



Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Distr.: General
12 December 2023

Original: English

Committee against Torture

Concluding observations on the fifth periodic report of Egypt*

1. The Committee considered the fifth periodic report of Egypt¹ at its 2056th and 2059th meetings,² held on 14 and 15 November 2023, and adopted the present concluding observations at its 2067th and 2069th meetings, held on 22 and 23 November 2023.

A. Introduction

2. The Committee welcomes the submission of the fifth periodic report of the State party, although it regrets that the report was submitted 19 years late. The Committee also appreciates the State party's written replies³ to the list of issues.⁴

3. The Committee appreciates having had the opportunity to engage in a constructive dialogue with the State party's delegation, and the responses provided to the questions and concerns raised during the consideration of the periodic report.

B. Positive aspects

4. The Committee welcomes the accession to or ratification of the following international instruments by the State party:

- (a) The Arab Charter on Human Rights, on 24 February 2019;
- (b) The Convention on the Rights of Persons with Disabilities, on 14 April 2008;
- (c) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, on 6 February 2007;
- (d) The Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, on 1 March 2005;
- (e) The United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, on 5 March 2004.

5. The Committee also welcomes the State party's initiatives to revise and introduce legislation in areas of relevance to the Convention, including the adoption of:

* Adopted by the Committee at its seventy-eighth session (30 October–24 November 2023).

¹ CAT/C/EGY/5.

² See CAT/C/SR.2056 and CAT/C/SR.2059.

³ CAT/C/EGY/RQ/5.

⁴ CAT/C/EGY/Q/5/Add.1.



- (a) Act No. 30 of 2018 regulating the activities of the National Council for Women;
- (b) Act No. 10 of 2018 on the rights of persons with disabilities;
- (c) Act No. 82 of 2016 on illegal migration and smuggling of migrants, under which it is a crime to smuggle, attempt to smuggle or facilitate the smuggling of migrants;
- (d) Act No. 94 of 2014 amending the Prisons Act No. 396 of 1956 and giving convicted persons who have been sentenced to terms of imprisonment of up to six months the right to request an alternative to a custodial sentence;
- (e) Act No. 64 of 2010 on combating trafficking in persons;
- (f) Act No. 71 of 2009 on the care of psychiatric patients, which regulates criminal proceedings involving persons suffering from mental and psychiatric disorders and includes provisions to prevent them from suffering any form of torture;
- (g) Act No. 95 of 2003 repealing the penalty of hard labour in the Criminal Code and in any other criminal legislation.

6. The Committee commends the State party for its initiatives to amend its policies and procedures in order to afford greater protection of human rights and to apply the Convention, in particular:

- (a) The adoption, in 2022, of the Third National Strategy on Combating and Preventing Trafficking in Persons for 2022–2026;
- (b) The adoption, in 2021, of the National Human Rights Strategy for 2021–2026;
- (c) The establishment, in 2019, of the National Council for Persons with Disabilities;
- (d) The State party's contributions, in 2019 and 2014, to the United Nations Voluntary Fund for Victims of Torture;
- (e) The establishment, in 2018, of the Supreme Standing Committee for Human Rights;
- (f) The creation, in 2017, of the human rights department in the Office of the Public Prosecutor;
- (g) The adoption, in 2016, of the National Strategy for the Empowerment of Egyptian Women for 2016–2030.

C. Principal subjects of concern and recommendations

Legal status of the Convention

7. While noting that articles 93 and 151 of the Constitution establish that international treaties ratified by the State party acquire the force of law upon promulgation, the Committee regrets the lack of information on how potential conflicts between domestic laws, including those based on sharia law, and the Convention are resolved. It also regrets the lack of examples of cases in which the provisions of the Convention have been invoked before or directly applied by domestic courts (art. 2).

8. **The State party should ensure that domestic laws, including those based on sharia law, are interpreted and applied in conformity with its obligations under the Convention. It should also provide judicial officials and lawyers with specific training on applying the Convention directly, and on asserting the rights established in its provisions before the courts. It should include information about specific cases in which the Convention has been directly applied by or invoked before the domestic courts in its next periodic report.**

Definition and criminalization of torture

9. While noting that torture is explicitly prohibited under article 52 of the Constitution and article 126 of the Criminal Code and that the offence of torture is not subject to a statute

of limitations, the Committee is concerned that article 126 of the Criminal Code does not provide for a definition of torture that is in line with article 1 of the Convention. It is particularly concerned that: (a) torture is not defined as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person”; (b) the notion of torture being inflicted “with the consent or acquiescence of a public official or other person acting in an official capacity” has not been incorporated into the State party’s definition; and (c) acts of torture are criminalized only when they are committed against an accused person and for the purpose of coercing the person into making a confession. The Committee is also concerned that offences of attempted acts of torture and complicity or participation in committing torture are not explicitly criminalized and that acts of torture that do not lead to the death of the victim carry sanctions equivalent to those applied for lesser indictable offences, which runs counter to the requirement set out in article 4 (2) of the Convention that torture should be made punishable by appropriate penalties that take into account its grave nature. Furthermore, the Committee is concerned that there is no clear provision in the State party’s legislation to ensure that the prohibition against torture is absolute and non-derogable. Lastly, it is concerned that the principle of command or superior responsibility for acts of torture committed by subordinates is not explicitly recognized in domestic law. In that connection, the Committee wishes to draw the State party’s attention to its general comment No. 2 (2007), in which it pointed out that serious discrepancies between the definition in the Convention and that incorporated into domestic law created actual or potential loopholes for impunity (arts. 1, 2 and 4).

