

**EGYPT**

**A BRIEF ANALYSIS OF THE**

# **GOVERNMENT'S NATIONAL STRATEGY FOR HUMAN RIGHTS**



# **A Brief Analysis of the Egyptian Government's National Strategy for Human Rights**

President Abdel Fattah al-Sisi launched Egypt's National Strategy for Human Rights<sup>1</sup> on 11 September 2021. The Cairo Institute for Human Rights Studies (CIHRS) views this document as a quintessential embodiment of the official and chronic denial of the human rights crisis in Egypt, including a lack in the minimal political will required for reform on the part of the current Sisi administration.<sup>2</sup>

The main objective of the National Strategy is to whitewash human rights crimes and violations committed by the Egyptian government following mounting international criticism of its rights record, including an unprecedented joint declaration by 32 countries denouncing Egypt's human rights situation before the United Nations on 12 March 2021. Adding to such international pressure is the new American administration<sup>3</sup> under President

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1 National Strategy for Human Rights, Shorouknews, Sept. 11, 2021.

2 Egypt: Human rights catastrophe results from lack of political will, not lack of a national strategy to whitewash reality, CIHRS, Sept. 13, 2021.

3 Egypt is sending the Biden administration on a wild goose chase, Ezzedine C. Fishere, Washington Post, Oct 7, 2021.

Joseph Biden, who pledged in his election campaign to manage the United States' relationship with Egypt differently, with greater emphasis on human rights.<sup>4</sup> Thus the national human rights strategy does not address Egyptians but instead addresses a foreign audience, with the aim of <sup>5</sup> misleading the international community into believing that the Sisi government is initiating reform. Tellingly, the strategy was prepared by the Ministry of Foreign Affairs as opposed to any ministry concerned with Egypt's internal affairs.<sup>6</sup> Likewise, the first public discussion of the strategy took place with decision-makers, think tanks, and civil society in the United States and not in Egypt.<sup>7</sup>

The Supreme Standing Committee for Human Rights handled the preparation of the National Strategy for Human Rights, according to Prime Minister decision no. 2396 of 2018 to form a committee responsible for responding to criticism directed at the Egypt government in international forums, without any regard for the criticism and concerns coming from within Egypt by the country's citizens and residents. The committee is headed by the Minister of Foreign Affairs (Article 2), and its secretariat is led by the Human Rights and International Humanitarian and Social Issues department at the Ministry of Foreign Affairs (Article 6). The first article of the resolution addressed the goal of forming the committee, which is "to respond to the allegations raised against the Arab Republic of Egypt regarding human rights." The committee's terms of reference (Article 3, Clause 1) is to develop a national strategy for human rights; formulate a unified Egyptian vision to express

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4 Joe Biden, [Twitter](#), Jul 12, 2020.

5 States break silence to condemn Egypt's abuses at UN rights body, [CIHRS](#), Mar 12, 2021.

6 Main aspects of the strategy, Bahey eldin Hassan, Salon Ibn Rushd, [YouTube](#), Sept. 20, 2021.

7 Egypt's new rights image met with skepticism in DC, [Mada Masr](#), Oct. 14, 2021.

in international and regional forums (not in Egypt); monitor, study and address human rights issues raised at international level (not in Egypt), and prepare responses to the allegations raised (section 3).

The foremost challenge facing the creators of any strategy in any field is a correct diagnosis of the fundamental problem for which the strategy is set. The different reports issued by independent Egyptian<sup>8</sup> and international<sup>9</sup> human rights organizations, the United Nations,<sup>10</sup> various foreign governments, and the European Parliament<sup>11</sup> have found that the human rights situation in Egypt is drastically deteriorating with widespread and systematic violations of human rights on virtually a daily basis, at the hands of civil and military state institutions<sup>12</sup> with the complicity of the judiciary. Meanwhile, the Egyptian government's 78-page strategy allegedly confirms that the source of the human rights predicament in Egypt is the people themselves, including a lack of societal awareness and the shortcomings of political parties and civil society.<sup>13</sup> Thus the strategy recommends raising citizens' awareness rather than putting an end to the state's unremitting daily repression, despite the fact that this repression contravenes Egypt's constitution, law, and governmental regulations.

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8 300 UN recommendations spurned by the Egyptian government; 12 demands must be urgently implemented before next month's UPR, CIHRS, Oct. 14, 2019.

