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مركز القاهرة لدراسات حقوق الإنسان

FIVE ACTION POINTS to Overcome Egypt's Human Rights Crisis

Based on **Recommendations** by Civil Society to the Fourth Cycle of

**Egypt's United Nations Universal Periodic Review
(UPR)**

INTRO: UNLOCKING POLITICAL WILL

The human rights situation in Egypt is worse than at any point in its modern history and continues to deteriorate. Brutal, widespread and systematic violations of fundamental human rights are utilized to maintain a highly autocratic and corrupt military regime that has overseen a steady collapse of the Egyptian economy, an increasing dependence on influxes of foreign aid to prop up basic government functions and the worsening of living standards throughout the country. If this situation persists many prominent analysts have predicted that a catastrophic explosion is increasingly likely in the coming period.

In response to the concerns of its own citizens and the international community, the authorities have steadfastly refused to ensure accountability for corruption, mismanagement, incompetence and abuses of power or allow meaningful political and economic competition to exist. Instead, the government has doubled down on brutal repression in an attempt to silence any and all criticism of its actions, while simultaneously providing the semblance of reform to its international backers through carefully crafted propaganda and symbolic human rights concessions that do little to address the fundamental problems that are leading toward the worsening crisis.

Strengthening the rule of law, accountability and respect for human rights are critical to overcoming this crisis. The FIVE ACTION POINTS highlighted below address the underlying causes of the current situation, and are based on national, regional and international civil society submissions to the United Nations Universal Period Review (UPR) of human rights in Egypt. These reports can be found in the links below.

The Egyptian government has the power to begin to implement the points below at any time. The primary obstacle to progress is political will. As such, these FIVE POINTS and the concrete measures outlined in each one of them constitute the basis on which the will of the Egyptian government to enact necessary reforms should be judged. Progress on these issues also constitute the standard by which decisions to provide further political, economic and other forms of support for the Egyptian government should be based.

UPR CIVIL SOCIETY REPORTS:

https://cihrs.org/wp-content/uploads/2024/11/Human-Rights-Situation-in-Egypt.En_.pdf

<https://cihrs.org/wp-content/uploads/2024/11/Egypt-UPR-on-HRD.EN-.pdf>

https://cihrs.org/wp-content/uploads/2024/11/Egypt-4th-Cycle-Universal-Periodic-Review.En_.pdf

https://cihrs.org/wp-content/uploads/2024/11/Freedom-of-Association-in-Egypt.En_.pdf

FIVE ACTION POINTS the GOVERNMENT OF EGYPT can ACT on to OVERCOME EGYPT'S HUMAN RIGHTS CRISIS

1. Allow Political Participation, including Free and Fair Elections:

The 2024 Egyptian presidential elections were neither free nor fair. Occurring in a repressive climate, the processes' legitimacy was undermined by legal persecution and arrests of President Sisi's potential rivals as well as of journalists, political supporters and activists. Former MP Ahmed Tantawi's family was targeted by authorities in May 2023 shortly after announcing his presidential bid from abroad. 194 supporters and members of Tantawi's campaign were arrested, some on unsubstantiated terrorism charges while more broadly those who openly supported Tantawi faced threats, intimidation and repression. For example, employees at notary offices declined to register endorsements for him. Tantawi and his campaign manager, along with several supporters, were prosecuted under Case 16336/2023. Not summoned for investigation, they were instead referred to trial without notification, accused of handling election documents without proper authorization. On 6 February 2024, Tantawi and his campaign manager were sentenced to one year in prison. On 27 May, the Appeals Court upheld the verdict, and Tantawi was arrested in the courtroom. Supporters of Gameela Ismail, the Constitution Party leader, were also prevented by authorities from registering endorsements for her at notary offices in several cities. According to a statement issued by her, there were incidents of assault, and one woman was sexually harassed. In December 2023, the Supreme Council for Media Regulation launched an investigation into 'Sahih Misr' website staff, referring them to the Public Prosecution for their coverage of the Egyptian presidential elections. In January 2024, the Council summoned the editor of the 'Zat Masr' website under accusation of publishing false and provocative news after airing interviews with politicians and economists critical of government policies.