10. The State party should consider amending article 126 of the Criminal Code to ensure that the definition of torture is fully in line with article 1 of the Convention and that its scope is extended to anyone who attempts to commit torture or who is complicit or participates in torture, as stipulated in article 4 (1) of the Convention. The State party should also ensure that acts of torture and ill-treatment are punishable by appropriate penalties that take into account their grave nature, in accordance with article 4 (2) of the Convention. Moreover, the State party should ensure that the principle of absolute prohibition of torture is incorporated into its legislation and that it is strictly applied, in accordance with article 2 (2) of the Convention, and that, in accordance with article 2 (3) of the Convention, in no case may an order from a superior officer or authority be invoked as a justification for torture. Lastly, the State party should establish the criminal responsibility of those exercising superior authority for acts of torture or ill-treatment committed by subordinates where they knew or should have known that such impermissible conduct was occurring, or was likely to occur, yet failed to take any reasonable and necessary preventive measures.

Counter-terrorism and state of emergency

11. While acknowledging the State party’s national security concerns, the Committee is concerned that the Counter-Terrorism Act (No. 94 of 2015) and the Terrorist Entities Act (No. 8 of 2015) contain a definition of terrorism that is vague and overly broad, including “harming national unity” and “disturbing the public order”, and that those laws have reportedly been used to silence actual or perceived critics of the Government. It is also concerned that persons suspected or accused of involvement in terrorist acts can be held in police custody for a maximum period of 28 days and that they have allegedly been held in custody for longer periods without charge. It is further concerned about allegations that persons accused of terrorism are often subjected to arbitrary arrest, unlawful detention, torture, ill-treatment and enforced disappearance and that court proceedings in terrorism cases often lack fundamental procedural safeguards to ensure fair trials. While noting that the state of emergency, which was continuously extended in Egypt from 1981 until 31 May 2012 and intermittently applied since then on the grounds of “fighting terrorism” and “protecting national security”, was lifted on 25 October 2021, the Committee is concerned about the far-reaching powers conferred on the Government under Emergency Act No. 162 of 1958. That is the case in particular with regard to amendments made in April 2020 in the context of the coronavirus disease (COVID-19) pandemic, which further restricted the enjoyment of rights under the Convention by introducing measures in a range of areas not clearly related to public health, such as the extension of the jurisdiction of military courts

over civilians and the expansion of the powers of the security forces to detain suspects indefinitely with barely any judicial oversight (arts. 2, 11–13 and 16).

12. The State party should:

(a) **Review the definition of terrorism in the Counter-Terrorism Act and the Terrorist Entities Act to ensure that it is in line with the Convention and international standards, and ensure that anti-terrorism legislation is not used to restrict the rights enshrined in the Convention;**

(b) **Reduce the maximum length of time that a person suspected of terrorism can be held in police custody, ensure that any extension is limited to exceptional circumstances that are duly justified and provide for the judicial review of the lawfulness of the detention;**

(c) **Ensure that all allegations of torture, ill-treatment and other violations committed by public officials against persons accused of involvement in terrorist acts are promptly, impartially and effectively investigated, that those responsible are prosecuted and duly punished, and that victims obtain redress;**

(d) **Ensure that adequate and effective legal safeguards and fair trial guarantees are in place in practice and that no arbitrary arrest, unlawful detention or enforced disappearance is carried out under the guise of countering terrorism;**

(e) **Consider amending Emergency Act No. 162 of 1958 to ensure that state of emergency restrictions are expressed in clear and precise terms to guarantee respect for non-derogable rights, including due process and fair trial rights and the prohibition of torture. The State party should refrain from the blanket removal of legal safeguards and judicial review, in particular review of the legality of arrest and detention.**

Enforced disappearances

13. The Committee is concerned by the reportedly widespread use of incommunicado detention under counter-terrorism laws, which presents a significant systemic risk of short-term enforced disappearance, and by the reported rising trend in such disappearances. It is also concerned by reports of the enforced disappearance of individuals whose release has been mandated in a court order. It is further concerned by the persistently high number of cases of enforced disappearance submitted to and pending before the Working Group on Enforced or Involuntary Disappearances. Lastly, it is concerned by the lack of availability of official data on documented cases of enforced disappearance and on the investigations carried out in those cases (arts. 2, 11–13 and 16).

14. The State party should:

(a) **Explicitly criminalize enforced disappearance and ensure that all cases of enforced disappearance are investigated thoroughly and impartially, that those responsible are prosecuted and, if they are found guilty, that they receive punishment commensurate with the crime;**

(b) **Take all measures necessary to locate persons reported missing and ensure that anyone who has suffered harm as a direct result of an enforced disappearance has access to all available information that could be useful in locating the missing person and has an enforceable right to fair and adequate compensation;**

(c) **In the event of death, identify and return the remains of the deceased in a dignified manner;**

(d) **Consider acceding to the International Convention for the Protection of All Persons from Enforced Disappearance;**

(e) **Set up a consolidated and centralized register of disappeared persons.**

Fundamental legal safeguards

15. While taking note of the procedural safeguards to prevent torture and ill-treatment that are enshrined in the Constitution and the Code of Criminal Procedure, the Committee is

concerned about consistent reports indicating that, in practice, persons in custody, in particular persons detained for terrorism-related offences or during states of emergency, are not routinely afforded all fundamental legal safeguards from the very outset of deprivation of liberty. In that respect, it has been reported that: (a) the rights of persons in custody to be informed of the reasons for their arrest, the nature of any charges against them and their rights are routinely violated; (b) access to lawyers is not guaranteed in practice, particularly during the period of investigation; (c) timely access to an independent medical examination is not a standard practice aimed at uncovering signs of torture and ill-treatment; (d) the right to notify a relative or a person of one's choice is often delayed and sometimes denied; (e) registers of persons deprived of liberty, including the details thereof, are not used systematically and consistently at all stages of detention; (f) arrested persons are often brought before the competent authority well after the 24-hour legal limit under Egyptian law, which may leave suspects vulnerable to an increased risk of torture or ill-treatment; and (g) the right of the accused to challenge the legality of detention before a judge is often not respected (art. 2).