9 Permanent State of Exception, Amnesty International, Sept. 27, 2019.

10 UN Committee against Torture report, Sessions 57, 58, 59 & 60, OHCHR, May 12, 2017.

11 European Parliament resolution on the deteriorating situation of human rights in Egypt, EU Parliament, Dec 16, 2020.

12 UN Committee against Torture report, Sessions 57, 58, 59 & 60.

13 The strategy portrays citizen awareness as the problem, Bahey eldin Hassan, Salon Ibn Rushd, YouTube, Sept. 20, 2021

It is worth noting that Sisi announced, a few days after the strategy's launch, that there are no human rights violations in Egypt.<sup>14</sup> Sisi's statement demonstrates the extent to which a policy of denial regarding Egypt's human rights record has become entrenched in the Egyptian government, over which Sisi has exercised authoritarian rule for more than seven years.

The critical flaws of Sisi's National Strategy for Human Rights are not limited to its denial of the tragic reality of human rights in Egypt, but also extend to the concept of 'human rights' itself. What is meant by 'human rights' in this 78-page strategy? Despite the strategy's allusion to the indivisibility and universality of human rights, it completely neglects Sisi's official stance, which emphatically affirms that universal human rights values are Western values<sup>15</sup> and cannot be applied to Egyptians. The strategy distinguishes between civil and political rights on the one hand, and economic, social and cultural rights on the other, stressing upon the necessity of this distinction alongside the superiority of economic and social rights, which are equated with the state's performance of its daily economic and social functions.<sup>16</sup>

Sisi's frequent presidential statements are significant in that not only are they issued in his capacity as a head of state who wields 'imperial' powers unprecedented in Egypt's modern history, but they also constitute the core media message in Egypt regarding human rights. State media handles these presidential statements daily with explanation and promotion, and

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14 Al-Sisi: Egyptians must be assured that there is no human rights violations in Egypt, [YouTube](#), Sept. 16, 2021.

15 Statement of Egyptian president in press conference with French president, [YouTube](#), Jan. 28, 2019.

16 Statement of Egyptian president in press conference with French president, [YouTube](#), Oct. 24, 2017.

the state's core media message on human rights is reflected in legislation issued by parliament,<sup>17</sup> and in directives issued by the attorney general to state investigative agencies. It is also reflected in educational curriculum<sup>18</sup> while legitimating religious discourse, both Islamic and Christian, that perpetuates cultural relativity permissive of human rights violations.

The National Strategy document's total dismissal of the appalling human rights situation in Egypt is indicative of the Sisi administration's stance on the inapplicability of universal human rights to Egypt, thus in this view the government's widespread and frequent human rights violations do not contravene the state's obligations towards its citizens. The document reduces the issue to a "weak culture of human rights, and some false cultural legacies contradicting with values and principles of human rights." The document ignores the primary role of the Egyptian state in perpetuating a culture hostile to human rights, including through its official discourse, its media and religious institutions, and the prevailing educational curricula in schools and universities.

In its practices and policies, the government of Egypt acts in direct opposition to human rights values and principles, not least of all through its numerous restrictions on fundamental rights such as free expression and academic freedom, and its unremitting decade-long assault against independent human rights organizations, spearheaded and implemented by state institutions such as the judiciary and security agencies. This assault has

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17 Egyptian Parliament approves Cybercrime Law legalizing the blocking of websites and full surveillance of Egyptians, Afteegypt, Jun. 20, 2018.

18 Egypt: In security campaign to protect family values, Public Prosecution abdicates its duty to protect citizens, CIHRS, Jun. 24, 2020.

consequently crippled the capacity of independent human rights organizations and cultural and media platforms to spread human rights culture in Egypt, an effort in which the country's human rights community has been engaged over several decades. The Egyptian government's assault on independent civil society has also resulted in a decline in the level of popular consensus on human rights, which reached its peak during the 25 January 2011 uprising. Yet the National Strategy for Human Rights and the repeated statements of President Sisi take a stance that directly denies this reality, choosing to blame the Arab Spring rather than the state's unprecedented repression for the deterioration of human rights in the country.

**CIHRS** presents a brief analysis of the Egyptian government's National Strategy for Human Rights through the lens of the document's treatment of civil and political rights.

## **First: How are civil and political rights dealt with in the National Strategy for Human Rights?**

### **Strengths and opportunities missed by state institutions**

The National Strategy for Human Rights claims that there are a number of strengths and opportunities in regards to the promotion of human rights related to civil and political rights, including the existence of constitutional articles and national legislation supporting such rights. However, the document did not provide any explanation for the state's disregard for the constitution and associated rights and guarantees; indeed, this contempt for human rights is practiced and promoted by Egypt's head of state, legislature, judiciary, security institutions, and military. Meanwhile, the document represents a continuation of the state's official denial of the country's human rights crisis. The strategy ignores the daily violations and crimes committed against Egyptians by state institutions and actors in terms of policies, legislation, and practices; these pervasive violations and crimes are facilitated by the impunity of perpetrators from accountability. The following lines reflect the profound disconnect between the cruel reality of the documented and systematic crimes against Egyptians and the false depiction conveyed by the national strategy, which is dominated by the state's shameful stance of denial, as if the document is addressing a country other than Egypt.



