

## AMNESTY INTERNATIONAL PUBLIC STATEMENT

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# EGYPT: COP27 SHOULD NOT OVERSHADOW HUMAN RIGHTS CRISIS IN THE COUNTRY

The spotlight on Egypt as it prepares to host the next UN climate summit should be used as an opportunity to press for meaningful progress on human rights in the country, said Amnesty International warning that Egypt's abysmal record of cracking down on peaceful dissent and civic space risks to undermine the success of the event and the global response to the climate crisis.

The climate emergency is a human rights crisis of unprecedented proportions. The [latest](#) reports by the Intergovernmental Panel on Climate Change show that the window of opportunity for tackling this crisis in a manner that limits the most catastrophic human rights impacts is rapidly closing. The annual UN Climate Change conference (COP27), scheduled to take place in the Egyptian resort town of Sharm El-Sheikh between 7 and 18 November 2022, represents an important moment for states to show evidence of their implementation of commitments made under the Paris Agreement and at COP26, and to adopt further decisions to rapidly reduce greenhouse gas emissions in a manner consistent with human rights.

However, COP27 will take place amid the Egyptian authorities' relentless assault on the rights to freedom of expression, association, and peaceful assembly and failure to address discrimination and sexual and gender-based violence against women, girls and LGBTI people.

The Egyptian authorities have consistently denied responsibility in widespread and/or systematic human rights violations and have in recent months increased their efforts to cover up their abysmal human rights record and punish those challenging their narrative.

To avoid COP27 becoming a rebranding exercise for the Egyptian authorities to deflect criticism of their human rights record and to ensure the meaningful participation of Egyptian and non-Egyptian civil society and Indigenous peoples as well as the safety and security of all participants, state parties to the United Nations Framework Conventions on Climate Change (UNFCCC) and the UNFCCC secretariat, as well as international bodies and non-governmental organizations participating in the event must press the Egyptian authorities in private and in public to end their crackdown on peaceful dissent and the human rights movement. The Egyptian authorities must start by releasing the thousands of men and women held arbitrarily solely for exercising their human rights or following grossly unfair proceedings and ceasing criminal investigations and the use of arbitrary travel bans and asset freezes against human rights defenders. In the lead up to the event, the international community and in particular countries participating in the event should also urge the Egyptian authorities to take concrete steps to guarantee the rights to freedom of expression, association and peaceful assembly.

A full list of recommendations to the Egyptian authorities and the international community can be found in the annex to this document.

## REPRESSION OF THE RIGHTS TO FREEDOM OF EXPRESSION, ASSOCIATION AND PEACEFUL ASSEMBLY

### CRACKDOWN ON PEACEFUL DISSENT

While Egypt is preparing to host COP27, human rights defenders, journalists, peaceful protesters, lawyers, opposition politicians and activists are languishing in Egyptian jails in conditions that [violate the absolute prohibition of torture and other ill-treatment](#), solely for exercising their human rights. Since President Abdel Fattah el-Sisi came to power, the Egyptian authorities have launched an unrelenting crackdown on any critical voices online and offline using [counter-terrorism laws and other draconian legislation](#) as a tool of repression to silence peaceful critics and deter all opposition.

Thousands continue to be arbitrarily detained, some for up to four years without charge or trial, pending investigations into unfounded accusations of involvement in terrorism-related activity or spreading "false news" solely for exercising their right

to freedom of expression. Thousands of others are imprisoned following convictions in grossly unfair trials, including in front of [emergency](#) and military courts and [terrorism-circuits](#) of criminal courts. Among them are politicians [Zyad el-Elaimy and Hisham Fouad](#), who were sentenced in November 2021 to between three and five years in prison following an unfair trial by an emergency court simply for criticizing Egypt's human rights record and economic policies. Security forces [arrested](#) them in June 2019, shortly after they met to discuss running in the 2020 elections, and detained them without trial for over two years. Since 2016, the authorities have arrested scores of other members of opposition political parties and movements including [al-Destour](#), Aish and Horreya, Masr al-Qawiya, the Egyptian Social Democratic Party, the Socialist Alliance, and [al-Karama](#) party. The authorities have also dissolved the Muslim Brotherhood affiliated Freedom and Justice Party (FJP) in August 2014, and [arrested thousands](#) solely on the basis of their affiliation with the party. Many of them remain detained since [mid-2013](#), while several senior Muslim Brotherhood figures, including the former president [Mohamed Morsi](#) and deputy head of the FJP Essam Erian, died in prison following prolonged deliberate denial of adequate healthcare and detention in conditions violating the absolute prohibition of torture and other ill-treatment.

