

**Submission to the Universal Periodic Review of Egypt
March, 2019**

Introduction

President Abdel Fattah Al-Sisi won a second presidential term in March 2018 elections that were held in a largely unfree and unfair environment. President al-Sisi rose to power on the heels of the June 30 mass protests, when he, as the then-defense minister, led the Egyptian military's move to unseat Egypt's first democratically elected President Mohamed Morsi. He was elected for his first presidential term in the summer of 2014, and since that time his government has dramatically escalated the state's repression and violence against his fellow citizens to stifle all forms of dissent.

The human rights situation in Egypt has collapsed since Egypt's last Universal Periodic Review (UPR) in 2014. Instead of implementing even small steps towards justice for the most serious crimes, authorities have relied on a state of emergency and repressive counterterrorism laws to suppress freedoms of expression and association and to largely silence peaceful dissent, including by prosecuting journalists and human rights activists. Abusive state agencies, particularly the Interior Ministry's National Security Agency and the police, have tortured, abused, and disappeared opponents with near total impunity. The government has further restricted basic freedoms, including through new legislations passed by parliament, which has largely become a rubber stamp for Al-Sisi's policy decisions. The March 2018 presidential vote was held in an unfree, unfair environment. Under such severe repression, authorities have been moving to pass constitutional amendments that would end any judiciary independence and invite army intervention in politics.

Legislative and Constitutional Human Rights Framework

Though it contained important human rights guarantees, Egypt's 2014 constitution fails to address many of the pressing rights issues in the country. In practice, authorities have shown little respect for constitutional guarantees of rights and have even passed laws that contradict them despite its acceptance of the 2014 recommendation to "continue efforts to harmonize national legislation with international norms."

Contrary to the accepted 2014 UPR recommendation to "strengthen measures, including the adoption of necessary legislation, to give effect to the rights enshrined in ICCPR," authorities have been using counterterrorism and state-of-emergency laws and courts to subvert rights protections and unjustly prosecute bloggers, activists, and ordinary citizens for their peaceful criticism.

President al-Sisi declared a nation-wide state of emergency in April 2017, following Islamic State-claimed church bombings that killed 45 people. The state of emergency has been uninterruptedly renewed since then. The 1958 Emergency Law gives unchecked powers to security forces to arrest people and allows the government to impose media censorship and order forced evictions. A constitutional court ruling annulling some of these powers was quickly circumvented by new amendments the parliament passed that granted al-Sisi the power to re-apply these abusive practices.

Examples of abusive new laws that severely undermine citizens' rights include:

- Law 70 of 2017 known as the new NGO law. It effectively attempts to eliminate independent human rights work, places all NGOs under the effective veto power of a council dominated by representatives of the security agencies, and allows the government to dissolve NGOs based on broadly-worded infractions.
- Law 180 of 2018 for regulating media. It ushered in increased levels of government censorship of the media, including news websites and social media. Around 600 websites, including those of human rights and media organizations, have been blocked without a court order in 2017 and 2018.

- Law 95 of 2015 for counterterrorism. The law erodes basic rights and espouses an overly broad definition of terrorism that includes civil disobedience and free expression. It also prevents police officers from questioning for any use of force during counterterrorism operations.
- Law 8 of 2015 on “Terrorist Entities.” The government used the law to list hundreds of individuals and entities on the country’s “terrorism list” without any hearings or trials, and instead mainly based on unchallenged memos submitted by prosecutors.

Recommendations

- Repeal or drastically revise all abusive laws, including those listed above, and ensure that all laws comply with Egypt’s international obligations;
- Withdraw new constitutional amendments that would further undermine judiciary independence and provide for military intervention in politics.

Impunity and Security Forces’ Serious Abuses

A- Excessive Use of Force and Extrajudicial Executions.

Egypt failed to implement the accepted 2014 UPR recommendation to “investigate excessive use of force by security forces” and to “prosecute those identified as being responsible.”

More than five years after the systematic mass killing of protesters in Rab’a Square in Cairo, in August 2013, the authorities did not question or investigate a single member of the security forces responsible for the killing of at least 817 people that day during their violent dispersal of the largely-peaceful sit-in supporting former President Mohamed Morsy.

According to Human Rights Watch’s review of official Interior Ministry’s statements, the ministry’s security forces have killed at least 270 persons between 2015 and 2018 in more than 80 incidents which the ministry claimed the people were killed in shootouts but provided limited or no evidence to justify the deadly use of force. No transparent investigations were allowed into such incidents. Human Rights Watch and other organizations have documented how several of those incidents, two of which were video-recorded, appeared to be extrajudicial killings including the killing of previously detained persons in likely staged “shoot-outs.”

B- Enforced Disappearance and ill-treatment and Torture.

