

EGYPT: PROTRACTED HUMAN RIGHTS AND IMPUNITY CRISIS

AMNESTY INTERNATIONAL:
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SUMMARY

This submission was prepared for the Universal Periodic Review (UPR) of Egypt in January 2025. In it, Amnesty International evaluates the implementation of recommendations made to Egypt in its previous UPR, including in relation to the rights to freedom of expression, association and peaceful assembly; torture and other ill-treatment; arbitrarily detention and unfair trials; the death penalty; gender-based discrimination; impunity for serious human rights violations; and failure to co-operate with UN human rights mechanisms.

It also assesses the national human rights framework with regard to Egypt's constitution, legislative framework, the National Human Rights Strategy and government-affiliated human rights bodies.

With regard to the human rights situation on the ground, Amnesty International raises concerns about the rights to freedom of expression, association and peaceful assembly; arbitrary detention and unfair trials; the rights of refugees and migrants; enforced disappearances, torture and other ill-treatment; the death penalty; impunity; gender-based discrimination and violence; freedom of religion and belief; and economic and social rights.

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FOLLOW UP TO THE PREVIOUS REVIEW

1. Since Egypt's third UPR in 2019, the country has remained in the throes of a protracted human rights and impunity crisis. Of the 372 recommendations made to Egypt during its previous UPR, it accepted 294 recommendations, partially accepted 27 recommendations and rejected 51 recommendations.¹ Amnesty International is concerned by Egypt's failure to implement recommendations and alarmed at ongoing human rights violations.

FAILURE TO COOPERATE WITH UN MECHANISMS

2. Egypt accepted recommendations to cooperate with international and regional human rights mechanisms² including with the Human Rights Council and its special procedures.³ However, authorities have failed to positively respond to and facilitate visits by ten UN special procedures who had requested visits, including on torture, arbitrary detention and human rights defenders. Authorities have carried out reprisals against individuals who engage with UN mechanisms, including two human rights lawyers who were criminally investigated in 2023 for their cooperation with UN bodies and other legitimate human rights activities.⁴

EGYPT'S MID TERM REVIEW AND NATIONAL HUMAN RIGHTS STRATEGY

3. In its UPR Mid-Term Report⁵, the authorities claimed to have made important national achievements in promoting and protecting human rights, pointing to the launch of the National Human Rights Strategy (NHRS) in September 2021. The NHRS, which was drafted without consultation with independent human rights groups, overlooks patterns of ongoing or past human rights violations and fails to acknowledge the involvement of security forces and other state actors, including prosecutors and judges, in committing violations or to call for key structural reforms to bring Egypt's laws, policies and practices in line with its obligations under international law.⁶

THE NATIONAL HUMAN RIGHTS FRAMEWORK

THE CONSTITUTION AND LEGISLATIVE FRAMEWORK

4. While the 2014 Constitution addresses some shortcomings of the 2012 Constitution, several provisions still fall short of Egypt's international human rights obligations. It allows for the trial of civilians in military courts and fails to guarantee the rights to freedom of expression and peaceful assembly and to protect against forced evictions.⁷ The Constitution was amended in 2019, further expanding the jurisdiction of military courts over civilians, and entrenching impunity.⁸
5. Since 2013, authorities have passed multiple laws which effectively criminalize the exercise of human rights, including freedom of expression and peaceful assembly; erode fair trial guarantees; and enshrine impunity.
6. Four laws, enacted in 2018,⁹ have enabled the authorities to arbitrarily censor and block media outlets, social media platforms and blogs and to criminalize media content on overly broad grounds.¹⁰

7. Law 149/2019 on NGOs,¹¹ which replaced the draconian Law 70/2017,¹² grants the authorities overly broad powers to restrict the registration, activities, funding, and dissolution of NGOs.
8. Law 107/2013 on Organizing the Right to Public Meetings, Processions and Peaceful Protests allows security forces to ban protests and use unnecessary and excessive force against peaceful protesters.¹³ It has been used concurrently with Law 10/1914 to prosecute peaceful protesters.
9. The Military Justice Code allows trials of civilians before military courts and gives military courts jurisdiction over alleged human rights violations by the army.¹⁴ In February 2024, new legislation was adopted which further expanded the jurisdiction of military courts over civilians.¹⁵
10. In 2017, legislative amendments to the Code of Criminal Procedure (150/1950), the Law Regulating Appeals before the Court of Cassation (57/1959), the Law on Terrorist Entities (8/2015), and the Law on Counter Terrorism (94/2015)¹⁶, further undermined fair trial rights.
11. The Law on Senior Leaders of Armed Forces (161/2018) entrenched impunity by authorizing the president to grant immunity to senior military officers for human rights violations committed between 2013 and 2016.