In 2018, the authorities have enacted media and cybercrime laws consolidating their [iron grip](#) over print, online and broadcast media by enabling the authorities to censor and block media outlets, social media platforms and blogs and to criminalize media content on vaguely worded grounds of violating "public morality", "public order" and "national security".

At the time of writing, at least [24 journalists](#) were behind bars simply for their critical reporting or for peacefully expressing their opinions. They include Abdelnasser Salama, columnist and editor-in-chief of the state-run Al-Ahram newspaper, who was arrested in July 2021 for criticizing the president's handling of the Ethiopia dam crisis. Journalist, [Taoufik Ghanem](#) has been detained since 21 May 2021 in horrendous conditions of detention and denied adequate medical care. Al-Jazeera journalist, Hesham Abdel Aziz, has been detained since 20 June 2019 and denied adequate medical care despite needing urgent eye surgery, without which he is in danger of losing his eyesight.

According to human rights groups at least [600 news](#), human rights and other websites remain blocked since May 2017. These include Mada Masr, Manassa and the few other national independent online media platforms. Staff at these outlets have faced [security raids](#) on their offices, arrests and other forms of harassment.

## SHRINKING CIVIC SPACE

The meaningful participation of a broad range of civil society actors and Indigenous peoples at UN climate conferences is crucial to ensure scrutiny of governmental action, and to provide diverse inputs that can shape state decisions, and is therefore essential to foster global efforts to address the climate crisis. Although instances of [restrictions](#) to full and meaningful participation were registered at several previous COPs the Egyptian authorities' record on severely restricting civic space risks undermining the outcome of COP27.

In recent years, the Egyptian authorities have embarked on a relentless assault on human rights defenders, through unjust criminal investigations, arbitrary detention, summons for coercive questioning, threats of closing independent human rights organizations, travel bans and other restrictive measures. Egyptian independent human rights activists and civil society representatives have [raised concerns](#) about their inability to safely engage with the COP27 and express their views, fearing reprisals.

The Egyptian authorities are relying on repressive laws, criminal investigations and other repressive tactics to shut down civic work. NGOs are facing a looming deadline of October 2022 to register under the repressive Law No. 149/2019 on NGOs or face closure.<sup>1</sup> The law grants the authorities wide powers in the registration, dissolution, activities, and funding of NGOs. On 10 January 2022, the Arabic Network for Human Rights Information (ANHRI), a prominent rights group, announced its closure after 18 years citing the repressive environment and inability to pursue human rights work under the NGO law.

The authorities have also subjected directors of prominent human rights groups to decade-long, politically-motivated criminal investigations under [Case 173](#) of 2011, also known as the "foreign funding case" to stifle their work. At least 16 human rights defenders remain subjected to travel bans. Moreover, seven organizations and 10 NGO workers are under asset freezes.

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<sup>1</sup> Law No. 23/2022 came into force on 11 April 2022 requiring all NGOs to register under Law No. 149/2019 on NGOs within six months, and granting the relevant minister the authority to further extend the deadline by another six months pending cabinet approval.

