorities before being released.⁵¹
- d. On March 28, 2022, the Alexandria Economic Court convicted the singers, Hamo Beeka and Omar Kamal, on vague charges of “violating family values in Egyptian society and profiting from a video including dancing and singing.” The charges stem from an October 2020 video showing the two men singing and dancing along with a Brazilian belly dancer. The court sentenced them to one year in prison and a 10,000 EGP (USD 538) fine, with an additional 10,000 EGP fee to suspend the prison sentences.⁵²
- e. In November 2020, the Egyptian authorities arrested Mohammed Basheer, the Egyptian Initiative for Personal Rights’s Administrative Manager (EIPR), and Karim Ennarah, the Director of EIPR’s Criminal Justice Unit, and Gasser Abdel-Razek, EIPR’s former Executive Director. The Public Prosecution ordered the detention of all three in case no 855 of 2020, and charged them with “joining a terrorist group.” While the three activists were released the following month, they remain under travel ban and asset freeze orders as of this submission.⁵³

Recommendations

⁵⁰ Mada Masr, *Mada Masr editor-in-chief released on bail after questioning for ‘false news,’ ‘running a website without a license’*, February 20, 2024. Available online at: <https://www.madamasr.com/en/2024/02/20/news/u/mada-masr-editor-in-chief-released-on-bail-after-questioning-for-false-news-running-a-website-without-a-license/>

⁵¹ Mada Masr, *Fact-checking journalist arrested after platform reports on identities of Egyptian nationals on plane carrying cash, weapons seized in Zambia*, August 19, 2023. Available online at:

<https://mada36.appspot.com/www.madamasr.com/en/2023/08/19/news/politics/fact-checking-journalist-arrested-after-platform-reports-on-identities-of-egyptian-nationals-on-plane-carrying-cash-weapons-seized-in-zambia/>

⁵² Human Rights Watch, *Two Singers Convicted on ‘Morality’ Charges*, April 27, 2022. Available online at:

<https://www.hrw.org/news/2022/04/27/egypt-two-singers-convicted-morality-charges>

⁵³ Access Now and other organizations, *Continued repression of Egyptian Initiative for Personal Rights (EIPR) staff*, November 30, 2022. Available online at: <https://www.accessnow.org/press-release/open-letter-eipr/>

- Immediately and unconditionally release all persons arbitrarily detained for peacefully exercising their rights to freedom of expression, association and assembly, online and offline;
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- Take concrete steps to protect HRDs and end all forms of reprisal, attacks, and harassment against them, including lifting travel bans and asset freezes.
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