## 1. The right to life and bodily integrity<sup>19</sup>

The National Strategy for Human Rights turns a blind eye to the dire deterioration in Egypt of the most fundamental right to life and bodily integrity throughout the last eight years under Sisi and military rule. The crime of murder has extended from killing protesters in streets, squares, and homes, and during protests and sit-ins, to being regularly perpetrated in official and unofficial places of detention as a result of torture and deliberate medical negligence.

Furthermore, hundreds of citizens<sup>20</sup> have been sentenced to death in military and civilian courts, which lack minimal standards for fair trials, and target those considered as political opponents of the current head of state. United Nations experts have described these trials as a ‘mockery of justice,’<sup>21</sup> and Egypt has drawn widespread international criticism for its increasingly overzealous application of capital punishment without due process over the past seven years.<sup>22</sup> In 2020, Egypt ranked third globally in the implementation of capital punishment, in addition to cases of extrajudicial execution practiced by national security officers and the armed forces in combating terrorism in recent years.<sup>23</sup> Egypt’s judiciary, both its civilian and military courts, have acted to strengthen impunity for violations of the

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<sup>19</sup> pg. 16 of the strategy

<sup>20</sup> The Egyptian courts, civil and military, witnessed a terrifying expansion in the issuance of mass death sentences during the first half of 2014, starting with the rulings issued by the Minya Criminal Court in the Mattay and Al-Adwa cases, with the execution of 1,212 defendants in less than two months.

<sup>21</sup> Egypt: Mass death sentences – a mockery of justice, OHCHR, Mar. 31, 2014.

<sup>22</sup> Egypt must halt executions, say UN human rights experts, OHCHR, Jan. 26, 2018.

European Parliament resolution on executions in Egypt, EU Parliament, Feb. 7, 2018.

<sup>23</sup> “Security Forces Dealt with Them,” HRW, Sept. 7, 2021.

right to bodily integrity, resulting in the escalation of brutal security practices, especially in regards to the crime of extrajudicially killing civilians in the Sinai region, according to the US Department of State's report for 2020.<sup>24</sup>

Torture became a pervasive phenomenon in the aftermath of the July 2013 military coup. State security services have expanded the perpetration of this crime, including through the use of electrocution and sexual violence, with the aim of coercing confessions or simply humiliating detainees. A joint human rights report concluded that 449 prisoners died in places of detention over the course of four years.<sup>25</sup> According to the United Nations Committee against Torture, torture in Egypt is a state policy, and is systematically and widely practiced in civilian and military prisons.<sup>26</sup>

## **2. Arbitrary detention and the right to personal liberty<sup>27</sup>**

The National Strategy for Human Rights overlooks the violation of the right to personal liberty through arbitrary detention by law enforcement officials themselves, whether they be arrest or search authorities, investigative authorities, or judicial authorities in regards to the issuance of arbitrary sentences based mainly on flawed security investigations in the context of unjust trials lacking basic due process protections. Sharing a critical opinion in any context - be it during peaceful protests, via social media or online platforms, or through academic research - has become sufficient cause to arrest individuals and detain them for

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<sup>24</sup> 2020 Country Reports on Human Rights Practices: Egypt, US Department of State, Mar. 30, 2021.

<sup>25</sup> Egypt: Systematic torture is a state policy, CIHRS, Oct. 19, 2019.

<sup>26</sup> Egypt: UN experts denounce Morsi "brutal" prison conditions, warn thousands of other inmates at severe risk, OHCHR, Nov. 8, 2019.

<sup>27</sup> pp. 17-19 of the strategy

months in complete isolation from the outside world, without informing them of their legal rights, including the right to remain silent and the right to contact their families or lawyers.

Egypt's public prosecution fails to acknowledge that torture, especially during a period of enforced disappearance, is the primary means through which defendants' confessions and statements are extracted, and instead utilizes such flawed confessions to sentence defendants to death or prolonged imprisonment under severe conditions.<sup>28</sup> The national security sector, with the complicity of the public prosecution, widely evade the two-year maximum limit on pretrial detention, set in law, through the widening practice of 'recycling cases', especially against politicians, lawyers, human rights defenders and journalists perceived to be critical of the government. When such defendants are either approaching or have completed the two-year limit in which one can be legally held in pretrial detention, the prosecution and state security collude to bring a new case against them, often on the same or similar charges 'recycled' from the previous case, and on the basis of notoriously flawed national security investigations.<sup>29</sup>

### **3. The right to a fair trial<sup>30</sup>**

Although the National Strategy for Human Rights touts constitutionally guaranteed due process rights as strengths and opportunities, the Egyptian government continues to circumvent the constitution's protections of the right to a fair trial. The strategy ignores a set of laws that rendered null the judiciary's independence and impartiality, resulting in the

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<sup>28</sup> Permanent State of Exception, Amnesty International.