16. The State party should:

(a) Ensure that all persons deprived of their liberty are afforded, both in law and in practice and regardless of the reasons for their detention, all fundamental legal safeguards from the very outset of their detention, including notably:

- (i) Being informed, in a language that they understand, of the reasons for their arrest, the nature of any charges against them and their rights;**
- (ii) Being informed of and having guaranteed their right to be assisted by an independent lawyer of their choice, including during the investigation stage, and to have access to qualified, independent and free legal aid, if necessary;**
- (iii) Having the right to request and receive a medical examination by an independent medical doctor free of charge, or by a doctor of their choice, upon request, that is conducted out of hearing and sight of police officers and prison staff, unless the doctor concerned explicitly requests otherwise;**
- (iv) Having their medical records immediately brought to the attention of a prosecutor whenever the findings therein or allegations made may indicate torture or ill-treatment;**
- (v) Being able to notify a family member, or any other person of their choice, of their detention;**
- (vi) Being registered at the place of detention;**
- (vii) Being brought before a judge within the 24-hour legal limit prescribed by law;**
- (viii) Being able to challenge the legality of their detention at any stage of the proceedings;**

(b) Provide officials involved in detention-related activities with adequate and regular training on legal guarantees, monitor compliance and penalize any failure on the part of officials to comply.

Pretrial detention

17. While taking note of the safeguards set out in the Code of Criminal Procedure, under which pretrial detention is limited to a maximum of two years for serious indictable offences, the Committee remains concerned about the reportedly widespread recourse to prolonged pretrial detention in the State party, especially of critics of the Government. The Committee is particularly concerned that individuals arrested in the fight against terrorism are reportedly subjected to long periods of pretrial detention before they are brought before a judge. It is also concerned by reports that statutory limits on the duration of pretrial detention are regularly circumvented using the practice known as "rotation", with which the Supreme State Security Prosecution bypasses release orders by judges or prosecutors for individuals in prolonged pretrial detention by issuing new detention orders based on similar charges resulting from secret investigations conducted by the National Security Agency. The

Committee is further concerned that the routine use of pretrial detention is contributing directly to prison overcrowding, and about the lack of a publicly available record of the number of persons held in detention pending investigation or trial (arts. 2, 11 and 16).

18. The State party should:

(a) **Ensure that the provisions governing pretrial detention are respected, including statutory limits on the duration of pretrial detention, and that it is resorted to only in exceptional circumstances and for limited periods and in accordance with the law;**

(b) **Ensure that no detainee is held without the prompt filing of criminal charges, and that all pretrial detainees are brought to trial expeditiously in public trials that meet fundamental due process requirements;**

(c) **Intensify efforts to significantly reduce overcrowding in detention facilities by increasing the judicial capacity to reduce the backlog of cases and by making more use of alternatives to pretrial detention, in accordance with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules);**

(d) **Ensure systematic oversight of the lawfulness of pretrial detention by the Office of the Public Prosecutor, review the case files of all persons held in pretrial detention and immediately release those who have already been in detention for periods exceeding the maximum sentences carried by the offences of which they stand accused.**

Unofficial places of detention

19. While taking note of the domestic prohibition of unlawful detention in places not designated for that purpose and the State party's assertion that there are no secret places of detention in the country, the Committee remains concerned about persistent reports of, and information from various sources on, unlawful and incommunicado detention in unknown locations (arts. 2, 11 and 16).

20. **The State party should ensure, as a matter of priority, that national laws are enforced effectively throughout the country and take action to close all unofficial places of detention without delay. The State party should order the immediate placement of persons who may be detained in such places, including persons suspected of terrorism, under court supervision and ensure that they enjoy all fundamental safeguards to prevent and protect them from acts of torture or ill-treatment.**

Conditions of detention

21. While acknowledging the steps taken by the State party to improve conditions in places of detention, such as the closure of substandard detention centres and the construction of additional detention facilities, the Committee remains concerned at reports indicating overcrowding and poor material conditions of detention in places of deprivation of liberty, such as the Badr Rehabilitation and Correctional Centre, in particular insalubrity and inadequate hygiene, lack of ventilation, the poor quality and insufficient quantity of the food and water provided, and limited recreational and educational activities to foster rehabilitation. It is also concerned about the limited access to quality health care, including mental health care, in particular for pregnant women and women held in detention with their children, and about the lack of trained and qualified prison staff, including medical staff, which remain serious problems in the prison system. Furthermore, the Committee is concerned about allegations of violent acts committed by prison staff against detainees and reports indicating that detainees held for political reasons are frequently subjected to particularly harsh conditions, including extended periods of solitary confinement. Lastly, it is concerned that the suspension of all in-person visits, which was enforced in the context of the COVID-19 pandemic, has not yet been lifted in a number of places of detention (arts. 2, 11 and 16).

