

Joint Submission by: Egyptian Taskforce for Human Rights

Related to: Egypt's UPR

UPR session: 34th session of UPR (13th November 2019)

This report presents the collective account of Egyptian Human Rights organizations based within and outside Egypt, regarding the state of human rights in Egypt over the past four years. Due to the limited space allowed, this report will focus primarily on the most important indicators illustrating the recurrent and systematic patterns of grave human rights violations seen in the last four years.

The Egyptian task force is a coalition of Egyptian human rights organizations based within Egypt and abroad. The task force was established in December 2018 to discuss the coordination of work and joint actions; this UPR report is first product of these joint efforts.

Taskforce members:

1. Cairo Institute for Human Rights Studies (CIHRS)
2. The Freedom Initiative
3. Nadeem Center
4. Egyptian Front for Human Rights
5. Belady Center for Rights and Freedoms
6. Committee for Justice (CFJ)
7. Egyptian Commission for Rights and Freedoms (ECRF)
8. Association of Freedom of Thought and Expression (AFTE)
9. Arab Network for Human Rights Information (ANHRI)

Also contributing to the report were the Alliance of Queer Egyptian Organizations (AQEO) and the Arab Penal Reform Organization (APRO), an Egyptian human rights organization.

Due to reprisals and threats faced by human rights defenders on a daily basis in Egypt, two NGOs contributing to this report opted to remain anonymous.

General context for the human rights situation in Egypt

1. In the last four years Egypt's human rights situation has deteriorated to a level unseen in a century. Rampant violations including torture, enforced disappearance, extrajudicial killing are committed by the state with total impunity – ostensibly for counterterrorism purposes but in actuality to stifle civil society and civic spaces, political parties and movements, and any peaceful dissident or independent voices.
2. Rights organizations and their staff are facing an unprecedented escalation of legal reprisals, including travel bans, asset freezes, and criminal charges carrying over 25-year prison sentences. Human rights defenders face reprisals for engaging with UN agencies, including imprisonment, house demolitions, death threats, or criminal charges.
3. Fearing reprisals, some independent Egyptian organizations opted not to participate Egypt's second cycle of the UPR, instead sending reports. Yet the Egyptian government still banned at least 31 human rights defenders from travel and shut down several organizations through asset freezes. Organizations were compelled to leave Egypt or cease human rights work completely.
4. Egypt has spurned the over 300 recommendations of its second UPR, opting instead to issue legislation designed to eradicate¹ civil society and rid the judiciary of the remnants of its independence,² and facilitate the death penalty, asset freezes and arbitrary travel restrictions, and incommunicado detention

¹ Egypt: A Letter and legal memorandum to the President; Demanding the Repeal of the NGO Law: <https://cihrs.org/a-letter-and-legal-memorandum-to-the-president-of-the-arab-republic-of-egypt-repeal-this-ngo-law-the-most-repressive-in-egypts-history-the-law-eradicates-civil-society-adversely-affects-t/?lang=en>

² Egypt: Unconstitutional Draft Law on Judicial Authorities Imperils Judicial Independence <https://cihrs.org/egypt-unconstitutional-parliamentary-draft-law-on-judicial-authorities-imperils-judicial-independence/?lang=en>

without legal representation. A state of emergency has been imposed since 2013 in North Sinai, and nationwide since April 2017.

5. There has been an escalation in extrajudicial killings, enforced disappearances, and executions³ in recent years. Trials in both civil and military courts are rife with violations including torture-coerced confessions. Defendants are held punitively in pretrial detention for up to five years, and prisoners are willfully killed through medical neglect.

6. The Egyptian state has shut down all avenues for free, peaceful expression by imprisoning journalists, semi-nationalizing the media market, blocking websites, and passing censorship-bolstering legislation. Foreign correspondents have been barred entry, deported and threatened, or refused work permits.

7. After silencing nearly all critical voices, the Parliament is currently discussing constitutional amendments⁴ drafted to enable President Abdel Fattah al-Sisi to retain power for life and exercise unprecedented unilateral authority, especially over the judiciary. The proposed amendments will expand the mandate of military tribunals over civilians, and grant custodianship over Egypt's constitution and democracy to the military establishment, despite the military's utter disrespect for both since Sisi's ascension to power.

8. These amendments come in the context of the stranglehold of the president and his security apparatus over civic spaces, rendering political parties or dissidents who are not yet in jail unable to organize events, marches or gatherings to protest the amendments without fear of arrest. Security forces have arrested over ten political activists for expressing their views; at least four

³ Egypt: Rights groups condemn latest surge in executions following unfree and unfair trials

<https://cihrs.org/egypt-rights-groups-condemn-latest-surge-in-executions-following-unfree-and-unfair-trials/?lang=en>

⁴ Egypt: Proposed amendments threaten stability and sanction lifelong presidency <https://cihrs.org/egypt-proposed-amendments-threaten-stability-and-sanction-lifelong-presidency/?lang=en>

of them were arrested for planning for online campaign to reject the amendments.

9. Law 10/1914 on assembly and Law 107/2013 on demonstrations, as well as other legislation criminalizing the right of assembly functions to arrest political activists and trade unionists,⁵ particularly those able to organize protests. Security forces and extrajudicial police groups are directed to besiege opposition political activities and assemblies, trade unions, and professional syndicate;⁶ and arrest and assault participants. As a result, Egyptians' right to assemble has been severely circumscribed and is now little exercised.⁷

10. In the run-up to the 2018 presidential election, potential opponents of the current president were arrested and charges were fabricated against them and their supporters. President Sisi won the farcical elections⁸ with 98 percent of the votes. Two of his presidential competitors remain in prison: Sami Anan, former army chief of staff, currently serving a 10-year prison sentence, and his aid Hisham Genena,⁹ who was physically assaulted before being sentenced to

⁵ Report Reveals Egyptian Labour Rights Defenders Facing "Worst Repression in Decades"

<https://www.frontlinedefenders.org/en/statement-report/egypt-labour-rights>

⁶ For the first time in its history, security forces surrounded and raided the Journalists Syndicate to arrest two journalists who participated in demonstrations. See: "Egyptian Interior Ministry marks World Press Freedom Day by storming Journalists Syndicate" <https://cihrs.org/egyptian-interior-ministry-marks-world-press-freedom-day-by-storming-journalists-syndicate/?lang=en>.

⁷ In demonstrations in 2016 against Egypt's agreement to cede two islands to Saudi Arabia, security forces surrounded the protests and arrested most participants and organizers. See: Rights groups demand immediate release of participants in island demonstrations and condemn arrest of human rights defenders <https://cihrs.org/rights-groups-demand-immediate-release-of-participants-in-island-demonstrations-and-condemn-arrest-of-human-rights-defenders/?lang=en>.

⁸ Rights groups: Egypt's illegitimate presidential election must not be recognized

<https://cihrs.org/egypts-illegitimate-presidential-election-must-not-be-recognized/?lang=en>

⁹ Egypt: Human rights organizations condemn brazen assault and likely kidnapping or assassination attempt of Judge Hisham Genena <https://cihrs.org/egypt-human-rights-organizations-condemn-brazen-assault-likely-kidnapping-assassination-attempt-judge-hisham-genena/?lang=en>

five years in prison. The 2015 parliamentary elections saw poor turnout and were conducted with an electoral law barring parties without state support to compete. Khaled Ali faces a travel ban and trumped up legal charges against him as retribution, while other independent candidates were subjected to state intimidation and threats, and the election results were tampered with.