Concrete Measures the Egyptian Government can Take Now:

- **Release those detained or arrested for running for or supporting a candidate for political office**
- **End criminal charges against media and press for covering elections and political affairs**
- **Allow political parties and supporters of political parties to carry out peaceful activities in relation to elections and political demands**
- **Allow for free and fair elections with international observers, starting with the upcoming parliamentary elections.**

2. Ensure the Independence of the Judiciary and Fair Trials:

The government crackdown on legitimate political activism, independent civil society and human rights defenders has been reinforced by the erosion of judicial independence and denial of the right to a fair trial. The erosion of judicial independence has been exacerbated by legislative changes that give the president broad powers over the judiciary. The right to fair trial is essentially absent and criminal justice processes are bent to fit the aims and desires of

authorities. This is especially true where the accused has a political background or the case is allegedly related to issues of “national security.” State Security Prosecution, a branch of the Public Prosecution specialized in investigating national security threats, plays a central role in the denial of fair trials, most notably by perpetrating and/or turning a blind eye to allegations of gross human rights abuses, admitting confessions extracted under torture as evidence, failing to address falsified police records, and denying torture victims the right to be examined by independent forensic medicine practitioners for signs of torture or other ill-treatment. Courts regularly overlook overt prosecutorial irregularities, including proven torture violations. Both, the Public Prosecution and the Judiciary, are directly complicit in keeping peaceful dissidents behind bars through renewing their pretrial detention for years on end.

- In 2019, parliament passed Law 77/2019 on the appointment of judicial entity heads, which establishes executive control over the judiciary by granting the president the right to select judicial heads from a pool of senior judges.
- Executive influence over the judiciary was cemented with the 2019 amendment of constitutional articles 185 and 193, which authorized the president to appoint the heads of judicial entities
- In 2013, Justice Minister Decree 10412 established five specialized judicial circuits for terrorism and national security cases. Terrorism Circuits have expanded since then, and are responsible for issuing tens of thousands of pretrial detention orders yearly.
- In January 2024, parliament enacted Law 3/2024, multiplying offenses for which civilians could be arrested and prosecuted in military courts

Concrete Measures the Egyptian Government Can Take Now:

- **Amend legislation that grants power over the judiciary to the president and the executive authorities**
- **Abolish terrorism and exceptional courts and stop trying civilians before military courts**
- **Put in place independent mechanisms to review and ensure accountability for violations of due process by Public Prosecutors and Judges**

3. End Widespread Torture, Enforced Disappearances and Arbitrary Detention:

The perpetration of torture, enforced disappearances, arbitrary detention, and inhumane conditions in detention centres are so regular in occurrence and widespread in geography and temporality, that they can only be said to be planned, directed, and organized. That is, these human rights violations are perpetrated *systematically*. Furthermore, overlapping and reinforcing structures of impunity for perpetrators of torture and other gross human rights violations remain firmly entrenched, undermining any efforts towards accountability and justice. Many human rights defenders and critics of the government spend years on end in pretrial detention, ordered and renewed by terrorism courts and military courts through a process of dropping and then renewing legal cases against them, usually on the basis of national security or terrorism charges. An large amount of overlapping laws and extra-legal practices allow for these violations.

Concrete Measures the Egyptian Government Can Take Now:

- **Release the tens of thousands of prisoners of conscience**
- **End torture, enforced disappearance, and impunity** for those who carry out these crimes
- **Ratify the Optional Protocol to the Convention against Torture**
- **Discontinue the practice of ‘recycling’ detainees and amend legislation allowing it, especially the Criminal Procedures Code**
- **Guarantee access to medical care for all persons deprived of their liberty**
- **End incommunicado detention in all detention centres**
- **Guarantee the rights of prisoners** to regular family visits, medical treatment and access to lawyers, including in high-security prisons.
- **Ensure that all prisoners are provided with the minimum standards of humane treatment**, including protection from all forms of torture and other ill-treatment.
- **Direct the National Security Agency and the National Police to produce and maintain official records of detention**, which are easily accessible by lawyers, the judiciary, the National Human Rights Institution, and human rights Non-Governmental Organizations (NGOs).
- **Reduce the use of detention, especially pretrial detention**
- **Refuse to use confessions extracted under any ill-treatment** as evidence in any proceeding; and halt judicial processes (at any stage) if there is any suspicion of torture or ill-treatment.
- **Ensure that prison doctors and forensic doctors act with clinical independence**, objectivity and impartiality, and according to international standards.
- **Ensure effective, timely, and appropriate reparations** to survivors of torture and their families.

4. End the Brutal Repression of Civil Society and Freedom of Expression:

Despite the denial of the Egyptian authorities, human rights violations remain widespread and systemic. Certain forms of repression aim at silencing all dissident voices, annihilating rights organizations and eradicating the human rights movement and independent media in Egypt. Human rights defenders (HRDs) and other members of civil society are targeted for exercising their right to association and freedom of expression. Attacks and repression directed toward journalists and media platforms have resulted in virtually no independent media capable of operating in Egypt.