22. **The State party should intensify its efforts to bring conditions of detention into line with the United Nations Standard Minimum Rules for the Treatment of Prisoners**

(the Nelson Mandela Rules), including at the Badr Rehabilitation and Correctional Centre. It should, in particular:

- (a) Take further measures to reduce overcrowding in prisons, including by making more use of alternatives to detention and continuing to implement plans to develop and renovate the infrastructure of prisons and other detention facilities;
- (b) Guarantee that the basic needs of persons deprived of their liberty are satisfied, including with regard to water, sanitation and food, and increase the number of trained and qualified prison staff, including medical staff, to ensure the proper health care of prisoners, in accordance with rules 24–35 of the Nelson Mandela Rules;
- (c) Facilitate access to recreational and cultural activities, as well as vocational training and education, in places of detention with a view to supporting the rehabilitation of detainees in the community;
- (d) Ensure that female prisoners, in particular those who are pregnant or are in prison with babies, have access to adequate health, sanitation and hygiene facilities and are detained in gender-sensitive conditions;
- (e) Ensure that prompt, impartial and effective investigations are undertaken into all allegations relating to acts of torture and ill-treatment by prison personnel of prisoners, in particular political prisoners, and that the alleged perpetrators are prosecuted and adequately punished;
- (f) Bring its legislation and practice on solitary confinement into line with international standards, particularly rules 43–46 of the Nelson Mandela Rules.

Monitoring of detention facilities

23. While noting the information provided by the State party that regular inspections of prison facilities and other places of deprivation of liberty are conducted by the Office of the Public Prosecutor and parliamentary committees, as well as by the National Council for Human Rights, the Committee is concerned about the lack of information on any unannounced visits to places of deprivation of liberty by independent mechanisms and on the measures taken to implement the recommendations put forward by monitoring bodies. It also notes with concern that, as the mandate of the Council does not allow it to conduct unannounced visits to places of deprivation of liberty, its visits are allegedly prearranged and do not allow for unhindered access or confidential interviews with detainees (arts. 2, 11 and 16).

24. The State party should:

- (a) Ensure that monitoring bodies with a mandate to visit places of deprivation of liberty, including the National Council for Human Rights, are able to carry out regular, independent and unannounced visits to all civilian and military places of deprivation of liberty in the country and to speak confidentially to all detained persons;
- (b) Establish an effective independent national system to monitor and inspect all places of deprivation of liberty and follow up on the outcome of such systematic monitoring;
- (c) Consider ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as soon as possible.

Excessive use of force

25. The Committee is deeply concerned by the recurrent allegations of excessive use of force, notably in the context of protests, resulting in the death of and injuries to hundreds of peaceful protesters, including children, arbitrary arrests, incommunicado detention, torture and ill-treatment, and enforced disappearances perpetrated by the security forces. It expresses serious concern about the lack of accountability of the police and security personnel for the excessive use of force. The Committee is also concerned that the State party's legal

framework for the use of force and firearms by State agents is still not in line with international standards (arts. 2, 12–14 and 16).

26. The State party should:

(a) **Ensure that prompt, impartial and effective investigations are undertaken into all allegations of excessive use of force, especially lethal force, by State agents, and ensure that the perpetrators are prosecuted and punished appropriately and that the victims or their families receive full redress;**

(b) **Review its legislation on the use of force to bring it into line with international standards, in particular the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement, develop clear guidelines, if necessary, incorporating the principles of lawfulness, necessity and proportionality and the precautionary principle, and strengthen its efforts to provide all law enforcement personnel with mandatory and comprehensive training on these international standards.**

Deaths in custody

27. The Committee is concerned about the reported high number of deaths, including violent deaths, occurring in places of detention. It is also concerned about allegations that torture is a frequent cause of death in custody, along with the lack of health care. It regrets the lack of information on investigations undertaken in that regard. It also regrets the lack of reliable information and statistical data on the total number of deaths in custody for the period under review, disaggregated by place of detention, the sex, age and ethnicity or nationality of the deceased and the cause of death (arts. 2, 11, 12 and 16).

28. The State party should:

(a) **Ensure that all deaths in custody are promptly and impartially investigated by an independent entity, including by means of independent forensic examinations, with due regard to the Minnesota Protocol on the Investigation of Potentially Unlawful Death and, where appropriate, apply the corresponding sanctions;**

(b) **Assess the effectiveness of strategies and programmes for the prevention of suicide and self-harm and evaluate the existing programmes for the prevention, detection and treatment of chronic, degenerative and infectious diseases in prisons;**

(c) **Compile and provide to the Committee detailed information on deaths in all places of detention, their causes and the outcome of the investigations.**

Inadmissibility of confessions obtained through torture

29. While taking note of the guarantees set forth in article 55 of the Constitution and article 302 of the Code of Criminal Procedure regarding the inadmissibility of evidence obtained under torture or coercion, the Committee notes with concern the lack of information about court decisions in which confessions obtained through torture or ill-treatment have been admitted as evidence. It is concerned about reports indicating that torture is routinely used to extract confessions and that confessions obtained through torture are invoked against defendants in court as evidence of their guilt. It is also concerned about consistent reports maintaining that the courts do not investigate complaints of this kind (arts. 2, 15 and 16).