I. Assessment of the state's fulfillment of its human rights obligations

Right to life

11. At least 356 people have been extrajudicially killed, among them 242 victims unidentified by the state. Capital punishment following unfair trials has unprecedentedly increased; with no less than 1,026 sentences in the last four years issued and 48 now final and unappealable. 47 people sentenced in 12 cases have been executed, five heard by civil courts and seven by military courts.

12. In its official statements, security forces often use terms such as “elimination,” “revenge,” or “vengeance” following extrajudicial executions; such statements are typically issued following lethal terrorist attacks.¹⁰ Subsequent events including external investigations and leaked footage reveal extrajudicial killings are often staged, with scant or no evidence implicating those killed.

¹⁰ One day after the assassination of the public prosecutor on June 29, 2015, the Interior Ministry announced it had killed nine individuals involved in the assassination. On November 4, 2018, the ministry announced that 19 people had been killed in a firefight. According to the ministry, they were responsible for a terrorist attack on the St. Samuel Monastery, located in the desert in the Minya governorate, on November 2, 2018. In another case earlier that year, January 2017, the Interior Ministry announced that ten people responsible for attacking a police checkpoint had been killed; four were unidentified, according to the statement. It was later found that four of the identified people killed had been arrested by security forces and taken to an undisclosed location in October and November 2016. Their relatives had sent telegrams to the public prosecutor inquiring about their whereabouts and seeking their release, as well as petitioning the interior and justice ministries. These requests were sent before the Interior announced their deaths and responsibility for a terrorist attack that took place while they were in custody.

13. On March 24, 2016, the Interior Ministry announced the killing of five people who they claimed murdered Italian doctoral student Giulio Regeni. The investigation of Regeni's death, in which the Italian general prosecutor participated, acquitted the five men. The Egyptian public prosecutor issued a statement admitting that evidence implicating them was weak.

14. On April 20, 2017, a leaked video¹¹ showed military forces in North Sinai killing three unarmed people while in custody. Four months before the leak, the armed forces published a photo of the same three detainees, reporting that they were killed during clashes with the army.

15. In the final session of Egypt's review in November 2014, Egypt rejected recommendations from five states to ratify the second optional protocol to the International Covenant on Civil and Political Rights (ICCPR) aiming to abolish the death penalty. It similarly rejected recommendations to declare a moratorium on the death penalty. Fifteen people were executed in February 2019 alone.¹²

16. 80 criminal statutes carry the death penalty in Egypt, some allowing for mass death sentences, of the type handed down to 184 people for the murder of one police officer.¹³ In addition to the vague, overly broad definition of terrorism in these laws, the legislation allows a person who belongs to an

¹¹ Egypt: Videos Show Army Executions in Sinai <https://www.hrw.org/news/2017/04/21/egypt-videos-show-army-executions-sinai>

¹² A political will to further expand capital punishment is reflected in President Sisi's statements. At the funeral of an assassinated public prosecutor, the president, addressing judges, emphasized the necessity of carrying out death sentences. During the first European-Arab summit, he similarly defended the execution of 15 people in one month, claiming capital punishment to be an Arab cultural value.

¹³ For example, Law 10/ 1914 on assembly makes every person who participates in an unlawful assembly of more than five people criminally culpable if one individual in the assembly kills someone, thus making all participants in the assembly subject to a death sentence.

“unlawful” group but does not commit murder or engage in violence to be sentenced to death.

17. Trial procedure monitoring in 28 cases found that 138 defendants were forcibly disappeared,¹⁴ for up to 219 days, and then tortured in order to coerce their confessions. Documented torture methods include rape or sexual assault using batons or sharp objects; electroshocks on the body, especially the genitals; waterboarding and hanging by hands or feet. In the 28 cases reviewed, the prosecution began interrogating the 356 defendants in the absence of their attorneys.

18. Court verdicts rely on torture – coerced confessions while disregarding defendants’ statements and medical reports about torture. In the 28 reviewed cases, the prosecution often ignored torture allegations from 116 defendants and dismissed their requests to see a forensic pathologist.¹⁵

Enforced disappearance

19. Egypt accepted four recommendations to sign the International Convention on the Protection of All Persons from Enforced Disappearance and pledged to join the convention, but has failed to do so. It has not stopped disappearing

¹⁴ Defendants often disappeared in official detention facilities such as police stations and unofficial locations, such as Homeland Security headquarters and military facilities

¹⁵ In the rare cases where a defendant was allowed to see a pathologist, the report – even when consistent with the defendant’s allegations – was disregarded by the prosecution and judges.

activists and political opponents, taking steps to codify¹⁶ enforced disappearance with Law 94/2015 on countering terrorism.

20. At least 1,500 people have been forcibly disappeared by state security agencies¹⁷ in the period under review.¹⁸ Organizations documented 63 cases in which forcibly disappeared persons appeared later as bullet-riddled bodies in the morgue¹⁹ or in footage filmed during their disappearance,²⁰ confessing to crimes under torture or the threat thereof.

21. Rights lawyer Ezzat Ghoneim,²¹ executive director of the Egyptian Coordination for Rights and Freedoms, appeared with others in an Interior Ministry propaganda video. In several cases, including Ghoneim's, courts may

¹⁶ Article 40 of the counterterrorism law (94/2015) allows security forces to arrest and hold people for 7 days before questioning by a prosecutor. Article 41 allows suspects to be detained incommunicado, upholding the suspect's right to contact an attorney or family member provided it does not prejudice the interests of the investigation and evidence gathering. This gives security forces a legal pretext to keep suspects cut off from the outside world

¹⁷ These state security agencies include the Interior Ministry, Homeland Security, and Military Intelligence.

¹⁸ Most of them later appeared before various investigative agencies, where their whereabouts were learned coincidentally after rights lawyers saw them at offices of these agencies while following up on other cases.

¹⁹ Testimonies given to rights organizations by the relatives of the extrajudicially executed reveal a pattern: suspects are arrested and then disappeared to an undisclosed location until photos of their corpses appear in Interior Ministry statements or their families are notified to collect their bodies at the morgue.

According to the families' testimonies, the authorities only release the bodies if the families forgo the right to an autopsy and an official cause of death and take the bodies from the morgue directly to the cemetery, even without funeral proceedings.

²⁰ In case no. 174 of 2015, 19 people were arrested from May 28 to June 7, 2015. The defendants were then disappeared for 46 days (it was later found they were held at the Military Intelligence headquarters) only to appear late in a military propaganda video, confessing to planned attacks against the military and police. The court sentenced eight defendants to death and the remaining defendants to terms of 15 years to life in prison. One of the defendants sentenced to life (Amr Mohammed Ali) told Amnesty International that during his disappearance he was forced to film a confession and tortured with electroshocks and lashes. See: "This is how I was tortured to "confess" in Egypt <https://www.amnesty.org/en/latest/campaigns/2016/07/this-is-how-i-was-tortured-to-confess-in-egypt/>

²¹ Egypt: Freedom for human rights lawyer Ezzat Ghoneim, detained for "rights terrorism" <https://cihrs.org/freedom-for-human-rights-lawyer-ezzat-ghoneim-detained-for-rights-terrorism/?lang=en>

order the defendants' release, but they disappear during the release procedures, taken to unknown locations for prolonged periods of up to two months.