Among those still under investigation, banned from travel and whose assets have been frozen are Hossam Bahgat, director of the Egyptian Initiative for Personal Rights (EIPR); Gamal Eid, director of the now closed ANHRI; Mohamed Zaree, Egypt Program Director at the Cairo Institute for Human Rights Studies (CIHRS), and Aida Seif al-Dawla, Suzan Fayad and Magda Adly from El-Nadeem Centre for Rehabilitation of Victims of Torture. In addition, authorities have arrested and prosecuted several directors and staff members of civil society organizations, including [Mohamed Baker](#), director of the Adalah Center for Rights and Freedoms, who has been arbitrarily detained since September 2019. An emergency court sentenced him to four years in prison for "spreading false news" solely over social media posts critical of the human rights situation. [Bahey al-Din Hassan](#), founder and director of CIHRS was sentenced in 2020 to 15-years' imprisonment in absentia over insulting the judiciary and spreading "false news" charges. Moreover, the Egyptian authorities have arbitrarily listed nearly seven thousand people, including human rights defenders, activists and opposition politicians on the "terrorists list". The effects of such decisions include travel bans, prohibition from any elected or appointed office and state employment, asset freezes, and bans on civic or political work for the duration of five years. The National Security Agency (NSA), a specialized police force, has also increased its use of [summons](#) for questioning and [extrajudicial probation measures](#) against human rights defenders and other activists in order to deter them from pursuing their work and compel them to provide information about their organizations, colleagues, work plans and sources of funding.

Amnesty International has also documented how the Egyptian authorities have carried out reprisals against human rights defenders and others who have engaged with UN bodies and experts. For instance, the authorities [arrested lawyer and human rights defender Ebrahim](#) Metwally at Cairo's airport in September 2017. He was scheduled to travel to Switzerland for a meeting with the UN Working Group on Enforced or Involuntary Disappearances. At the time of writing, he remained arbitrary detained.

COP27 is seen by many African states, NGOs, and commentators as an "[African COP](#)" as the hosting by an African country is expected to provide more visibility to the priority demands of African states and civil society. Yet there are concerns that activists and civil society members from the global south would be at higher risk of harassment by Egyptian security forces. During the African Commission on Human and People's Rights hosted by Egypt in 2019, and also held in Sharm El-Sheikh, [civil society representatives from Sub-Saharan African countries reported](#) "unprecedented degrees of intimidation, surveillance and restrictions by Egyptian security officials". Some activists were denied visas preventing them from entering the country, other were denied registration badges to attend the event and some said they were followed, intimidated and in one instance hit by security forces.

## **NO TOLERANCE FOR PROTESTS**

Public mass mobilization and street protests have been an integral part of previous UN climate conferences enabling a broad range of actors to voice their concerns and demands. Egyptian human rights and climate activists are concerned that they won't be able to participate in such gatherings, in fear of prosecution and other reprisals.

The Egyptian authorities have effectively criminalized the right to peaceful assembly. In 2013, the authorities passed Law No. 107/2013 on Organizing the Right to Public Meetings, Processions and Peaceful Protests which grants security forces free rein to ban protests and use excessive and lethal force against peaceful protesters. Since 2013, the authorities have also relied on the draconian colonial era Law No.10/1914 on assembly to prosecute thousands of peaceful protesters in grossly [unfair mass trials](#). Since 2013, security forces have consistently used unlawful force, sometimes lethal, and mass arrests to disperse protests. To date no security or military official has been held responsible for the deaths of at least [900](#) people during the dispersal of sit-ins in Rabaa al-Adawiya and al-Nahda squares in Greater Cairo on 14 August 2013.

The crackdown was largely successful in eradicating protests. The [rare protests](#) that had taken place in recent years have been met by the unlawful use of force and mass arrests. During the September 2019 and September 2020 anti-government protests, security forces used excessive force and rounded up thousands of protestors, known activists, human rights defenders, lawyers, and bystanders, including children, and subjected them to enforced disappearance and torture. The Egyptian authorities have even shown little tolerance to protests not directed at or critical of the authorities. In November 2020, Egyptian authorities arbitrarily arrested and [detained 70 Sudanese](#) migrants and refugees who peacefully protested the killing of a Sudanese child by a non-state actor. Protesters were subjected to beatings and racial and xenophobic slurs.

## **GENDER-BASED VIOLENCE AND DISCRIMINATION**

There are further concerns around the safety of all participants at COP27, given the Egyptian authorities' appalling track record in subjecting women and girls and LGBTI people to discrimination in law and practice, prosecuting them on "indecentry", "morality" or "debauchery" charges, and failing to protect them from sexual and gender-based violence.