30. The State party should ensure that:

(a) **Confessions and statements obtained through torture or ill-treatment are not admitted as evidence in practice, except against persons accused of committing torture, as evidence that the statement was made under duress;**

(b) **When it is alleged that a statement has been obtained through torture, the allegation is investigated immediately, effectively and independently and that alleged perpetrators are prosecuted and, if found guilty, punished;**

(c) **All police officers, national security officers and military personnel, judges and public prosecutors receive mandatory training emphasizing the link between**

non-coercive interrogation techniques, the prohibition against torture and ill-treatment and the obligation of the judiciary to invalidate confessions and witness statements made under torture, taking note, in that regard, of the Principles on Effective Interviewing for Investigations and Information-Gathering (the Méndez Principles).

Military courts

31. The Committee is concerned by the extended jurisdiction of and increasing recourse to military courts to prosecute individuals, including civilians, under overly broad provisions of counter-terrorism and other legislation. It is also concerned by reports that a very large number of actual or perceived critics and political opponents of the Government, including children, have been tried and convicted in such courts in trials, including mass trials, that lack due process and fair trial guarantees (arts. 2, 11–13 and 16).

32. The State party should consider reviewing its legislation to revoke the competence of military courts to try civilians, including in cases involving acts of terrorism, and ensure that fundamental procedural safeguards and fair trial standards are systematically applied by military courts. It should also make all convictions and sentences rendered by the military courts subject to full review in the ordinary courts.

Human rights defenders, journalists, political opponents and lawyers

33. While noting the information provided by the State party in its replies to the Committee's list of issues, the Committee remains concerned about the lack of information on the measures taken to ensure the effective protection of human rights defenders, political opponents, civil society activists, journalists, lawyers, trade unionists, scholars, students, bloggers and artists who are critical of the Government to enable them to carry out their work without undue interference.⁵ The Committee specifically expresses its concern that lawyers, in particular those involved in political activities or in politically sensitive cases, are allegedly often subjected to threats, harassment, intimidation and reprisals and, in some cases, to prolonged pretrial detention, arbitrary detention, torture, other ill-treatment and enforced disappearance. Furthermore, the Committee is concerned by reports that lawyers have been unduly denied access to their clients in detention, in particular in legal proceedings before military or Emergency State Security Courts (arts. 2, 12, 13 and 16).

34. The State party should:

(a) **Ensure that sufficient safeguards are in place, both in law and in practice, to guarantee the full independence and safety of lawyers and ensure that they are able to carry out their duties without any threats, intimidation, harassment, undue interference or fear of arbitrary criminal prosecution and conviction or of other retaliatory measures, and that all lawyers arbitrarily detained solely as a result of the exercise of their profession are immediately released and provided with adequate compensation;**

(b) **Ensure that all persons deprived of their liberty are afforded, both in law and in practice, access to an independent lawyer of their choice throughout the legal proceedings, including those before military courts and Emergency State Security Courts.**

Investigations into allegations of widespread and systematic torture

35. In view of the numerous and consistent allegations of the systematic use of torture and ill-treatment⁶ by police officers, prison guards and other members of the security forces, as well as the military, in police stations, correction and rehabilitation centres, national security detention centres, military bases and in unofficial places of detention, during the arrest, interrogation and investigation phases, often as a method of coercion to elicit information or to punish or intimidate real or perceived political opponents and critics of the Government, the Committee remains deeply concerned at the lack of accountability, which contributes to

⁵ CAT/C/EGY/RQ/5, para. 94.

⁶ A/72/44, para. 69.

a climate of impunity. In that regard, it regrets that it has not received comprehensive information about cases that have resulted in criminal proceedings and about their outcomes, including the prosecutions, convictions, penalties and disciplinary measures imposed on the persons convicted for acts of torture and ill-treatment during the period under review. Furthermore, the Committee is concerned at reports that detainees often do not lodge complaints owing to their fear of retaliation and, in cases where such complaints are lodged, the information on investigations carried out and their outcome is lacking. It is also concerned that there is still no specific, independent, effective and confidential mechanism for the receipt of complaints of torture or ill-treatment in all places of deprivation of liberty and that existing investigation bodies at times lack the necessary independence, as they belong to the same structure that employs the alleged perpetrators (arts. 2, 11–13 and 16).

36. Recalling and reiterating its previous recommendations made under the inquiry procedure,⁷ the Committee is of the opinion that the State party should:

(a) Ensure that all complaints of torture and ill-treatment are investigated in a prompt, effective and impartial manner by an independent body and that there is no institutional or hierarchical relationship between that body's investigators and the suspected perpetrators of such acts;

(b) Ensure that the authorities open an investigation ex officio whenever there are reasonable grounds for believing that an act of torture or ill-treatment has been committed;

(c) Ensure that, in cases of torture and of ill-treatment, the suspected perpetrators are immediately suspended from duty for the duration of the investigation, particularly when there is a risk that they might otherwise be in a position to repeat the alleged act, take reprisals against the alleged victim or obstruct the investigation;

(d) Ensure that the suspected perpetrators of acts of torture and ill-treatment and the superior officers responsible for ordering or tolerating such acts are duly tried and, if found guilty, punished in a manner that is commensurate with the gravity of those acts;

(e) Establish an effective and independent police oversight mechanism;

(f) Establish an independent, effective, confidential and accessible complaints mechanism in all places of detention, including police custody facilities and prisons, and protect victims, witnesses and members of their families from any risk of reprisals;

(g) Compile and disseminate up-to-date disaggregated statistics on the complaints filed, investigations conducted, prosecutions launched and convictions handed down in cases involving allegations of torture and ill-treatment.