Right to bodily integrity and non-torture

22. In the last UPR, Egypt received 15 recommendations from 19 states urging it to join the optional protocol to the Convention Against Torture (CAT) and withdraw its reservations to the convention; Egypt rejected these recommendations. It accepted recommendations to amend legislation bringing the definition of torture in line with the Egyptian constitution and the CAT, and to provide guarantees for accountability, justice, and punishment for perpetrators of torture. Egypt has fulfilled none of these pledges and failed to comply with the constitution in this regard.

23. Egypt opposed a proposed anti-torture law drafted by rights lawyer Negad El-Borai and referred two judges that assisted him in drafting, Hisham Raouf and Assem Abd al-Gabbar, to disciplinary proceedings²² in advance of their dismissal. El-Borai was accused of establishing an unlawful group and receiving funds from foreign bodies before he was banned from travel.

24. Torture is used by the security forces to obtain confessions, intimidate and procure information, or settle political scores. Investigative agencies—whether the Public Prosecution, State Security Prosecution, or the Military Prosecution—are complicit in covering up and disregarding torture allegations. Torture is a systematic practice in Egypt and facilitated by the investigative agencies with

²² Egypt | Rights groups: The referral of judges Hisham Raouf and Assem Abd al-Gabbar to a competency hearing is political retaliation <https://cihrs.org/rights-groups-referral-judges-hisham-raouf-assem-abd-al-gabbar-competency-hearing-political-retaliation/?lang=en>

their failure “to curb practices of torture, arbitrary detention, and mistreatment; or take action on complaints.”

25. The organizations documented 32 cases of death under torture. In a review of those cases, 212 defendants alleged torture. 132 stated they were subjected to physical assaults involving blows, kicks, and the use of sharp implements, inflicted by arresting forces or during their disappearance; 89 of them were subjected to electroshocks; 26 of them were hung on doors by their hands or feet; and 70 of them threatened with the torture or assault of their families.

26. Torture is not limited to prisons. It is more prevalent during the interrogation phase in police stations, Homeland Security offices, or unofficial military locations not subject²³ to any inspection by judicial bodies.

27. In a minority of cases, investigative agencies referred defendants to the forensic pathologist. Of the 212 defendants documented by the co-signed NGOs, 88 were referred to the pathologist to identify the injuries and determine their consistency with torture. Defendants are often referred to the forensic pathologist after the signs of the torture and injuries have healed.²⁴

28. Perpetrators of torture enjoy impunity; they are rarely referred to investigation and then only in cases of death and after community pressure by the victim’s family.²⁵ In all cases of death resulting from torture, three people

²³ See the story about Ragia Omran, a member of the council, being denied access to Aqrab Prison: <https://bit.ly/2Ft3KF2>

²⁴ For example, a forensic medical report for a defendant tortured in connection with case no. 4757 of 2014 stated, “The original traces of his injury have changed. These developments and the healing process make it impossible to determine their nature or the date of infliction.”

²⁵ In 2018, Mohammed Abd al-Karim (Afroto) was arrested and taken to Muqattam police station, where he was brutally beaten and died in jail the same day. The incident inflamed his family and neighbors, who demonstrated in front of the police station. After pressure, two police officers were referred to trial. One was sentenced to three years in prison and the other to six months (the sentence is still under appeal). Family and neighbors of the victim who demonstrated in front of the police station were sentenced to one year in prison for an unlawful assembly.

were brought to trial, and were given disproportionately lenient sentences. One police officer was sentenced to seven years in prison, while the other sentences amounted to three years or 6 months respectively; several such trials ended in acquittals.²⁶

Conditions in prisons and detention facilities

29. Egypt's prison population includes over 60,000 political prisoners detained since mid-2013. Cells are overcrowded and poorly ventilated, creating the environment for the spread of disease. Prison officials willfully disregard inmates' medical needs and deny their rights to visits including former President Mohamed Morsi.²⁷

30. Prisons operate with no independent oversight. Contrary to the Egyptian government's claim in the interim UPR report, the law governing the National Council for Human Rights was not amended to effectively permit the council to make surprise visits to prisons. Such visits require a lengthy process of approvals, after which the delegation may only visit the office of the prison administration. Using Article 42 of the law regulating prisons, prison administrations are able to prohibit - for prolonged periods - all visits for security or health reasons.

²⁶ For example, the Cassation Court acquitted police defendants of the murder of lawyer Karim Hamdi, after the first-instance judgment noted that the defendants questioned the victim in the police interrogation room while he was blindfolded and handcuffed. According to the judgment, they then beat and kicked him with intent to harm him in order to compel him to confess and inform on the other defendants, which led to his death.

²⁷ Some prisoners, among them former President Mohammed Morsi, are denied their right to visits. See: International Community Must Act to Save Former President Morsi's Life and Thousands of other Egyptian Prisoners. <https://cihrs.org/international-community-must-act-to-save-former-president-morsis-life-and-thousands-of-other-egyptian-prisoners/?lang=en>

31. Prison officials excessively and routinely use solitary confinement²⁸ to punish political prisoners; some defendants are confined to solitary immediately upon admission. These include Mohammed al-Qassas, the vice-president of the Strong Egypt party, who has been held in pretrial custody since early 2018 without trial, and Ahmed Douma,²⁹ who has been imprisoned since 2013. The regulation determining the maximum duration of solitary confinement was most recently extended from 15 to 30 days, with prisoners denied visits and exercise periods for the duration.

32. 66 prisoners³⁰ have died due to medical neglect from 2016 to 2018, including those with illnesses that should not be fatal when minimally treated, such as infections from wounds, fevers, diabetic comas, or dehydration due to diarrhea. In prisons that keep a doctor on staff, the doctor is often underqualified and/or inaccessible.

Judicial independence and violations of fair trial guarantees

33. Egypt received 11 recommendations in connection with fair trial procedures and guarantees. Despite supporting six recommendations³¹ and partially

²⁸ Former prisoners describe solitary holding cells consisting of a narrow, dark room no larger than one meter long and 20 cm wide, with no furnishings or bathroom.

²⁹ Egypt | Hours before appeal of life-sentence, Douma's trial is evidence of a deteriorating system of justice <https://cihrs.org/egyphours-before-appeal-of-life-sentence-doumas-trial-is-evidence-of-a-deteriorating-system-of-justice/?lang=en>

³⁰ According to the estimate of the organizations contributing to the report.

³¹ Related to respect for ICCPR fair trial standards and the principles of the Egyptian constitution, respect for the right to contact an attorney and family, and cooperation with the High Commission for technical assistance to strengthen judicial independence.

supporting three,³² the organizations note that Egypt has nevertheless followed a course completely opposed to the recommendations and the principles of justice.