<sup>29</sup> Egypt: Detainees Ensnared in Prison System by Illegitimate Practice of "Recycling Cases", CIHRS, Jan 22, 2020.

<sup>30</sup> pg. 20 of the strategy

increased prevalence of unjust verdicts issued after trials lacking in minimal standards for due process.<sup>31</sup>

Law no. 13 of 2017 granted the President the power to select and appoint the heads of judicial bodies, including the Court of Cassation and the State Council, in an affront to justice and in violation of the constitution.<sup>32</sup> Subsequently, the constitutional amendments in 2019 supported the executive's total usurpation of judicial independence after the President became head of the Supreme Judicial Council.<sup>33</sup> Sisi also issued a presidential decree, Law no. 136 of 2014 for the securing and protection of public and vital facilities, which led to civilians being tried before military courts, in violation of the constitution at the time the law was issued.<sup>34</sup> The constitution was later amended to ensure the expansion of military trials to include civilians. Prime Minister's Decree no. 840 of 2017 implementing the state of emergency resulted in the appearance of the emergency state security courts, which constitute a violation of the right to a fair trial. The rulings of emergency state security courts can neither be overturned nor appealed. Researcher Ahmed Samir Santawy is one of the most prominent victims of the state's denial of the right to a fair trial; he was sentenced by the court to four years in prison for spreading false news only one month after the trial had begun.<sup>35</sup> It is worth noting that lifting the state of emergency does not overturn the

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31 2020 Country Reports on Human Rights Practices: Egypt, [US Department of State](#).

32 Egypt | Unconstitutional Draft Law on Judicial Authorities Imperils Judicial Independence, [CIHRS](#), Apr. 3, 2017.

33 Egypt: Proposed amendments threaten stability and sanction lifelong presidency, [CIHRS](#), Feb. 12, 2019.

34 Egypt | Unconstitutional Draft Law on Judicial Authorities Imperils Judicial Independence, [CIHRS](#).

35 Egypt: President Sisi must order immediate release of researcher Ahmed Samir Santawy, sentenced to four years in prison, [CIHRS](#), Jun. 23, 2021.

judicial rulings that were issued pursuant to it, nor does it end ongoing trials that were based on the state of emergency.

According to the US Department of State: “Authorities used military courts to try civilians accused of threatening national security. Public access to information concerning military trials was limited. Military trials were difficult to monitor because media were usually subjected to restraint orders.”<sup>36</sup> Civilians and activists were tried before military courts, exceptional courts, and terrorism circuit courts affiliated with the Criminal Court; in some cases, these courts issued mass death sentences and severe prison sentences.<sup>37</sup>

#### **4- Prisoners’ rights and the monitoring of detention sites<sup>38</sup>**

The National Strategy for Human Rights ignores the pervasive disrespect of prisoners’ rights in Egypt; prisoners are treated without regard to the constitution, the law, and prison regulations. Arbitrarily detained and imprisoned persons are routinely denied correspondence, reading materials, and adequate time for visitation and exercise. The number of deaths in prisons has risen due to medical negligence and the absence of healthcare<sup>39</sup>, alongside the suspicion that some detainees have been intentionally targeted and killed.

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36 2020 Country Reports on Human Rights Practices: Egypt, US Department of State.

37 Al-Minya Mass Death Penalty: Wasted Justice and Mockery of Defendants Rights, CIHRS, Apr. 29, 2014.

<sup>38</sup> pg. 22 of the strategy

39 Egypt: Red Cross oversight of prisons demanded by rights groups following Morsi’s death, CIHRS, Jun. 19, 2019.

From 2015 until the end of 2018, 283 prisoners were documented to have died under medically negligent care.<sup>40</sup> Detainees did not receive urgent care in a timely manner, as exemplified most markedly by the deaths of former Egyptian president Mohamed Morsi and filmmaker Shady Habash.<sup>41</sup> “Conditions in prisons and detention centers were harsh and potentially life threatening due to overcrowding, physical abuse, inadequate medical care, poor infrastructure, and poor ventilation,”<sup>42</sup> observed the US Department of State in its report.

### **5- The right to privacy and freedom of expression<sup>43</sup>**

The National Strategy for Human Rights fails to address the fact that security practices in Egypt are conducted in utter disregard for the constitutional provision on the inviolability of private life. Executive and judicial authorities illegally monitor the private lives of citizens without recourse to any law or the constitution. Over the past years, the national security sector has expanded its summoning of previously detained activists for informal investigations, during which they are interrogated about their private lives and political views, and their phones and social media accounts are checked or investigated without any judicial authorization. In some cases, security officers threaten activists with imprisonment

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<sup>40</sup> Egypt: Systematic torture is a state policy, CIHRS.