Death penalty

37. The Committee is deeply concerned that domestic law punishes with the death penalty a high number of crimes, including relatively less serious crimes that do not involve intentional killing, and that the death penalty is mandatory for certain crimes. It is also seriously concerned about the reportedly high and growing number of cases in which the death penalty is imposed and carried out. It is further concerned about reports suggesting that such sentences are prevalently handed down under the counter-terrorism legislation and are often accompanied by a lack of due process and fair trial guarantees. It is particularly concerned about allegations of instances in which death sentences have been imposed on the basis of confessions obtained under duress or torture, including in the context of mass trials and trials in military courts. Notwithstanding the oral assurances provided by the delegation that the death penalty was not imposed upon children, the Committee is concerned by reports that children have been sentenced to death for offences allegedly committed before they attained the age of 18 years. It is also concerned by reports that a number of executions have been carried out in secret and without allowing family visits or timely notification (arts. 2, 11 and 16).

⁷ Ibid., para. 70.

38. **The State party should:**

(a) **Consider the possibility of reviewing its policy, with a view to reducing the number of capital offences and abolishing the death penalty in law or taking affirmative steps to establish a moratorium on the death penalty, take steps towards commuting to life imprisonment the death penalty imposed on persons who are currently incarcerated on death row, and consider acceding to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;**

(b) **Take all measures necessary, including legislative action, to ensure that the death penalty is never mandatory and revise its legislation, including its counter-terrorism legislation and other relevant laws that may entail the imposition of the death penalty, to restrict the crimes for which the death penalty may be imposed to the most serious crimes, understood to be crimes involving intentional killing;⁸**

(c) **Ensure that conditions of detention for condemned prisoners do not constitute torture or ill-treatment by taking immediate steps to strengthen legal safeguards and guarantees of due process, and ensure access to free legal aid and that evidence obtained under duress and torture is inadmissible in court;**

(d) **Ensure that prisoners on death row, their families and legal counsel are properly notified of impending executions;**

(e) **Ensure that no person who was below the age of 18 years at the time of the commission of an offence is subjected to the death penalty.**

Juvenile justice

39. While welcoming the adoption of Act No. 126 of 2008 amending several provisions of the Children's Act (No. 12 of 1996), which strengthened legal safeguards for children in conflict with the law and provided for the establishment of Child Courts and Specialized Child Prosecution Offices, the Committee is concerned that:

(a) There is a high number of children aged between 12 and 18 years who are deprived of their liberty during investigation, in spite of article 119 of the Children's Act, as amended by Act No. 126 of 2008, which provides that children below the age of 15 shall not be placed in custody;

(b) Children in detention are reportedly subjected to torture and ill-treatment and are kept in solitary confinement;

(c) Children are sometimes held in custody together with adults;

(d) Children are allegedly recruited to take part in the persistently reported armed violence in North Sinai;

(e) Children lack information about their rights and how to report abuses (arts. 2, 11 and 16).

40. **The State party should intensify its efforts to bring its child justice system fully into line with the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and:**

(a) **Ensure that deprivation of liberty of children is used only as a measure of last resort and for the shortest period possible, including by actively promoting non-judicial measures such as diversion, mediation and counselling for children accused of criminal offences and, wherever possible, the use of non-custodial sentences such as probation or community service, in line with article 107 of the Children's Act, as amended by Act No. 126 of 2008;**

⁸ International Covenant on Civil and Political Rights, art. 6 (2), and Human Rights Committee, general comment No. 36 (2018), para. 35.

- (b) **Promptly investigate all cases of torture and ill-treatment of children in detention and adequately sanction the perpetrators;**
- (c) **Immediately end the practice of solitary confinement for children in detention;**
- (d) **Ensure that detention conditions comply with international standards, including with regard to access to education and health services and, for pretrial detention, that detention is reviewed on a regular basis with a view to its withdrawal;**
- (e) **Increase the number of well-trained and qualified prison staff capable of properly addressing the special needs of children;**
- (f) **Ensure that all children in detention are separated from adults, as stipulated in article 112 of the Children's Act, as amended by Act No. 126 of 2008;**
- (g) **Detect and eradicate the recruitment and use of child soldiers in the persistently reported armed violence in North Sinai, ensure the prompt disarmament, demobilization, rehabilitation and reintegration of child soldiers and reunite them with their families;**
- (h) **Provide children in conflict with the law with information about their rights, ensure that they have access to effective, independent, confidential and accessible complaint mechanisms and legal aid and protect complainants from any risk of reprisals.**

Forensic examinations as proof of sexual acts

41. The Committee notes with concern reports that persons accused of "habitual debauchery" under Act No. 10 of 1961 on combating prostitution are sometimes subjected to forced anal examinations to prove their homosexuality. It also notes with concern reports of vaginal examinations, sometimes performed without consent, conducted to prove sexual acts such as extramarital relations and acts of prostitution (arts. 2 and 16).

42. **Recalling and reiterating its previous recommendations made under the inquiry procedure,⁹ the Committee is of the opinion that the State party should enforce the prohibition against "virginity tests" and end the practice of forensic anal examinations for those accused of "habitual debauchery" and of any other crime.**

Training

43. While noting the efforts made by the State party to develop and implement human rights education and training programmes for members of the police, the judiciary and prison staff, the Committee regrets the limited information available on training activities on the provisions of the Convention and the contents of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), as revised, for forensic doctors and medical personnel dealing with detainees to enable them to detect and document the physical and psychological sequelae of torture. It also regrets that no mechanism for evaluating the effectiveness of training programmes has been established, and the lack of specific training for the military, the intelligence agencies and relevant medical personnel (art. 10).