34. On April 7, 2017 the president issued Law 13/2017,³³ granting himself the authority to select and appoint the heads of judicial agencies - including the Cassation Court and State Council - violating both the Egyptian constitution and the right to a fair hearing by an independent, impartial judiciary.³⁴

35. Despite recommendations against prosecuting civilians in military courts, the president issued Law 136/2014 designating military facilities as public and vital facilities; and any transgression against them, regardless of type, is prosecutable in military tribunals, even for civilians.³⁵

36. Emergency State Security Courts³⁶ were established by Prime Ministerial Decree 840/2017. Their judgments are not subject to appeal; the only review process is to petition the military courts.

37. In April 2017, the president ratified legislative amendments³⁷ severely curtailing the right of defense and codifying the terrorism circuits into the criminal courts. The amendments gave criminal courts the right to deny

³² Egypt partially supported three recommendations to ensure fair trials and no military trials for civilians.

³³ Egypt: Unconstitutional Draft Law on Judicial Authorities Imperils Judicial Independence <https://cihrs.org/egypt-unconstitutional-parliamentary-draft-law-on-judicial-authorities-imperils-judicial-independence/?lang=en>

³⁴ The law is likely to be immunized against claims of unconstitutionality by proposed amendments from the parliament.

³⁵ While the law includes a provision limiting its effectiveness to two years, it allows further extensions; this provision is still in force today and until 2020. To immunize the law against constitutional challenges, parliament has proposed amending the constitution to remove the restriction—such as it is—on referring civilians to military courts.

³⁶ Among those tried in these courts is journalist Ahmed Gamal Ziada, on charges of publishing and disseminating false news. Ziada was arbitrarily detained on January 29, 2019 and disappeared for 15 days in a Homeland Security office, and was later released on bail.

³⁷ These amendments introduce fundamental changes to the Code of Criminal Procedure, Cassation Court appeal procedures, the counterterrorism law, and the emergency law.

defendants' requests to hear witnesses,³⁸ and eliminated core procedural steps in appeals heard by the Cassation Court: resulting in less guarantees for the accused, with particularly grave implications in death penalty cases.

Human rights while countering terrorism

38. Under the pretext of fighting terrorism, the state commits widespread rights violations, particularly of dissidents and persons of conscience. Although Egypt accepted recommendations from France and Burkina Faso to respect human rights in the context of countering terrorism, the state has failed to meet its obligations.

39. The state has imposed a blockade on information about counter-terrorism operations in North Sinai, questioning and detaining journalists and foreign correspondents who have attempted to enter the region. Publishing information or news about military operations in the fight against terrorism is considered a criminal act under the counterterrorism law if the information was not released in an official statement from the state or military spokesman.

40. The rights of the majority-Bedouin residents of North Sinai residents are systematically violated by the military in the context of the war on terrorism.³⁹ Violations include extrajudicial executions of unarmed individuals including

³⁸ Requiring only that the court state cause when doing so.

³⁹ The comprehensive military operation, Operation Sinai 2018, was announced in February 2018.

children;⁴⁰ the use of internationally-banned cluster bombs;⁴¹ the destruction of homes, private property, and large swathes of agricultural land, together with forced displacement and strict restrictions on movement.

41. Two years earlier, the state began forcibly evacuating Sinai residents from their homes in order to create a border buffer zone.⁴² There was no community consultation or participation in the decision, and the state did not provide fair compensation for residents or alternative housing. From July 2014 to August 2015, some 3,222 homes were demolished in the Sinai Peninsula, displacing thousands of residents.⁴³

42. The state has proven incapable of protecting North Sinai's civilian population from abductions and killings⁴⁴ by terrorist groups as retribution for their cooperation with the Egyptian army or in connection with the organization's extremist ideology.⁴⁵

⁴⁰ In April 2017, a video was leaked showing military personnel summarily executing several unarmed individuals, including a 17-year-old child.

⁴¹ Amnesty International has also documented the Egyptian army's use of internationally banned cluster bombs in military operations in Sinai, in a flagrant violation of international law and in utter disregard for the safety and security of civilians. See the video and news story published by Amnesty International, Feb. 14, 2018, <https://www.amnesty.org/en/latest/news/2018/02/egypt-cluster-bomb-video-highlights-human-rights-concerns-in-north-sinai/>.

⁴² On October 24, 2014, armed militants attacked an army checkpoint at Karam al-Qawadis west of Sheikh Zayed City, killing 30 army conscripts. The president subsequently met with the National Defense Council and decided to establish a buffer zone between the Egyptian border and the Palestinian Gaza City.

⁴³ Displaced residents were forced to take informal residence in thatch huts after their homes were shelled, moving to other areas of Sheikh Zayed, the Masaid area of Arish, al-Sabil, the Zarei area, and al-Maydan, west of Arish.

⁴⁴ In November 2016, a terrorist attack by an ISIS-affiliated terrorist group on a mosque left at least 305 civilians dead and 128 wounded, among them 27 children. See: Egypt: Sinai Attack Inflicts Horrendous Civilian Toll. <https://www.hrw.org/news/2017/11/24/egypt-sinai-attack-inflicts-horrendous-civilian-toll>

⁴⁵ In November 2016, Wilayat Sina, a group subordinate to Islamic State (ISIS), released images of the execution of Sheikh Suleiman Abu Haraz, a Sufi leader. The sheikh was kidnapped under force of arms for violating the terrorist group's religious teachings.

An ISIS-affiliated terrorist group issued a general threat to Christians in Arish, demanding that they leave the city. Eight Christians were subsequently killed in January 2017, spurring the forced evacuation of nearly 300 Christian families to other governorates.

Right to freedom of association and the situation of Human Rights defenders

43. Despite numerous recommendations on the need to draft a new associations law that would allow civil society to operate freely without threat and interference; in May 2017, President Sisi issued a law “deeply damaging” for human rights and violating the constitution and international standards.

44. The law creates an agency comprised of security representatives⁴⁶ to approve all funding requests⁴⁷ and all associations’ contacts with foreign entities,⁴⁸ while penalizing acts not constitutive of crimes per se, such as conducting an opinion poll without approval, with penalties of up to five years in prison and a fine of LE 1 million.

⁴⁶ Security representatives from the General Intelligence, and defense and interior ministries.

⁴⁷ Prior approval is required for foreign funds and funds in over LE10,000. Non-response from the agency is considered a rejection of the request.

⁴⁸ For example, associations cannot receive consultative status at the UN Economic and Social Council without agency approval.

45. The state suppresses and intimidates political parties,⁴⁹ groups, and movements, targeting and imprisoning party leaders and activists.⁵⁰ In the run-up to the 2018 presidential elections, on February 14, Dr. Abdel Moneim Aboul-Fotouh, the president of the licensed Strong Egypt party, was arrested⁵¹ on charges of joining a terrorist group.⁵² On February 20, a court placed Aboul-Fotouh's name on the designated terrorist list and froze his assets.⁵³

46. After the Democratic Civil Movement⁵⁴ held a press conference protesting President Sisi's crackdown on his competitors for the presidency, several attorneys known to be acting on the state's behalf attempted to intimidate

⁴⁹ Currently the Public Prosecution is investigating the founders of the Bread and Freedom Party (in the process of formation) on charges of creating and establishing an unlawful party.