<sup>41</sup> Egypt: Ministry of Interior and Prosecution culpable for death of Shady Habash from medical neglect while held in pretrial detention, CIHRS, May 16, 2020.

<sup>42</sup> 2020 Country Reports on Human Rights Practices: Egypt, US Department of State.

<sup>43</sup> pg. 32 of the strategy

and torture if they refuse to disclose the sought information, while warning them against expressing any political opinion on their own platforms.<sup>44</sup>

Security services indiscriminately search the phones of citizens in the streets,<sup>45</sup> while the public prosecution monitors internet users under the pretext of protecting national security and societal and family values. Accordingly, lawsuits have been filed against internet users on charges such as “contempt of religion,” “incitement to temptation and sedition,” and “public debauchery.”<sup>46</sup> Security campaigns have been launched in concert with the implementation of Law no. 175 of 2018 on combating information and cybercrimes;<sup>47</sup> a law that is hostile to human rights and lacks any protection of the rights to privacy and free expression.

## **Second: The Egyptian people themselves are the main obstacle to their own enjoyment of human rights**

In a section titled ‘The Challenges,’ the National Strategy for Human Rights lists a number of impediments to the enjoyment of human rights in Egypt. Among the challenges discussed are a weak human rights culture, cultural legacies or traditions that contradict human rights values and principles, low participation in public affairs, the weak societal presence and influence of political parties, and the lack of youth involvement in civic affairs. As such, the

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44 Egypt: End National Security Agency’s web of fear controlling activists’ lives, [Amnesty International](#), Sept. 16, 2021.

45 Checking citizens' phones violates the law and the constitution, [National Council for Human Rights](#), Oct. 7, 2019.

46 Public Prosecution and digital transformation: An introduction to mass surveillance of the internet, [Afteegypt](#), Aug. 8, 2021.

47 Egypt: In security campaign to protect family values, Public Prosecution abdicates its duty to protect citizens, [CIHRS](#), Jun. 24, 2020.

strategy continues to mislead Egyptian public opinion and the international community about the real obstacles towards upholding the rights of Egyptians. Below are some samples of that misinformation.

### **1. The right to freedom of expression<sup>48</sup>**

The National Strategy for Human Rights claims that low societal awareness and cultural issues are an obstacle towards the enjoyment of the right to free expression. The strategy alleges that the public does not exercise this right due to a lack of knowledge in regards to the ways in which they may do so, including regulations on free expression within the framework of media and journalistic work. Meanwhile, the document overlooks the grim reality of press freedom in Egypt. Journalists are subject to daily violations in retaliation for fulfilling their professional obligations, which include the revelation of facts and information and the exercise of the right to free expression. When such information or expression of opinion contradicts the government narrative, journalists are at high risk of reprisal, including imprisonment.<sup>49</sup> Egypt became one of the largest prisons in the world for journalists in the year 2020.

Furthermore, when discussing challenges to the exercise of free expression in Egypt, the strategy neglects to mention the frequent intrusion of state security into media outlets and establishments, whether through internet censorship or security raids on their premises. The

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<sup>48</sup> pg. 25 of the strategy

<sup>49</sup> More on Detained journalists and academics, [Afteegypt](#).



headquarters of the Masr al-Arabia website,<sup>50</sup> Al Mesryoon newspaper,<sup>51</sup> Mada Masr website,<sup>52</sup> and Al Manassa website have all been raided. <sup>53</sup> Over 500 websites have been blocked,<sup>54</sup> and foreign journalists deported, in order to tighten state control over the media landscape.

## **2. The right to peaceful assembly<sup>55</sup>**

The National Strategy for Human Rights claims that the right to peaceful assembly, including protests and demonstrations, is guaranteed in Egypt. The only challenge facing the exercise of this right, the strategy alleges, is low public awareness in regards to the culture of peaceful assembly. The strategy neglects to mention the full-fledged assault by the state's executive and legislative institutions on the constitution, which guaranteed this right. The government perpetuated the continuation of the repealed Assembly Law no. 10 of 1914,<sup>56</sup> and the issuance of the Protest Law, no. 107 of 2013. These laws are contrary to Egypt's constitution and international obligations, and have been used to imprison many activists for years.<sup>57</sup> Security forces invoke such legislation to suppress all forms of peaceful protest

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50 Police raid Masr al-Arabia office, detain editor in chief, Mada Masr, Apr. 3, 2018.