While the authorities have [acknowledged widespread violence against women and girls](#), they routinely fail to prevent and effectively investigate such crimes. Instead, they have continued to prosecute, harass and intimidate women human rights defenders who criticize the government's failure to protect women from sexual and gender-based violence. For instance, [Amal Fathy](#) was sentenced to one year in prison for criticizing the government's failure to address sexual harassment. Journalist and activist [Rasha Azab](#) was referred to trial on 26 February 2022 on charges of "insult," "defamation" and "deliberately disturbing [the plaintiff]" for expressing solidarity with survivors of sexual violence who published anonymous testimonies accusing film director Islam Azazi of committing sexual assaults. She was acquitted on 23 April. Azza Soleiman, lawyer and founder of the Center for Egyptian Women Legal Assistance (CEWLA) was subject to criminal investigations and banned from travel for six years for her tireless work advocating for women's rights.

Since 2020, authorities have also arrested and prosecuted at least ten women [TikTok influencers](#) for violating the draconian Law No. 175/2018 on cybercrime and other overly vague legal provisions criminalizing "indecentry" and "inciting immorality". Nine of the 10 women were sentenced to prison terms ranging between two and 10 years and heavy fines and at least seven remained imprisoned at the time of writing simply for the way they dance, talk or conduct themselves online. The authorities also continue to arrest and prosecute individuals on the basis of their real or perceived sexual orientation or gender identity and carry out anal examinations, an intentional, discriminatory and punitive practice that amounts to rape and torture. For instance, in August 2021, a court convicted four adult men of engaging in consensual same-sex sexual relations and sentenced them to prison terms ranging from six to nine years.

## GOVERNMENT COVER-UP

The authorities have been using COP27 as an opportunity to rebrand their image and deflect criticism, while persisting in their assault on human rights. President Abdel Fattah al-Sisi [declared](#) that the Egyptian authorities should invest efforts to ensure that COP27 reflects Egypt's regional and international significance and commitment towards tackling climate change. The authorities have also accelerated their efforts in organizing the event, and stated their ambition to turn Sharm El-Sheikh into a "green city". On 26 March, the Egyptian Minister of Environment, Yasmine Fouad, launched the [first national dialogue on climate change](#) in Sharm El-Sheikh bringing together Egyptian officials, media, civil society representatives, and social media influencers. Even though the minister stated that a participatory approach involving several parties was needed to tackle climate change, independent organizations were not invited.

The government has routinely denied and distorted the truth about the ongoing human rights crisis in Egypt. Following international criticism of Egypt's human rights record at the [Human Rights Council](#) in March 2021, the authorities took some modest measures to deflect criticism, including the releases of tens of arbitrarily detained [men](#) and [women](#), who should not have been behind bars in the first place. Most recently, Egyptian authorities released around 30 men and women held for political reasons between 24 and 28 April 2022, on the occasion of Eid El-Fitr. Among those released, were journalist [Mohamed Salah](#), human rights defender [Ibrahim Ezz El-Din](#), and journalist and politician [Hossam Moanis](#), who were arbitrarily detained for periods ranging between 29 and 34 months. On 26 April, Egyptian President Abdel Fattah al-Sisi also announced the reactivation of the "Presidential Pardon Committee" launched in 2016, to review the cases of those detained for political reasons. These welcome steps should, however, not overshadow the ongoing prolonged arbitrary detention of thousands of men and women amid fresh arrests of critics and opponents.

In October 2021, the president also lifted the state of emergency in place since 2017. However, just days later, the Egyptian authorities introduced legislative amendments further eroding fair trial guarantees, expanding the jurisdiction of military courts over civilians, and criminalizing reporting on the military.

As part of state efforts to improve Egypt's human rights image, the national human rights strategy (NHRS) was [launched](#) in September 2021 by President Abdel Fattah al-Sisi to much fanfare. Since its launch, the Egyptian authorities have repeatedly referred to the NHRS publicly as well as in private meetings with representatives of other governments, international financial institutions, donors and members of multilateral forums as evidence of Egypt's commitment to uphold its human rights' obligations. Amnesty International's analysis of the NHRS, whose development was shrouded in secrecy and excluded independent human rights organizations, shows that it presents a deeply misleading, and at times outright false, picture of the human rights situation in Egypt.