44. **The State party should:**

- (a) **Further develop and implement mandatory initial and in-service training programmes to ensure that all public officials, in particular law enforcement officers, military personnel, judicial officials, prison staff, immigration personnel and others who may be involved in the custody, interrogation or treatment of persons subjected to any form of arrest, detention or imprisonment, are well acquainted with the provisions of the Convention, especially the absolute prohibition of torture, and that they are fully aware that violations will not be tolerated and will be investigated, and that those responsible will be prosecuted and, on conviction, appropriately punished;**

⁹ [A/72/44](#), para. 71.

(b) **Ensure that all relevant staff, including medical personnel, are specifically trained to identify cases of torture and ill-treatment, in accordance with the Istanbul Protocol, as revised;**

(c) **Develop and apply a methodology for assessing the effectiveness of educational and training programmes in reducing the number of cases of torture and ill-treatment and in ensuring the identification, documentation and investigation of such acts, as well as the prosecution of those responsible.**

Redress

45. The Committee regrets that the State party did not provide comprehensive information on the measures of redress and compensation ordered by the courts and other State bodies and actually afforded to victims of torture and their families during the reporting period, or on the level of cooperation in this area with specialized non-governmental organizations. It is also concerned about reports indicating the very limited medical and psychosocial rehabilitation received by victims of torture, in addition to compensation, and regrets the lack of information on whether specific rehabilitation programmes have been established for them. The Committee draws the State party's attention to general comment No. 3 (2012), in which the Committee explained the content and scope of the obligations of States parties to provide full redress to victims of torture (art. 14).

46. **The State party should ensure, in law and in practice, that all victims of torture and ill-treatment obtain redress, including an enforceable right to fair and adequate compensation and the means for as full a rehabilitation as possible, and guarantees of non-repetition, including in cases where the civil liability of the State party is involved. It should also compile and disseminate up-to-date statistics on the number of victims of torture and ill-treatment who have obtained redress, including medical or psychosocial rehabilitation and compensation, and on the forms of such redress and the results achieved.**

Refugees and asylum-seekers

47. While acknowledging the significant number of refugees and asylum-seekers hosted by the State party, the Committee is concerned about the absence of an adequate legislative and institutional framework ensuring the right to asylum and protection against refoulement for all asylum-seekers entering the country. It is also concerned about reports of individuals seeking or in need of international protection, including at-risk Eritrean asylum-seekers, who have been apprehended at the border or prior to reaching the Office of the United Nations High Commissioner for Refugees (UNHCR) in Egypt, detained for entering the territory of the State party illegally, denied their rights to have access to asylum procedures and to have their protection claims examined, and returned to their countries of origin, in violation of the principle of non-refoulement. It is further concerned by reports that conditions of immigration detention do not meet international standards, including overcrowding, the detention of children with adults and a lack of access to adequate medical care. Furthermore, the Committee notes with concern that the State party has not presented comprehensive information on the asylum applications received and granted or on cases in which return, extradition or expulsion were carried out during the reporting period and the guarantees and risk assessments afforded to such individuals (arts. 2, 3 and 16).

48. **The State party should:**

(a) **Uphold the principle of non-refoulement by ensuring that, in practice, no one may be expelled, returned or extradited to another State where there are substantial grounds for believing that he or she would be in danger of being subjected to torture;**

(b) **Pending the adoption of an adequate national legal and institutional framework on asylum, take the measures necessary to enable all individuals seeking or in need of international protection, in particular those apprehended at the borders, to have rapid, unimpeded and safe access to UNHCR and an individualized case assessment, irrespective of their country of origin;**

(c) **Ensure that procedural safeguards against refoulement are in place and that effective remedies with respect to refoulement claims in removal proceedings are available, including reviews of rejections by an independent judicial body, in particular on appeal;**

(d) **Ensure that the detention of asylum-seekers and undocumented migrants is used only as a last resort, where it is justified as reasonable, necessary and proportionate and for as short a period as possible, and implement alternatives to detention in practice;**

(e) **Ensure that children and families with children are not detained solely because of their immigration status;**

(f) **Improve the material conditions of detention and health-care services, including psychiatric care, in all immigration centres and ensure that all immigration detainees have access to free legal aid and to judicial review or other meaningful and effective avenues to challenge the legality of their detention;**

(g) **Ensure the establishment of effective mechanisms to promptly identify and refer vulnerable asylum-seekers, including victims of torture, to the appropriate services to ensure that they are not detained within the context of asylum procedures and that their specific needs are taken into consideration and addressed in a timely manner.**

Gender-based violence

49. While welcoming the measures taken by the State party to combat gender-based violence against women, including the adoption of the National Strategy and Framework for Combating Violence against Women, 2015–2020, and the establishment of a national referral mechanism for the reporting of cases of violence against women, the Committee is concerned about:

(a) The widespread incidence of gender-based violence, in particular domestic and sexual violence against women and girls;

(b) The absence of a comprehensive law on gender-based violence, discriminatory provisions of the Criminal Code, in particular articles 237, 274 and 277, which allow for leniency for so-called “honour crimes”, and the discriminatory application of sanctions for adultery under zina laws;

(c) The prevalence of underreporting of cases of gender-based violence, owing to cultural barriers and fear of stigmatization, revictimization and impunity;

(d) The reported low number of prosecutions and convictions for gender-based violence and the leniency of the penalties imposed (arts. 2 and 16).