51 Egypt : RSF decries government takeover of Cairo newspaper Al Mesryoon, RSF, Sept. 25, 2018.

52 To What Extent Does The Egyptian Government Respect Press Freedom?, Afteegypt, Dec. 9, 2019.

53 Egypt: Investigation of "Al-Manassa" editor-in-chief must be shelved, CIHRS, Jul. 4, 2020.

54 Egypt: more than 500 sites blocked ahead of the presidential election, Accessnow, Mar. 14, 2018.

<sup>55</sup> pg. 25 of the strategy

56 Egypt | 'Toward the Emancipation of Egypt' CIHRS Report Egypt's Assembly Law illegally imprisons thousands, CIHRS, Jan. 31, 2017.

57 Egypt: The government treats right to assembly as a crime, CIHRS, Oct. 31, 2013.

and expression of opinion, including by: using brute force to disperse peaceful demonstrations,<sup>58</sup> suppressing student marches inside university campuses,<sup>59</sup> using lethal force to confront a peaceful march with protesters holding flowers and candles,<sup>60</sup> or suppressing a limited protest against deteriorating economic conditions.<sup>61</sup> This state-led assault on the right to peaceful assembly has occurred amid a complete absence of accountability,<sup>62</sup> with perpetrators granted legal immunity for their crimes.<sup>63</sup>

### **3. The right to organize and establish associations and NGOs<sup>64</sup>**

According to the National Strategy for Human Rights, the challenge that hinders Egyptians from enjoying the right to organize and establish associations and NGOs is a weak culture of volunteerism and community participation. Thus the strategy shamefully denies the presence of arbitrary legal restrictions on civil society, which have already been confirmed by many local and international organizations,<sup>65</sup> and the US Department of State report.<sup>66</sup> The

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58 Egypt: No Justice for Rab'a Victims 5 Years on, [HRW](#), Aug. 13, 2018.

59 A list of students murdered on campus over two study years, [Afteegypt](#), May 18, 2015.

60 Extrajudicial Killing of Demonstrators and Rights Defenders, Witnesses Accused of Disturbing Public Security and Journalists Threatened with Death, [CIHRS](#), Jan. 28, 2015.

61 Sisi's Egypt: International community should pressure Egypt to immediately cease new wave of repression, [CIHRS](#), Sept. 27, 2019.

62 After commuting the sentence of the police officer (Shaimaa al-Sabbagh's murderer) EIPR: Flawed Accountability... The state must ensure the necessity of adherence to international rules for securing demonstrations and the rules for dispersal, [EIPR](#), Jun. 19, 2017.

63 FAQ: Law on the Treatment of Senior Military Commanders, [CIHRS](#), Jul. 25, 2018.

64 p. 27 of the strategy

65 Egypt: New NGO Law Renews Draconian Restrictions, [HRW](#), Jul 24, 2019.

66 2020 Country Reports on Human Rights Practices: Egypt, [US Department of State](#).

strategy also ignores the fact that the most recent laws regulating the establishment of NGOs are considered the most repressive since Law no. 32 of 1964.<sup>67</sup>

Meanwhile, independent human rights organizations remain under investigation in Case no. 173 of 2011.<sup>68</sup> Human rights defenders associated with such organizations face an array of violations, including security raids on the headquarters of these organizations, arrest,<sup>69</sup> arbitrary detention, enforced disappearance, torture, inhumane treatment,<sup>70</sup> and attempted or threatened murder. Defenders and activists are at risk of prolonged deprivation of their freedom in pre-trial detention that can last for years; some activists are detained connection with more than one case at the same time.<sup>71</sup> Activists have also been included terrorist lists and given prison sentences in absentia,<sup>72</sup> in retaliation for their human rights work and defense of human rights, whether inside or outside Egypt.

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67 Egypt: Draft NGO law before parliament is simply rebranded repression, must be rejected, CIHRS, Jul. 11, 2019.

68 Egypt: Government should stop treating human rights defenders as hostages while negotiating US military aid and put an end to a decade of security and judicial prosecutions against them, CIHRS, Sept. 2, 2021.

69 UN rights experts dismayed by arrest of Egyptian lawyer Ebrahim Metwally en route to meet them, OHCHR, Sept. 15, 2017.

70 Egypt: Rights organizations demand investigations in the 167-day disappearance and torture of Ibrahim Ezz El-Din, CIHRS, Dec. 20, 2019.

71 Egypt: International NGOs call for the immediate release of human rights defenders Mohamed El-Baqer and Alaa Abdel Fattah on the first anniversary of their arrest, CIHRS, Sept. 29, 2020.

72 Egypt: UN High Commissioner for Human Rights condemns verdict against Bahey eldin Hassan and the repression of peaceful critics, CIHRS, Sept. 9, 2020.