Egypt failed to implement the 2014 UPR recommendations to prosecute and punish “possible crimes committed by security officers” and to ensure “all detained persons are protected by law and physically against torture and all other ill-treatment.” A 2017 Human Rights Watch investigation discovered that torture is being used systematically and on a widespread scale in Egypt. Interior Ministry police and National Security Forces have disappeared hundreds of people in the past years and subjected scores to severe torture including by electric shocks, rape and threat of rape. Since July 2013, the independent campaign “Stop Enforced Disappearance” has documented 1,530 enforced disappearances from July 2013 to August 2018. According to the Egyptian newspaper Al Watan, which cited statistics from the Justice Ministry’s Forensic Medical Authority, at least 90 people died in local police stations and security directorates in the governorates of Cairo and Giza alone in 2014. This number reached 118 in 2017, according to a detailed report published by the Egyptian NGO El-Nadeem Centre.

Egypt did not amend its laws to properly define torture and enforced disappearance crimes. On the contrary, the Egyptian government added more layers of protection for security officials. In July 2018, President Abdel Fattah al-Sisi approved Law No.161 of 2018 on the “treatment of the armed forces’ senior commanders,” which shielded senior military commanders from being questioned for abuses that occurred between July 2013 and January 2016 unless the Supreme Council of Armed Forces gives permission. The 2015 counterterrorism law states that officers cannot be questioned for the use of force during counterterrorism operations.

Recommendations

- Ensure security forces act in accordance with international human rights laws and standards on the use of force, including the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;
- Ensure that all those detained are protected from torture or other ill-treatment, and that detention conditions meet international standards;
- Repeal all laws that grant impunity to security officials from being questioned over abuses such as the 2015 counterterrorism law;
- Bring the crimes of torture and enforced disappearance in national law into conformity with the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- Ensure that investigations into human rights violations are impartial, independent and effective. The Justice Ministry should appoint a commission composed of law professors, legal experts, human rights activists and prosecutors with concrete powers to transparently and openly initiate criminal investigations into torture and disappearance crimes;
- Immediately launch open, transparent investigations into the unlawful use of lethal force by security forces that has resulted in the killing of thousands of protesters and bystanders;
- Establish torture-prevention mechanisms including by allowing independent oversight over all detention places, and in accordance with the Optional Protocol to the Convention against Torture.

Unfair Trials, Selective Justice and Death Penalty

Since its 2014 UPR, Egypt also failed to implement an accepted recommendation to ensure “fair, equitable and independent judicial procedures.” In their prosecution of activists and peaceful opponents, Egyptian authorities used Emergency State Security Courts, a parallel judicial system re-instated since October 2017, under the state of emergency that the government uses to prosecute political activists. These courts do not guarantee a fair trial and their decisions are not subject to appeal. The 2014 constitution permits military trials for civilians. Between October 2014, when al-Sisi decreed a law that vastly expanded military court jurisdiction, and late 2017, authorities have referred more than 15,000 civilians to military prosecutions. Many of these unfair trials ended in death sentences. Egyptian laws provide for death penalty for over 100 offenses. Death sentences and executions have sharply increased in recent years.

Recommendations

- Cease the practice of trying civilians before military trials;
- Abolish State Security Courts;
- Ensure that all those detained on recognizably criminal charges are tried in proceedings that fully conform with international fair trial guarantees, without recourse to the death penalty;
- Repeal all laws that allow for prosecuting people for peacefully exercising or demanding their civil, political, cultural and economic rights such as the 2018 new media regulations and the 2013 protest law;
- Issue a moratorium on death penalty as a matter of priority.

Restrictions against Freedom of Expression, Assembly, and Association

During its last UPR, Egypt accepted recommendations to “adopt the law affirming the right to establish nongovernmental organizations merely upon notification” and to provide and guarantee an environment “conducive to the work of journalists, human rights defenders and civil society organizations.” Despite this, President al-Sisi ratified the NGO law in May 2017 that criminalizes the work of NGOs, providing for up to five-year prison terms for failing to adhere to its provisions such as operating or receiving funds without government approval. During President al-Sisi’s tenure, Egypt has become among the worst three jailers of journalists in the world with roughly 25 journalists in jail in March 2019, despite the accepted 2014 UPR recommendation to “guarantee the freedom of expression” and to “protect journalists from violence and harassment.” Authorities have continued the prosecutions of scores of the country’s leading human rights activists and organizations in case 173 of 2011, known as the “foreign funding” case, despite the UN, US, and EU calls to end them.

Recommendations

- Immediately cease harassment and persecution of opposition activists exercising their right to freedom of expression and peaceful assembly, including defamation campaigns and threats;
- Release and drop charges against all those detained solely for exercising their rights to freedom of expression and peaceful assembly, including national and international media personnel arrested in the context of performing their duties as journalists;
- Also release and drop charges against all those detained for exercising their rights to freedom of association, including those detained solely for membership in the Muslim Brotherhood. The government should amend Law 107 of 2013 restricting freedom of assembly to bring it in line with international standards on freedom of assembly and association.