## BACKGROUND

The Conference of the Parties (COP) is the governing body of the United Nations Framework Convention on Climate Change (UNFCCC), representing all states that are Parties to the Convention. It advances implementation of the Convention and of any other legal instruments that the COP adopts through the decisions it takes at its periodic meetings. With the exception of 2020 when the meeting was cancelled due to the Covid-19 pandemic, the COP meets every year. The 27<sup>th</sup> session of the Conference of the Parties (COP27) will take place in Egypt, in the resort of Sharm El-Sheikh from 7 to 18 November 2022.

Hosting countries for each COP are selected through a regional rotation system. Each year, a country representing a different region of the world takes the presidency and hosts the event. Morocco was the last African country to host a COP in 2016.

Environmental and human rights groups have raised the issues of accessibility and [affordability in Egypt](#), particular as the rising cost of accommodation at Sharm El-Sheikh hotels is expected to impede participation from grassroots groups and activists, particularly from the global south.

At COP27, states are due to deliver on critical pledges made at COP26, such as enhancing their emission reduction targets, phasing out fossil fuel subsidies and coal. As part of the “Glasgow dialogue on loss and damage”, they are also expected to agree on modalities for providing additional funding to developing countries facing loss and damage due to the climate crisis.

Amnesty International’s key demands to states ahead of COP27 is available [here](#).

## ANNEX -FULL LIST OF RECOMMENDATIONS TO THE EGYPTIAN AUTHORITIES AND INTERNATIONAL COMMUNITY AHEAD OF COP27

Amnesty International makes the following recommendations to:

The Egyptian authorities:

- Ensure the meaningful participation of civil society Indigenous Peoples at and around COP27 without fear of reprisals by:
  - Facilitating the accreditation of independent Egyptian civil society organisations to COP27;
  - Ensuring physical access for Egyptian and non-Egyptian civil society organisations and activists to the COP27 venue, including meeting rooms, plenary room and negotiation rooms, as well effective mechanisms for remote participation;
  - Ensuring availability of affordable and accessible accommodation for civil society and Indigenous Peoples observers in Sharm El-Sheikh for example by requiring hotels to provide reasonable rates for these participants;
  - Ensuring the timely provision of visas to all participants, and particularly those from the global south, requiring visas in advance to enter Egypt;
  - Facilitating the organisation of parallel events by civil society organisations ahead and during COP27, inside and outside the COP27 venue;
  - Ensuring all persons can freely express themselves and peacefully demonstrate ahead, during and after COP27 inside and outside COP27 venue; and
  - Instructing security forces and other law enforcement bodies to refrain from any act of reprisal against members of Egyptian civil society for their engagement with COP27 or exercise of their rights to freedom of expression, association and peaceful assembly in relation to COP27; and hold accountable those violating these rights.
- Immediately and unconditionally release all those arbitrarily detained solely for the peaceful exercise of their human rights or for reasons of discrimination on any grounds including religion, gender identity and sexual orientation, including human rights defenders, political activists, members of opposition parties, trade unionists, workers, peaceful protesters, journalists, lawyers, social media influencers, members of religious minorities, and medical professionals. Release those held in prolonged pretrial detention, many of whom have exceeded the absolute two-year limit for pre-trial detention stipulated by Egyptian law, pending investigations into unfounded terrorism-related or national security-related charges amid severe



concerns over the lack of due process, including the inability of suspects to meaningfully challenge the legality of their detention;