#### **4. The right to political participation and to form political parties<sup>73</sup>**

The National Strategy for Human Rights claims that the challenges facing the formation of political parties is limited to their weak societal presence. Meanwhile, the strategy deliberately ignores the unprecedented repression that opposition parties have faced over the last seven years following President Abdel Fattah al-Sisi's assumption of power. Such political, legislative, and security repression is a daily reality for those associated with opposition political movements in Egypt.

The human rights strategy further fails to note that political parties operate in a hostile environment amid an unspoken prohibition on the peaceful transfer of power, replete with arbitrary and chronic restrictions on peaceful expression of opinion, peaceful assembly, and political participation; even if such participation takes place within defined constitutional and legislative frameworks.

The January 2018 presidential election offers important insight toward understanding the reality of the right to political participation in Egypt, and the repression faced by peaceful political participants was deliberately omitted from the National Strategy document when discussing challenges to political engagement in Egypt. In the lead-up to the election, the state launched a series of attacks on political parties and their leaders.<sup>74</sup> All candidates running against the current president Sisi were forcibly removed from the presidential race

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<sup>73</sup> strategy p. 29

<sup>74</sup> Egypt | Human rights organizations condemn detention of Abdel-Moneim Aboul-Fotouh: Opposition candidates and critics of presidential elections continue to face imprisonment and reprisals, [CIHRS](#), Feb. 17, 2018.

by imprisonment or house arrest, or they were intimidated into withdrawing themselves from the election.<sup>75</sup>

After Sisi was re-elected as president following a semi-referendum, a campaign began to amend the constitution to enable him to run for a third term, in violation of the constitutional restriction at the time. The amendments were passed and several senior officials in various political parties<sup>76</sup> were imprisoned, as part of a security campaign during constitutional amendment process<sup>77</sup> while the Sisi-aligned media campaign slung treason accusations at opponents or critics of the amendments.

When members of an array of secular opposition parties formed a coalition to run in the 2019 parliamentary elections, state security arrested coalition leaders in June of that year, accusing them of terrorism.<sup>78</sup> Members of the “Hope Coalition” were imprisoned without trial, beyond the maximum legal duration for pretrial detention. Some defendants were then referred to the emergency court, and are awaiting a verdict on 17 November 2021; the verdict cannot be appealed. The Sisi government continues to ignore calls from the international community for their release.

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<sup>75</sup> Egypt | Rights groups: General Anan’s forcible disqualification from the presidential race confirms election rigging with potential to exacerbate violence, terrorism, and instability, [CIHRS](#), Jan. 24, 2018.

<sup>76</sup> 300 UN recommendations spurned by the Egyptian government; 12 demands must be urgently implemented before next month’s UPR, [CIHRS](#).

<sup>77</sup> Egypt: International organizations urged to monitor constitutional referendum amid unfree and unfair climate, [CIHRS](#), Apr. 17, 2019.

<sup>78</sup> Egypt: Latest arrest campaign seeks to eliminate emerging coalition in coming parliamentary elections, [CIHRS](#), Jun. 27, 2019.

The National Strategy for Human Rights blames the parties themselves for their limited presence in governance while failing to acknowledge that anyone who seeks to genuinely participate in the government on an opposition political platform – whether an individual candidate or a coalition or a party – will be forcibly removed and eliminated from the political scene.

## **5. The right to freedom of religion and belief** <sup>79</sup>

The National Strategy for Human Rights reiterates that a lack of awareness is the challenge facing the exercise of freedom of religion in Egypt. Meanwhile, the state completely ignores the arbitrary closure of outlets for the free practice of religion and belief, and supports accusations and trials based upon contempt of religion.<sup>80</sup> People peacefully expressing opinions about freedom of religion and belief<sup>81</sup> face imprisonment for expressing views that fall outside the mainstream narrative.<sup>82</sup> In just one of many examples, human rights researcher Patrick George Zaki was recently referred to trial before the Emergency State Security Court after a year and a half of pre-trial detention. He is being prosecuted for publishing an article on the situation of Copts in Egypt, who face violence and repression including murder and displacement.<sup>83</sup>

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<sup>79</sup> pp. 29, 30 of the strategy

<sup>80</sup> EIPR calls for the release of Gerges Samih, accused of joining a terrorist group because of a Facebook comment some considered “offensive to Islam.” EIPR, Sept. 8, 2021.

<sup>81</sup> The sentencing of two young men to prison on charges of promoting ideas belonging to the Shiite sect.

<sup>82</sup> The Egyptian Initiative calls for the release of an Azhar teacher accused of spreading “Quranism” and the end to the prosecution of people with different religious affiliations, EIPR, Sept. 17, 2020.

<sup>83</sup> Egypt: After 19 months of pre-trial detention, Patrick Zaki’s trial begins tomorrow before the Emergency Court, CIHRS, Sept. 13, 2021.