⁵⁰ These include Andrew Nassef Nashi, a business student at Zaqaziq University, who was arrested at dawn from his home on May 17, 2017 in connection with his opposition to the maritime border agreement. He was charged with possession and distribution of publications inciting against state instructions, obstructing the constitution, and using social media to propagate the same terrorist purposes. On Oct. 15, 2017, he was sentenced to five years in prison. The president issued Decree 219/2018 on May 16, 2018, granting amnesty to 331 prisoners, including Andrew Nassef and Islam Marei. Marei, the organization officer in the Egyptian Social Democratic Party in the Sharqiya governorate, was arrested on June 15, 2017 from his home in Zaqaziq. He was charged with propagating ideas impugning state institutions and funding a terrorist group. He was sentenced to 3 years in prison. Gamal Abd al-Hakim, a business student at Zaqaziq University and a founding member of the Bread and Freedom Party, was arrested at dawn from his home on May 12, 2017. He was charged with establishing a group in violation of the law, advocating the overthrow of the state, and using social media to inflame the citizenry (case no. 27899/2017/Zaqaziq District felonies, entered as no. 1692/2017/South Zaqaziq Plenary). He was sentenced to five years in prison on Nov. 22, 2107 and is currently serving his sentence.

⁵¹ Egypt: Human rights organizations condemn detention of Abdel-Moneim Aboul-Fotouh: Opposition candidates and critics of presidential elections continue to face imprisonment and reprisals.<https://cihrs.org/egypt-human-rights-organizations-condemn-detention-abdel-moneim-aboul-fotouh-opposition-candidates-critics-presidential-elections-continue-face-imprisonment-reprisals/?lang=en>

⁵² On February 9, 2018, his deputy Mohammed al-Qassas was jailed on charges of joining a group established in violation of the law and publishing false news about the country's political and economic conditions.

⁵³ See the report in Shorouk, Feb. 25, 2018, <https://www.shorouknews.com/news/view.aspx?cdate=25022018&id=22dbab6b-e12c-41a5-a725-e99c87d21479>.

⁵⁴ A group of several parties, political groups, and public figures established as an opposition front to the policies of President Sisi.

members of the movement, filing police complaints accusing them of undermining national security.

47. The recommendations to Egypt in this regard focused on preventing stigmatization of human rights defenders and rights organizations, and guaranteeing a hospitable climate for their work. Brazil recommended that Egypt adopt a national strategy combatting violence against women, including women human rights defenders, and to take all measures to protect them from assault and threat.

48. In the period under review, the state has intensified its assault on rights organizations and defenders. Investigations into rights organizations in case no. 173/2011, known as the Foreign Funding Case, resumed; after which 31 rights defenders were banned from travel, some have been banned from travel since December 2014. The operation of rights organizations was crippled by the asset freezes of ten rights defenders and seven organizations. Over 37 rights defenders have been summoned for questioning in connection with the case.

49. In February 2016, an Interior Ministry force raided⁵⁵ the clinic of the Nadeem Center for the Rehabilitation of Victims of Violence and Torture, accusing the clinic of engaging in the work of civic associations and issuing reports about torture with the aim of tarnishing Egypt's reputation. Less than a year later, a force again went to the clinic, shutting⁵⁶ it down and placing a wax seal on the entry.

⁵⁵ Attempted Shutdown of the Nadeem Center Exposes the War on Independent Rights Organizations. <https://cihrs.org/attempted-shutdown-of-the-nadeem-center-exposes-the-war-on-independent-rights-organizationsrights-groups-we-are-operating-in-a-repressive-climate-with-the-state-harassing-us-at-every-juncture/?lang=en>

⁵⁶ Egypt | Nadeem Center Forcibly Shut Down. <https://cihrs.org/nadeem-center-forcibly-shut-down/?lang=en>

50. In November 2018, security forces arrested⁵⁷ at least 31 staff members at the Egyptian Coordination for Rights and Freedoms, compelling the organization to suspend operations.

51. The UN Secretary-General's annual report referenced Egypt in 2014, 2017, and 2018 regarding reprisals against human rights defenders for their engagement with UN agencies. Egyptian authorities arrested Ibrahim Metwally,⁵⁸ the coordinator of the League for the Families of the Disappeared, as he was on his way to Geneva to attend a meeting of the UN Working Group on Enforced Disappearance.⁵⁹

52. The state took retaliatory measures against rights groups participating in the 2014 UPR report, even if they were not present at the session. The assets were frozen of Bahey eldin Hassan, director the Cairo Institute for Human Rights Studies (CIHRS), based on allegations that he met with the UN Secretary-General to defame the country and spread false news. Mohamed Zaree,⁶⁰ also from CIHRS, was charged with receiving foreign funds for the purpose of harming national security. Among evidence for the charge was the 2nd UPR report cycle of the Forum of Independent Egyptian Human Rights Organizations.

⁵⁷ Egypt: Wide-scale arrests of rights defenders target Egyptian Coordination for Rights and Freedoms. <https://cihrs.org/egypt-wide-scale-arrests-of-rights-defenders-target-egyptian-coordination-for-rights-and-freedoms/?lang=en>

⁵⁸ Rights groups demand release of Ibrahim Metwally and applaud international solidarity <https://cihrs.org/rights-groups-demand-release-of-ibrahim-metwally-and-applaud-international-solidarity/?lang=en>

⁵⁹ He was later charged with establishing an unlawful group and maintaining contacts with foreign bodies with the aim of harming the state.

⁶⁰ Mohamed Zaree, facing life imprisonment in Egypt, wins Martin Ennals Award for Human Rights Defenders. <https://cihrs.org/mohamed-zaree-facing-life-imprisonment-in-egypt-wins-martin-ennals-award-for-human-rights-defenders/?lang=en>

Freedom of opinion and expression and media independence

53. Egypt has disregarded recommendations on freedom of expression and opinion,⁶¹ blocking at least 500 websites⁶² intimidating and imprisoning journalists and media personnel and introducing legislation to bolster censorship and control of content.

54. In 2016 and 2017, the media was effectively nationalized, with the security establishment⁶³ purchasing private television channels and newspapers, or a controlling stake in them; enabling the state to exercise full control over content.⁶⁴

55. No less than 111 journalists and media personnel have been arrested, at least 15 remain imprisoned. Tens of employees at newspapers and television channels have been fired or lost their jobs due to criticism of state policies.

⁶¹ Recommendations include: from France, respect for freedom of opinion and expression, particularly the protection of journalists; from Germany, a review of the Penal Code to ensure freedom of opinion and expression and protection for journalists; from Luxembourg, taking all measures to provide protection for journalists and human rights defenders.

⁶² Today about 500 websites are blocked in Egypt by an unidentified official entity. The Administrative Court has abdicated responsibility for adjudicating the ban in suits filed by blocked websites against the National Telecom Regulatory Authority, reasoning that the entity responsible for the ban is unknown.

⁶³ Under suspicion: Who is monitoring the ownership of the media in Egypt. The role of the Supreme Council for Media Regulation in monitoring the funding of media institutions. https://afteegypt.org/en/media_freedom-2/2018/03/21/14887-afteegypt.html

⁶⁴ Although the law on the establishment of the Supreme Media Council authorizes the council to take measures to protect media competition and prevent monopolies, the council took no action, failing even to form a fact-finding committee to investigate these practices.