50. The State party should:

(a) **Consider adopting a comprehensive law on gender-based violence to criminalize all forms of violence against women;**

(b) **Consider revising its Criminal Code to decriminalize adultery and ensure that perpetrators of so-called “honour crimes” do not receive reduced sentences and are not exempt from criminal prosecution, even in cases where a spouse is caught in the act of adultery;**

(c) **Ensure that all cases of gender-based violence, especially those involving actions or omissions by State authorities or other entities that engage the international responsibility of the State party under the Convention, are thoroughly investigated, that the alleged perpetrators are prosecuted and, if convicted, punished appropriately and that the victims or their families receive redress, including adequate compensation and rehabilitation;**

(d) **Intensify efforts to raise awareness among both men and women, including through educational and media campaigns, of the criminal nature of**

gender-based violence in order to challenge its social acceptance and address the stigma discouraging victims from reporting it;

(e) Provide members of the judiciary, prosecutors, police officers and other law enforcement officials with adequate training on women's rights and on gender-sensitive investigation and interrogation procedures in cases of gender-based violence against women;

(f) Expeditiously develop and adopt a new comprehensive strategy to eliminate all forms of gender-based violence, including domestic and sexual violence, and allocate sufficient resources to ensure its effective implementation.

Traditional harmful practices

51. While welcoming the adoption of Act No. 10 of 2021 amending Act No. 58 of 1937, promulgating the Criminal Code, which provides for harsher penalties for female genital mutilation, and the adoption of the National Plan for the Eradication of Genital Mutilation (2022–2026), as well as the establishment, in 2019, of the National Committee for the Eradication of Female Genital Mutilation, the Committee is concerned that this harmful practice remains prevalent in most communities in the country, with a prevalence of 86 per cent among women aged 15 to 49, particularly in rural and remote areas. It notes with concern the lack of accurate data on cases of female genital mutilation, reports of increased medicalization of the practice, the underreporting of such cases and the relatively low rate of prosecutions and the continued impunity of perpetrators. It regrets the lack of information on the impact of the awareness-raising campaigns conducted by the State party to eradicate female genital mutilation (arts. 2 and 16).

52. The State party should ensure the effective implementation of the National Plan for the Eradication of Genital Mutilation (2022–2026), including by strengthening targeted measures to address discriminatory attitudes at the community level, disseminate the National Plan throughout the country and assess its effectiveness. It should also ensure strict enforcement of articles 242 bis and 242 bis (A) of the Criminal Code, which criminalize female genital mutilation, and that perpetrators of this harmful practice, including medical practitioners, are prosecuted and adequately punished. Furthermore, it should intensify its efforts to eradicate female genital mutilation, including through cross-border cooperation and increased awareness-raising among religious and traditional leaders and the general public, in cooperation with civil society, about the criminal nature of the procedure, its adverse effect on the human rights and health of women and the need to eradicate it and its underlying cultural justifications.

Trafficking in persons

53. While welcoming the adoption of Act No. 64 of 2010 on combating trafficking in persons, the Third National Strategy on Combating and Preventing Trafficking in Persons (2022–2026) and the establishment, in 2017, of the National Coordinating Committee for Combating and Preventing Illegal Migration and Trafficking in Persons, the Committee is concerned about the persistence of various forms of trafficking in the State party, including trafficking of women migrant workers for the purposes of labour and sexual exploitation, child trafficking, including for begging and labour exploitation, trafficking for the purpose of removing organs, including of children in a street situation, and transactional, seasonal and contractual marriages of women and girls for sexual exploitation. It is particularly concerned about the inadequate enforcement of Act No. 64 of 2010 on combating trafficking in persons and the failure to fully operationalize the national referral mechanism and the national assistance trust fund for victims of trafficking. It is also concerned about the low rate of prosecutions and convictions for trafficking in persons (arts. 2 and 16).

54. The State party should:

(a) Intensify its efforts to ensure effective enforcement of Act No. 64 of 2010 on combating trafficking in persons and step up investigations, prosecutions, convictions and punishments of those responsible for trafficking-related crimes;

(b) Ensure the effective implementation of the Third National Strategy on Combating and Preventing Trafficking in Persons (2022–2026) and the full operationalization of the national referral mechanism and the national assistance trust fund for victims of trafficking;

(c) Redouble efforts to train all State officials, including judges, prosecutors, lawyers, law enforcement officers and immigration agents, on countering trafficking in persons.

Follow-up procedure

55. The Committee requests the State party to provide, by 24 November 2024, information on follow-up to the Committee's recommendations on counter-terrorism and state of emergency, conditions of detention and the death penalty (see paras. 12 (e), 22 (a) and 38 (b) above). In that context, the State party is invited to inform the Committee about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations in the present concluding observations.

Other issues

56. The Committee encourages the State party to consider making the declarations under articles 21 and 22 of the Convention.

57. The State party is requested to widely disseminate the report submitted to the Committee and the present concluding observations, in appropriate languages, through official websites, the media and non-governmental organizations and to inform the Committee about its dissemination activities.

58. The Committee requests the State party to submit its next periodic report, which will be its sixth, by 24 November 2027. For that purpose, the Committee invites the State party to accept, by 24 November 2024, the simplified reporting procedure consisting in the transmittal, by the Committee to the State party, of a list of issues prior to the submission of the report. The State party's replies to that list of issues would constitute its sixth periodic report under article 19 of the Convention.