- Quash the verdicts of those convicted and sentenced in unfair trials including by Emergency State Security Courts, military courts or terrorism-circuits of criminal courts. Those charged with internationally recognizable offences should be retried in proceedings in line with international fair trial rights without recourse to the death penalty;
- Take measures to ensure that prisoners are held in conditions that meet international standards and ensure that all those held have access to timely and adequate medical care, and their families and lawyers;
- End reprisals against human rights defenders, civil society workers, activists and families of victims simply for standing up for human rights and for seeking justice. Close the criminal investigations into the legitimate work of human rights NGOs, known as Case 173/2011, lift all arbitrary travel bans and asset freezes against civil society workers and human rights defenders, and guarantee a safe and enabling environment for human rights organizations including by amending Law No. 149/2019 on NGOs to bring it in line with international human rights law and standards on the right to freedom of association;
- Respect the right to freedom of peaceful assembly, and issue clear instructions to security forces to not to use excessive or unnecessary force when policing demonstrations and to comply fully with the international standards governing the use of force by law enforcement officials, as set out in the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and with full respect for the human rights of the demonstrators;
- Bring legislation in line with Egypt's obligations under international law, including by repealing or amending laws that criminalize the exercise of human rights and erode fair trial guarantees. These include Law No.58/2015 on counterterrorism, Law No.8/2015 on the Organization of Lists of Terrorist Entities and Terrorists, Law No.175/2018 on cybercrimes, Law No.180/2018 on Regulating the Press and Media; Law No.107/2013 on protests; Law No.10/1914 on assembly, Law No.150/1950 on Criminal Procedures and Law No.58/1937 known as the Penal Code which includes provisions criminalizing consensual sex between adults in private and restricting the right to freedom of thought, conscience and religion;
- Repeal or amend all legislation that is discriminatory on the grounds of sex or gender including personal status laws, ensuring that women and men have equal rights in marriage and divorce, child custody, decision-making powers in regards to the schooling of children, and inheritance;
- Adopt new legislation, and review existing laws, in order to criminalize all forms of violence against women and girls, including by introducing legal provisions prohibiting domestic violence, including marital rape, as well as sexual harassment, assaults and rape consistent with international law and standards and conduct thorough and gender-sensitive investigations into cases of sexual and gender-based violence including when alleged perpetrators are state actors with a view of bringing those responsible to justice in fair trials. Put in place measure to ensure gender-sensitive training for law enforcement, prosecution and other officials within the criminal justice system; appointments of women judges and prosecutors to all judicial bodies; and appropriate remedies for survivors in a timely manner.

To UN member states, in particular those attending COP27:

- Advocate with the incoming COP27 Presidency to ensure the meaningful participation of civil society and Indigenous Peoples at and around COP27 without fear of reprisals by:
  - Facilitating the accreditation of independent Egyptian civil society organisations to COP27;
  - Ensuring physical access for Egyptian and non-Egyptian civil society organisations and activists to the COP27 venue, including meeting rooms, plenary room and negotiation rooms, as well effective mechanisms for remote participation;
  - Ensuring availability of affordable and accessible accommodation for civil society and Indigenous Peoples observers in Sharm El Sheikh for example by requiring hotels to provide reasonable rates for these participants;
  - Provide adequate funding to subsidize hotel costs for those civil society and Indigenous Peoples observers unable to afford them;
  - Ensuring the timely provision of visas to all participants, and particularly those from the global south, requiring visas in advance to enter Egypt;
  - Facilitating the organisation of parallel events by civil society organisations ahead and during COP27, inside and outside the COP27 venue; and
  - Ensuring all persons can freely express themselves and peacefully demonstrate ahead, during and after COP27 inside and outside COP27 venue; and

- Instructing security forces and other law enforced bodies to refrain from any act of reprisal against members of Egyptian civil society for their engagement with COP27 or exercise of their rights to freedom of expression, association and peaceful assembly in relation to COP27; and hold accountable those violating these rights.
- Privately and publicly call on the Egyptian authorities to take meaningful steps to improve the human rights situation in the country, starting by:
  - Immediately and unconditionally releasing all those arbitrarily detained solely for the peaceful exercise of their human rights or for reasons of discrimination on any grounds including religion, gender identity and sexual orientation;
  - Ending reprisals against human rights defenders and civil society workers; closing the criminal investigations into the legitimate work of human rights NGOs, known as Case 173/2011; lifting all arbitrary travel bans and asset freezes against civil society workers and human rights defenders, and guaranteeing a safe and enabling environment for human rights organizations including by amending Law No. 149/2019 on NGOs to bring it in line with international human rights law and standards on the right to freedom of association; and
  - Respect the right to freedom of peaceful assembly, and issue clear instructions to security forces to comply fully with the international standards governing the use of force by law enforcement officials, as set out in the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials; and
- Support efforts for the establishment of a monitoring and reporting mechanism on Egypt at the Human Rights Council.