Journalists face prosecution and imprisonment,⁶⁵ and foreign correspondents⁶⁶ face deportation and denial of entry, recently among them former New York Times correspondent David Kirkpatrick in February 2019.⁶⁷

56. State security forces routinely harass independent Egyptian media outlets by raiding or storming their offices, arresting editors and journalists, blocking their websites and distribution, and changing their administrations.⁶⁸

57. Gag orders are used by the Egyptian government to block information and quell debate about cases spurring public discussions about corruption, the peaceful rotation of power, and accountability for human rights violations.⁶⁹

⁶⁵ The former head of the Journalists Syndicate Yehya Qallash and journalists Gamal Abd al-Rehim and Khaled al-Balshi were sentenced to one year in prison (suspended) after security forces stormed the syndicate, allegedly because it was “sheltering wanted fugitives.”

⁶⁶ Foreign journalists and correspondents after often threatened, deported, or imprisoned after criticism from the State Information Service (SIS), accusing them of intentionally publishing misleading coverage of Egypt. On January 7, 2018, a statement was issued about the New York Times following the US embassy’s move to Jerusalem. This was followed by SIS criticism of the BBC for a story that included interviews with victims of torture and enforced disappearance and their families. The SIS also uses its authority to postpone permits or issue them only for brief periods, to pressure and ensure control over journalists.

⁶⁷ Journalists have been repeatedly denied entry to Egypt while others have been detained at the airport and arrested; foreign correspondents have been deported. In November 2018, security authorities at the Cairo Airport denied entry and then deported a delegation of Iraqi journalists participating in the Cairo Media Mondial. Airport security on May 25, 2018 barred entry to foreign journalist Nina Hubinet after questioning her at the airport for her reasons for coming to Egypt and about articles she wrote on a previous trip to the country. In February 2018, the Egyptian authorities also forced British Times journalist Bel Trew to leave the country after detaining for her several hours at a local police station.

⁶⁸ In early April 2018, a security force stormed the office of the online news outlet Masr al-Arabiya (blocked since May 2017) and arrested editor-in-chief Adel Sabri, who remains in pretrial detention on fabricated charges of joining a banned group and publishing false news. See: AFTE condemns the imprisonment of an editor in chief and the dismissal of another. <https://afteegypt.org/en/statements/2018/04/12/15020-afteegypt.html>

On September 11, 2018, the state froze the newspaper and website of Mesryoon, and on September 24, 2018, a security force raided the newspaper’s office, sequestering it and all its contents, and turning over administration of the paper to the Akhbar al-Yom institution.

⁶⁹ Gag orders were issued in 2016 on the Foreign Funding Case, and by the Chief Military Prosecutor in 2018 on the case of former army Chief of Staff Gen. Sami Anan, who was also a candidate in the 2018 presidential elections.

58. The Supreme Media Regulatory Council has reinforced censorship since its creation in 2018, suspending television programs and presenters and referring journalists and TV announcers to questioning by their syndicates. The council also issued a decree banning the appearance of gay people or their emblems in the media, except to express repentance. Law 180/2018 on media regulation authorizes the Council to censor media content and gives it broad powers to license and block websites and social media accounts with over 5,000 followers.

59. Woman human rights defender Amal Fathy,⁷⁰ wife of rights defender Mohamed Lotfy, the executive director of the Egyptian Commission on Rights and Freedoms, was arrested in May 2018 after she posted a video on her Facebook page condemning the state's failure to confront sexual harassment. She posted the video after being sexually harassed by a security guard at a state-owned bank. The court sentenced Fathy to two years in prison.⁷¹

60. Law 175/2018 on cybercrime seeks to codify the state control over online content⁷² while Law 94/2015⁷³ on countering terrorism, provides for a fine of up to LE 500,000 and up to a one-year ban on practicing journalism for publishing information about terrorism contradicting official statements.

⁷⁰ Free Amal Fathy! End the crackdown of human rights organisations and defenders in Egypt

<https://cihrs.org/free-amal-fathy-end-the-crackdown-of-human-rights-organisations-and-defenders-in-egypt/?lang=en>

⁷¹ She was also charged with spreading false news in case no. 621/2018, a case under which many human rights defenders and political activists are currently detained.

⁷² Egyptian Parliament approves Cybercrime Law legalizing the blocking of websites and full surveillance of Egyptians. https://afteegypt.org/en/digital_freedoms-2/2018/06/20/15358-afteegypt.html

⁷³ EIPR and CIHRS issue legal commentary laying out objections to counterterrorism law and its inconsistencies with the constitution <https://eipr.org/en/press/2015/09/latest-counterterrorism-law-encourages-extrajudicial-killing-and-cements-impunity>

Economic and social rights

61. State practices disregard constitutional guarantees of the right to adequate, secure housing. State housing plans are arbitrary and centralized, showing no consideration for civic or autonomous initiatives, and include no channels to lodge objections or complaints.

62. State violations of the right to housing were exposed in the wake of the visit to Egypt by the UN special rapporteur on the right to housing. Housing rights advocates were punished,⁷⁴ with residents of at least two areas forcibly displaced, in reprisal for cooperating with the special rapporteur.

63. The state evacuated several neighborhoods without fair compensation—at times, no compensation at all—for their inhabitants.⁷⁵ The Tel al-Aqarib area in Sayyeda Zeinab of southern Cairo, which is inhabited by 4,000 people (530 families) and holds 230 residences, was demolished with the forcible removal of residents after cutting off utilities, and deploying Central Security Forces to cordon off the area.

64. On the morning of July 16, 2017, security forces headed to Warraq in the Giza governorate—an island on the Nile of some 1,850 feddans—to raze buildings and evict residents without prior warning.⁷⁶ Residents refused to leave their homes and assembled in the streets, where they were met with force and

⁷⁴ Attacks on people who met with UN expert. <https://cihrs.org/un-act-on-reprisals-by-egypt/?lang=en>

⁷⁵ In its survey of the area, the governorate did not rely on official documents proving ownership, but rather on local residents' claims to ownership. As a result, some families refused to leave their homes after finding themselves excluded from the property lists and therefore denied compensation. They were removed by force.

⁷⁶ On June 7, President Sisi had said, "There are islands in the Nile and under the law, there shouldn't be anyone living on them. They're either protectorates or no one is permitted to be there. There's an island in the middle of the Nile, for example, measuring more than 1,250 feddans—I won't say its name—where unregulated housing has grown up, people are building—claiming right of use and building on the land."

live ammunition from security reinforcements, killing one person. Security forces continue to impose a security cordon on the island, impeding entry and exit.

65. Although Egypt's constitution recognizes workers' right to strike, since 2013 this right has increasingly come under assault; many workers have been arrested following peaceful strikes and sit-ins.⁷⁷ The legislative framework, in particular Trade Union Law No. 213/2017, effectively crushes any attempt at organizing freely. The Government of Egypt took no heed of the repeated calls of the ILO Committee and of the Conference Committee on the Application of Standards to align its law and practice to the requirements of Conventions 87 and 98.