While the strategy praises the Church Construction Law, it neglects the law's failure to put an end to violations of Coptic Christians' right to practice religious rites. Meanwhile, state agencies continue to force Christians to accept customary sessions outside the law in cases of Muslim assaults on Christians. The state also forced the closure of several churches after these churches submitted requests to legalize their conditions, in accordance with the law on church construction.<sup>84</sup>

### **Third: Misdiagnosis leads to an exacerbation of the disease**

An effective strategy should end with an action plan or a set of interim goals that must be achieved in order to reach target results. Under the title 'Targeted Results,' the strategy suggests the introduction of legislative amendments, increased training, and awareness raising. These suggestions are of no relevance or potential efficacy when the entire Egyptian state – its executive, legislative, judicial, security, and military institutions – are relentlessly engaged in a systematic attack on human rights. Under the direct daily supervision and direction of the President of the Republic Abdel Fattah al-Sisi, the state acts to undermine the limited guarantees of human rights provided in the constitution and law.

To demonstrate its credibility, the National Strategy for Human Rights should have, for instance, announced a moratorium on executions, pending review of the most serious crimes that warrant capital punishment. The document should have included a review of all cases in which the accused and/or their families alleged that they were subjected to enforced disappearance, torture and inhumane treatment, often with intent of coercing a confession

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<sup>84</sup> EIPR decries state's closure of churches that filed for legal status and demands the release of all arrested persons. Fourteen functioning churches shut down since the church construction law was issued, EIPR, Apr. 30, 2018.

during investigation. It should have also included a discussion of the anti-torture draft law; the judges and human rights defenders who drafted the law were referred to investigation.<sup>85</sup>

The issue of prolonged pre-trial detention is not related to regulations on pre-trial detention contained in national laws,<sup>86</sup> nor is it related to the absence of legislation, where the law stipulates the maximum period of pre-trial detention is eighteen months. However, cases of prolonged pre-trial detention have exceeded three years are due to circumvention of this law, given the control of the security sector over the public prosecution and judiciary in Egypt. A phenomenon referred to as ‘recycling cases’ has spread throughout the country, where detainees are accused of committing new crimes during their pre-trial detention. Thus a new case is brought against them, lengthening their detainment indefinitely.

These are just few examples of the deception and denial that is reinforced throughout the 78-page National Strategy for Human Rights document, which ended with recommendations disconnected from the real causes of the human rights catastrophe in Egypt.

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85 Egypt | Rights groups: The referral of judges Hisham Raouf and Assem Abd al-Gabbar to a competency hearing is political retaliation, [CIHRS](#), Feb. 4, 2018.

86 The Targeted outcomes in the National Human Rights Strategy on the Right to Personal Freedom, item no. 1, pg. 19



## Conclusion

The United Nations Committee against Violence and Torture report may provide the best summary of the human rights crisis in Egypt. The report stated:

“Torture is perpetrated by police officers, military officers, National Security officers and prison guards. However, prosecutors, judges and prison officials also facilitate torture by failing to curb practices of torture, arbitrary detention and ill-treatment or to act on complaints. Perpetrators of torture almost universally enjoy impunity, although Egyptian law prohibits and creates accountability mechanisms for torture and related practices, demonstrating a serious dissonance between law and practice.”<sup>87</sup>

The United Nations report affirmed that the human rights crisis in Egypt is neither caused by the absence of legislation nor by cultural and societal factors, but by state institutions, which are entrusted to enforce the law, respect the constitution, and protect human rights. The strategy’s contends that the human rights predicament in Egypt is caused by the cultural and societal weaknesses and shortcomings of the people, while ignoring the fact that the authoritarian government under Sisi spares no effort in preventing the emergence of a stronger human rights culture in Egypt, including by repressing and seeking to eliminate the country’s civil society and human rights communities. Thus the National Strategy for Human Rights does not offer any pledge to put an end to the relentless war waged by the state against the proponents and propagators of human rights culture, including civil society advocates, independent human rights organizations and independent rights advocates. The strategy offers no solutions aimed at curbing the repression of human rights emanating from

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<sup>87</sup> UN Committee against Torture report, OHCHR.

all the primary organs of the Egyptian state, including the executive, legislative and judicial institutions, and security agencies and media establishments. This state-sponsored assault on human rights - unprecedented in its severity under the Sisi presidency -remains ongoing; despite the elapse of over a month since Sisi announced the strategy.<sup>88</sup>

If the absence of political will explains the appalling and continually deteriorating human rights situation in Egypt, the so-called National Strategy for Human Rights is itself the latest official indicator of this absence of will.

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<sup>88</sup> Egypt: New escalation in human rights crimes as activists and defenders referred to Emergency State Security trials on fabricated charges, [CIHRS](#), Oct. 19, 2021.