Abuses against Religious Minorities

Egypt's 2014 constitution guarantees freedom of religion and the rights of minorities and the country accepted a 2014 UPR recommendation to ensure "the respect for freedom of religion or belief for all its citizens" and to "take further steps to ensure the promotion of the values of tolerance." But authorities continued to prosecute writers and activists on charges of "contempt of religion" and "blasphemy," including religious minorities and proclaimed atheists. In 2015, courts handed prison sentences to two men, who later went into hiding, for allegedly supporting atheism online. The same year also witnessed prosecutors in Beni Suef governorate ordering a local man arrested for allegedly posting cartoons online that insulted the prophet Mohamed.

Egyptian Copts, who comprise roughly 10 percent of the population and are the largest Christian minority in the Middle East, have faced abuses and been targeted by extremist groups. Authorities failed to protect the Coptic community from sectarian violence and terrorist attacks. ISIS targeted Egyptian Christians on several occasions during the last few years killing scores of church-goers.

The restrictive Law 80 of 2016 on the construction of churches allowed for legalizing scores of churches that were operating without an official permit, but restrictions remain largely in place and hundreds of churches without a permit lack legal protection. The rights group Egyptian Initiative for Personal Rights (EIPR) documented the closure by the authorities of 14 churches in 2018 alone.

Recommendations

- Cease harassment and persecution of members of religious minorities including atheists, Christian Copts, and Shia' Muslims;
- Take steps to ensure the full and effective protection of the lives and property of religious minorities by holding accountable those responsible for attacks against religious minorities and investigating instances where security forces failed to respond to such attacks;
- Amend Law 80 of 2016 to remove restrictions on building and renovating churches and end discrimination against Christians.

Gender-Based Discrimination and LGBT Rights

Sexual harassment and violence against women remained endemic. Though Egypt accepted the 2014 UPR recommendation to take "measures to eliminate discrimination against women," Egyptian women continued to face discrimination under Egypt's personal status law on equal access to divorce, child custody, and inheritance. Egypt also accepted the 2014 UPR recommendation to adopt legislation to "criminalize all forms of violence against women," yet no law was issued to combat domestic violence including to prevent abuse, protect survivors and prosecute abusers. Other forms of violence against women, including child marriage and female genital mutilation (FGM), continued in some areas, despite laws strengthening penalties against some of those crimes. However, in practice, authorities have prosecuted very few perpetrators despite how widespread such acts are.

Egypt continues to prosecute scores of people based on their sexual orientation or gender identity. At least 76 people were prosecuted under the “debauchery” law based on their sexual orientation or gender identity in 2018. Many are picked up by security officers on the streets, often solely on the basis of their gender nonconforming appearance. In other cases, security officers entrap LGBT people through dating applications. The arrests in 2018 follow a wave of arrests in 2017, when, security forces arrested at least 75 gay and transgender people and activists after a few activists raised a rainbow flag, a sign of LGBT activism, at a concert in Cairo. Egypt routinely conducts forced anal examinations on people accused of homosexual conduct and, unlike other countries in the region, has taken no steps to ban these exams, which constitute a form of torture or cruel, inhuman and degrading treatment according to the UN Committee Against Torture. The government stopped authorizing sex reassignment surgeries for transgender people in 2016 and has provided no pathway to changing gender markers on official documents.

Recommendations

- Enact legislation to combat domestic violence and amend personal status laws that discriminate against women on issues of divorce, custody and inheritance;
- Immediately put an end to the arrest and prosecution of people for their real or perceived sexual orientation or gender identity;
- End forced anal examinations of persons accused of consensual same-sex conduct and provide a rights-respecting pathway to legal gender recognition, through an administrative process based on self-identification;
- Actively prosecute perpetrators of FGM;
- Lift travel bans and asset freezes of women’s rights activists such as Mozn Hassan and Azza Solimon and allow women’s rights groups to operate independently and without harassment or fear of reprisal.

Economic and Social Rights Abuses

Authorities held in May 2018 the first trade union elections in Egypt in 12 years. However, while state officials claimed the elections were transparent and fair, results only reflected the former status quo, with the government-affiliated Egyptian Trade Union Federation (ETUF) emerging from the process effectively in control of the unions. The Center for Trade Union and Workers Services, the oldest independent labor rights group in Egypt, [said that](#) the elections were marred by violations such as [the exclusion](#) from the electoral process of hundreds of candidates not aligned with the government.

The parliament passed a new trade union law in December 2017. However, [in the view of trade unionists and labor activists](#), the law “was only issued to win favor with the International Labor Organization,” and it kept in place several restrictions on the right to organize. Strikes remain criminalized in the Egyptian law. Authorities arrested or charged at least 180 workers for peaceful workplace strikes and protests in 2016 and 2017, mostly over bonuses and delayed wages.

Recommendations:

- Remove all restrictions on the right to organize and full allow independent workers’ organization and also de-criminalize strikes.