66. IMF austerity measures have worsened conditions for most Egyptians, while the military-dominated economy creates a distorted⁷⁸, uncompetitive economy unable to accommodate rapid population growth, provide adequate education and training, and respond to rising pressure to create jobs at home. Repression has built up barriers to growth,⁷⁹ by silencing dissenters and watchdogs⁸⁰ needed to fight corruption and promote transparency and the rule of law.

⁷⁷ In May 2016, security forces arrested 13 at the naval armory in Alexandria after staging a sit-in on the shop floor; they were subsequently given the option to either remain in prison or resign. On September 24, 2016, six workers at the Public Transport Authority were arrested and questioned by the High State Security Prosecution after preparing for a strike.

In February 2017, security forces broke up a sit-in by workers at Aswan Cement, organized after two workers died and others were injured to the lack of occupational safety and health guarantees; ten of the workers were arrested. In July 2018, six workers at Bisco Misr were arrested on charges of organizing a demonstration without a permit. The job description of another 1,500 workers was changed to make them temporary labor, while dozens of other workers were fired.

⁷⁸ https://www.swp-berlin.org/fileadmin/contents/products/comments/2018C31_rll.pdf

⁷⁹ https://www.swp-berlin.org/fileadmin/contents/products/comments/2018C31_rll.pdf

⁸⁰ <https://www.reuters.com/article/us-egypt-politics/egyptian-military-court-upholds-jail-sentence-of-former-anti-graft-chief-lawyer-idUSKCN1QK0EC>

67. Persistent high youth unemployment and inflation contribute to mounting social pressures that make unrest more likely. This is compounded by rising hardship⁸¹ and growing basic needs as many cannot afford access to decent services. Egypt was already the third most unequal country in the world in 2017 in terms of Gini coefficient of wealth.⁸² Short-term external debt has soared,⁸³ as has its ratio to foreign reserves: debt servicing absorbs a third of Egypt’s budget.⁸⁴ Corporate tax avoidance and evasion problems are not adequately addressed. Austerity measures disproportionately affect the less privileged,⁸⁵ further fueling social tensions while at least half of the poor⁸⁶ are not reached by any of the “safety-net” cash transfer programs.

Human rights of ethnic and religious minorities

68. Article 236 of the 2014 constitution requires the state to act “to design and implement projects to return the Nubian population to their original territories and develop such territories within ten years.” The state has thus far shown no intention of fulfilling this provision.

In December 2014, the president issued Decree 444/2014, which rendered historic Nubia as a border zone in which all civilian presence is barred, a complete betrayal of the constitutional pledge to return Nubians to their historic territory.

⁸¹ <http://assafirarabi.com/en/23295/2018/11/18/who-will-bear-the-costs-of-egypt-economic-reform/>

⁸² <https://www.credit-suisse.com/corporate/en/research/research-institute/global-wealth-report.html>

⁸³ <https://timep.org/commentary/the-imfs-overly-optimistic-review-of-egypt/>

⁸⁴ <https://www.progressegypt.org/en/indicator.html#debt-servicing>

⁸⁵ <http://www.cesr.org/egypt-new-imf-deal-comes-huge-price-tag-human-rights>

⁸⁶ <https://www.progressegypt.org/en/indicator.html#cash-transfer>

69. Dozens of Nubians marked the third anniversary of the decree's issuance - December 3, 2017- by staging a peaceful demonstration in Aswan to protest the decree and demand the return of their lands. Police and military forces surrounded the peaceful march and arrested⁸⁷ 33 participants⁸⁸ after assaulting the demonstrators. While the Nubian activists were held in pretrial detention, activist Gamal Sorour died in detention after being denied vital medication. The activists' case was referred to the State Security Emergency Court in Aswan and is still pending.

70. Despite President Sisi's affirmations of freedom of religion and belief, including non-Muslims' right to build houses of worship, his rhetoric does not match the reality of the period under view, which has seen a clear deterioration in religious freedom. Violations include the exclusion of certain religious minorities from legal and constitutional protection and a lack of legislation protecting the worship of adherents to non-Abrahamic religions, and discriminatory practices by official authorities. The state has failed to protect victims of communal violence, even ceding to the assailants when they belong to the majority religion.

71. Egyptian Christians have been victims of violations involving non-governmental actors, and the state has failed to protect and provide redress to victims. In most cases, the assailants were shielded from accountability through recourse to customary reconciliation instruments. According to the organizations' data, at least 33 incidents of sectarian violence targeted Christians

⁸⁷ Egypt: Prosecution of Nubian activists must be immediately suspended in line with UN recommendation. <https://cihrs.org/prosecution-of-nubian-activists-must-be-immediately-suspended-in-line-with-un-recommendation/?lang=en>

⁸⁸ That evening, the arrested parties were referred to the State Security Prosecution in Aswan, where they were charged with participating in an illegal assembly, demonstrating without a permit with the goal of infringing the public order and security, and insulting state institutions and the security forces.

in the period under review. These included mob attacks by Muslims in various villages and towns on the homes and private property of Christians.

72. In September 2016, President Sisi ratified Law 80/2016 regulating church construction and renovation. Although the law was widely celebrated, it in fact codified the official intransigence⁸⁹ toward churches that existed previously, using overly broad terms that allow authorities to deny permission for the construction of churches.⁹⁰ Article 8 of the law formed a committee to regularize churches' legal status; the majority of committee members are ministers or representatives of security agencies, while there is not a single Christian member of the committee.⁹¹

73. As a result of these legal constraints, existing churches have encountered difficulties in regularizing their status. Since September 2017, representatives of the Coptic Orthodox Church have submitted applications to legalize the status of 3,730 churches and related buildings. Yet as of the end of January 2019, the Official Gazette has published four decrees granting status to only 508 churches and related buildings. Since the new church construction law was issued in September 2016, the organizations have documented 18 cases in which the

⁸⁹ Article 2 of the law conditions the establishment of a church on the "need and number" of the congregation requesting the license. The law also requires existing churches to reconcile their legal status with the law, meaning they must again submit applications for licenses under the provisions of this law.

⁹⁰ For example, there are references to "compliance with the rules and conditions as required for matters of defense of the country," absent any definition of such "matters" or clarification of their relevance to the construction and renovation of churches. This vague terminology allows the authorities to restrict or deny permission for church construction on the basis of undefined administration and security concerns.

⁹¹ On January 26, 2017, the prime minister issued a decree forming a committee on the regularization of churches' legal status, pursuant to Article 8 of the law. The committee's composition reflects the security approach taken to the construction of churches: of the 11 committee members, 6 are ministers (including the defense minister) and representatives of security bodies (General Intelligence and Homeland Security), as opposed to a single representative from the religious confession in question.

security authorities have prohibited Christians from freely worshipping, citing the absence of a permit or yielding to objections by local Muslim hardliners.

74. The rights of adherents to the Bahai faith are not recognized in the constitution, which limits protection—even nominal—to adherents to the Abrahamic religions. Bahais -a considerable minority in Egypt- face particular difficulties in authenticating marriage contracts and obtaining identity cards, and it is impossible for them to build houses of worship.