- Law 149/2019 on regulating civil work, Law 94/2015 on countering terrorism, Law 8/2015 on terrorist entities, and Egypt’s Penal Code constitute the primary legislation used to restrict civil society work, arbitrarily detain and imprison HRDs, ban them from travel, and freeze their assets.

- Extralegal measures are also used to punish and intimidate civil society, including torture while in custody, assault, government-sponsored media smear campaigns, and death threats.
- In August 2018, Egypt issued Law No. 175 on Cybercrimes, in order to legalize censorship and crack down on digital freedoms. This law uses vaguely worded concepts like “national security” to legitimize the right to monitor and block websites, establish mass surveillance on internet users, and file criminal complaints against digital media platforms and individuals.
- The Protest (107/2013) and Assembly (10/1914) laws have enabled the arbitrary prosecution of thousands of citizens for ‘crimes’ related to exercising fundamental rights.
- Law 149/2019 effectively eliminates civil society independence by ensuring that civil society organizations (CSOs) cannot operate without constant and direct interference from Egyptian authorities.
- Law 94 on counterterrorism uses ambiguous and broad terminology to define terrorism and enables security forces to commit with impunity the crimes of torture, enforced disappearance, and extrajudicial killing.

Concrete Measures the Egyptian Government Can Take Now:

- **End the de-facto criminalization of human rights work and independent civil society**, and cease punishing, threatening, and intimidating human rights defenders.
- **Release the tens of thousands of prisoners of conscience**, and those detained for exercising their legitimate rights, including human rights defenders, lawyers and journalists
- **Ensure accountability of extra-legal attacks** on members of civil society
- **Repeal Law 149/2019** and replace it with the draft law formulated in line with international human rights standards
- **Repeal national counterterrorism legislation**, including Law 94/2015 on counterterrorism and Law 8/2015 on terrorist entities
- **Align all legislation, such as the Penal Code, with international standards** that guarantee the right of civil society to operate freely and freedom of the press
- **Amend laws regulating press, communications, and cybercrime** to align with international standards
- **End transnational repression, including reprisals**, for those carrying out human rights work

5. End Government Discrimination and Violence Against Women and Minorities:

Discrimination and violence against women and minorities remains a widespread problem in Egypt, at times carried out by government actors or facilitated by government inaction. Under the current Personal Status Law's article 144, a mother loses custody of her children upon remarriage, while a father retains custody of his children after remarriage. Rapists evade justice through Public Prosecution intervention. Discrimination and other forms of abuse persist against refugees, religious and racial minorities and members of the LGBTQI+ community. Asylum seekers arriving through conflict zones across Egypt's borders have been detained arbitrarily. Detainees faced deportation threats and medical neglect in inadequate facilities. Deprived of contact with lawyers or families, refugees have no mechanism for complaints, appeals, or access to the prosecution as long as it falls under national security jurisdiction. There are numerous cases of sexual harassment and rape against women asylum-seekers, with no medical examination of victims' allegations or investigation and charges brought against perpetrators. Copt Christians, Shiites and Bahai's face discrimination and attacks, largely with impunity.

- The proposed Unified Christian Family Law, formulated without stakeholder consultation, has not been published yet. Under the current law, Christians cannot divorce unless one party converts to another religion. Custody is forfeited for a Christian mother married to a Muslim upon the children reaching seven years, in other cases the age is 15.
- The Penal Code's article 60 serves to vindicate domestic and family violence while Article 17 continues to exonerate (or reduce sentencing of) men who rape, assault, or commit so-called 'honor' crimes against women.
- Penal Code articles 237, 274, and 277 are glaringly discriminatory in punishment for adultery: for men, up to 6 months imprisonment while for women, 2 years for the same crime.
- Although the constitution acknowledges the Nubians' right to return to their lands, with a timeframe ending in 2024, the authorities have undermined this right through policies such as Presidential Decree 444 of 2014, which declared 16 Nubian villages' land as military border zones, thus prohibiting civilians from living on or using the land. Decrees 355 and 498 of 2016 authorized the confiscation of many Nubian lands for the Million and a Half Acres Reclamation Project.

Concrete Measures the Egyptian Government can Take Now:

- **Issue legislation criminalizing domestic violence and a personal status law in accordance with international standards**, in consultation with independent rights organizations, and form an independent committee to combat gender discrimination.
- **Issue a unified law for worship sites and halt persecution of religious and ethnic minorities**
- **Cease inciting hatred of and targeting the LGBTQI+ community**
- **Ensure accountability for rape and other forms of gender violence**
- **Ensure the rights of refugees and asylum seekers are respected**