75. The state also hinders Egyptian Shia Muslims from freely practicing their religion and establishing houses of worship (Husseiniyat). In October 2015, Egyptian authorities shut down the Hussein mausoleum in Cairo to prevent religious observance on Ashoura.⁹²

Gender and sexual rights

76. Despite receiving numerous recommendations during the 2014 review on women's rights, Egypt's response remained rhetorical. Although President Sisi declared 2017 to be the "Year of Women," the government failed to apply recommendations to lift reservations on Articles 2 and 16 of the Convention on the Elimination of All Forms of Discrimination Against Women and to sign the Optional Protocol to CEDAW.

77. Egypt also received recommendations to enact provisions of the 2014 constitution on gender equality, amend laws reinforcing violence and discrimination against women, and pass a law criminalizing domestic violence against women. Although it accepted all these recommendations, Egypt has thus

⁹² A statement from the Endowment Administration in Cairo said the decision was made "to prevent the Shia vanities that occur on the day of Ashoura." <http://www.ahram.org.eg/NewsPrint/448333.aspx>

far taken no action to comply, despite the submission of proposed laws by feminist organizations.

78. The Code of Criminal Procedure recognizes the testimonies of women as full persons in all criminal matters, whereas under the personal status law, a woman's testimony only counts as half that of a man's. This rule is applied in marriage and divorce contracts, in family courts, and in personal status circuits.

79. Article 60 of the Penal Code permits men to evade punishment for beating their wives, holding out an exception for acts committed "with good intent," thereby upholding a right recognized affirmed by Islamic law. If a man beats his wife, even brutally enough to inflict a permanent disability, the police may refuse to file an incident report. If the case goes to trial, the husband may be acquitted on the grounds that disciplining his wife is a right upheld by Islamic law.

80. Although a penal law has been passed criminalizing child marriage and female circumcision/FGM, these issues have not been genuinely addressed, since they are a matter of long-standing customs and traditions that require intensified campaigns in rural areas and among the more vulnerable classes. The government failed to prioritize these campaigns.

81. In its last review, Egypt received four general recommendations on equality and non-discrimination, which it only acknowledged. One recommendation urged a review of national laws like those criminalizing habitual debauchery. In practice, Egypt has not changed its hostile stance toward the LGBT community, with the last four years witnessing an unprecedented state-sanctioned assault on the LGBT community. LGBT individuals are persecuted through both legal action and by the state abandoning its responsibility to protect them from communal violence.

82. The state-controlled media, and behind it the security apparatus, has also engaged in campaigns of incitement. Members of the LGBT community in Egypt face serious violations because of their real or perceived sexual orientation.

83. The state criminalizes consensual same-sex relations, despite the lack of an explicit statute. Since the late 1990s, courts have relied on Law 10/1961 on the suppression of prostitution, particularly Article 9(c) on debauchery.⁹³

84. Persons arrested for these crimes are subjected to a wide array of violations by police personnel and investigative agencies, including physical assault and torture, as well as sexual assault in official detention facilities. The Public Prosecution refers defendants to the forensic pathologist for anal exams, a form of torture, ostensibly to discover whether they have engaged in same-sex relations.

85. Since 2016, five times as many people have been arrested and prosecuted on charges of habitual debauchery than in previous years,⁹⁴ with 232 people arrested as of March 2017. Following the raising of a rainbow flag in at a concert in Cairo in September 2017, police arrested 75 people,⁹⁵ most of whom were tried in misdemeanor courts on charges of habitual debauchery and incitement thereof, and infringing public morals.

⁹³ The courts have defined debauchery as “prostitution between men.” The state uses charges based on this article and others to entrap gay men, including charges of advocating and inducing debauchery (Article 14) and inciting to debauchery (Article 1[a]).

⁹⁴ According to documentation from the Egyptian Initiative for Personal Rights. *The Trap: Punishing Sexual Difference in Egypt*. <https://eipr.org/en/publications/trap-punishing-sexual-difference-egypt>

⁹⁵ Human rights organizations condemn the crackdown on individuals based on their perceived sexual orientation and gender identity. It criticizes the state’s disregard for the Constitution and the violation of the rights of individuals to privacy and bodily integrity. <https://cihrs.org/human-rights-organizations-condemn-the-crackdown-on-individuals-based-on-their-perceived-sexual-orientation-and-gender-identity-it-criticizes-the-states-disregard-for-the-constitution-and-th/?lang=en>

86. Following the rainbow flag incident, parliament debated a bill to criminalize same-sex sexual relations. The bill included penalties of up to three years in prison for engaging in same-sex relations in a public or private place and the same penalty for inciting to or advocating such relations. Were it not for international pressure, the bill would likely have been passed as law.

87. Transgender people in Egypt face complicated, lengthy procedures⁹⁶ for gender reassignment. The need for prior approval from the committee—which delayed some cases for six years—applications for gender reassignment surgery often end in failure.

88. If the committee approves, transgender face further bureaucratic hurdles in changing their identity and other official documents. These procedures require substantial funds, which puts the process beyond the reach of many people.

Violations against children

89. Egypt received several recommendations related to child rights, ending the death penalty for children under age 18 and training police on children’s rights to ensure proper treatment. In the period under review, however, children faced violations even beyond those cited in the previous cycle’s recommendations, in particular torture, enforced disappearance, and political arrests and imprisonment.

⁹⁶ Gender reassignment surgery requires applying to a Doctors Syndicate committee consisting of six doctors of various specialties and a representative from the Fatwa Authority (an Islamic religious body). Due to differences of opinion between the doctors and the religious representative, the committee’s work came to a standstill for nearly three years from 2014 to 2017. The primary conflict within the committee was the Fatwa Authority representative’s denial of several applications approved by the doctors.

90. 247 children have been arrested in political cases, among them at least 130 children remanded to pretrial custody as a first course of action. Children are also detained with adults in most police stations with no oversight.⁹⁷

91. At least 198 children were forcibly disappeared from June 2013 to December 2018. Most later emerged in detention, yet children whose whereabouts remain unknown⁹⁸ are a cause of grave concern.

92. Children detained and forcibly disappearance endures torture and cruelty. Children were tortured⁹⁹ in at least 71 of the documented cases, including three cases of sexual assault. 12-year-old Abdullah Boumedine¹⁰⁰ was arrested from his home, forcibly disappeared, and then detained and tortured in solitary confinement for nearly 100 days.

⁹⁷ Although Article 112 of the child law penalizes any public servant who detains a child with adults, the penalty has not been applied, on the grounds that there is insufficient space in every police station to designate a special juvenile detention area. According to the mother of one child, her son was involved in a fight with two adult criminal detainees because of smoking

⁹⁸ Including al-Husseini Galal, disappeared in Giza in May 2016, and Ibrahim Mohammed Shahin, disappeared in Arish on July 25, 2018

⁹⁹ According to the sister of one arrested child, her brother was tortured to obtain a confession in the Homeland Security headquarters. He was held for three months, from September to December 2016.

¹⁰⁰ Egypt: 12-year old child forcibly disappeared and held in solitary confinement in state's "fight against terrorism." <https://cihrs.org/egypt-12-year-old-child-forcibly-disappeared-and-held-in-solitary-confinement-in-states-fight-against-terrorism/?lang=en>