GOVERNMENT-AFFILIATED HUMAN RIGHTS BODIES

12. In 2017, the authorities established human rights departments in all ministries and governates.¹⁷ These bodies as well as the National Council for Human Rights (NCHR) have played the role of countering criticism of Egypt's human rights record, rather than addressing violations. The NCHR, whose members are appointed by the government,¹⁸ has been unable to conduct unannounced and unhindered visits to prisons and other places of detention.¹⁹

THE HUMAN RIGHTS SITUATION ON THE GROUND

FREEDOM OF EXPRESSION, ASSOCIATION AND PEACEFUL ASSEMBLY

13. During its last UPR review, Egypt accepted recommendations to guarantee freedom of expression, association and peaceful assembly in law and in practice²⁰ including to ensure a safe environment for civil society organizations.²¹ In reality, the Egyptian authorities continue to crush dissent and stifle civil society. Since the last review, authorities have arbitrarily arrested thousands including journalists, opposition politicians, relatives of dissidents abroad, protesters, trade unionists, lawyers and people critical of the human rights situation as well as the government's handling of the economic crisis. Amnesty International is appalled that Egypt rejected recommendations to release those detained for exercising their human rights.²² Thousands of actual or perceived government critics remain arbitrarily detained and/or unjustly prosecuted.
14. Since May 2017, authorities have blocked at least 600 news, human rights and other websites.²³ Independent media workers at liberty such as Mada Masr's staff remain under criminal investigation for their legitimate media work.²⁴
15. Authorities dispersed the rare protests that had taken place since the last UPR review with the use of unlawful force. For instance, security forces used unlawful force and mass arrests to crush the 2020 protests.²⁵ In the lead-up to COP27 in 2022, security forces arrested hundreds of people in connection with protests planned

during the conference.²⁶ Ahead of the presidential elections in 2023, Egyptian authorities ramped up their repression against political opponents, peaceful protesters, and other critics.²⁷

16. Between October 2023 and May 2024, the Egyptian authorities arrested 123 people who had expressed solidarity with Palestinians in Gaza by peacefully protesting, posting comments online, or writing slogans on walls.²⁸
17. The government imposed an April 2023 deadline for NGOs to register under the repressive Law 149/2019 or operate under the threat of closure or prosecution.²⁹ After 13 years, in March 2024, the investigative judge in Case 173 – also known as “foreign funding” case – dropped the politically-motivated charges against five NGOs and their staff, lifted their travel bans and announced the closure of the case for “insufficient evidence”. However, several human rights defenders remain under arbitrary travel bans and/or asset freezes and dozens of activists and political opponents remain on the “list of terrorists”.³⁰

ARBITRARY DETENTION AND UNFAIR TRIALS

18. Egypt accepted recommendations to ensure due process and safeguard the right to adequate defence including in terrorism-related cases.³¹ However, authorities rejected recommendations to end the use of prolonged pretrial detention³² and to stop trying civilians before military courts.³³
19. In reality, the authorities have continued to misuse the criminal justice system and counter-terrorism legislation to arbitrarily detain thousands of actual or perceived critics without charge or trial, sometimes for periods exceeding the maximum limit under Egyptian law of two years, without allowing them to meaningfully challenge the legality of their detention.
20. Supreme State Security Prosecution (SSSP) prosecutors also frequently bypass decisions by judges or prosecutors to release individuals from prolonged pretrial detention by ordering their detention in new cases on similar charges in a practice known as “rotation”.³⁴
21. Since the reactivation of the Presidential Pardons Committee in 2022, hundreds of individuals held for political reasons have been released but others, including some prominent activists and members of the Muslim Brotherhood remain in jail.³⁵ In 2023, authorities released 834 prisoners held for political reasons but arrested over triple that number.³⁶
22. Since the last review, hundreds of individuals held for political reasons have been sentenced to death or prolonged imprisonment following grossly unfair trials by military courts, emergency courts, or terrorism circuits of criminal courts.³⁷

REFUGEES, MIGRANTS AND ASYLUM SEEKERS

23. Authorities continue to arbitrarily arrest and detain refugees and migrants in cruel and inhuman conditions, solely for their migration status.
24. Since September 2023, Border Guard Forces and police have carried out mass arbitrary arrests of Sudanese people who fled the armed conflict in Sudan for irregularly entering or staying in Egypt and forcibly returned thousands to Sudan without giving them the opportunity to claim asylum or to challenge their deportation.³⁸

TORTURE AND OTHER ILL-TREATMENT INCLUDING CRUEL DETENTION CONDITIONS AND ENFORCED DISAPPEARANCES

25. Egypt accepted recommendations to protect people in detention from torture and other ill-treatment³⁹ but rejected recommendations on ratifying the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).⁴⁰
26. Since Egypt's last UPR review, security forces have subjected hundreds of those accused of involvement in terrorism or participation in protests to enforced disappearances for periods ranging between a few days and several months.⁴¹
27. Torture and other ill-treatment are prevalent in Egypt's prisons,⁴² police stations and National Security Agency-controlled facilities. Documented methods include beatings, electric shocks, suspension by the limbs, indefinite and prolonged solitary confinement, sexual violence, deliberate denial of healthcare and threats.
28. Conditions of detention across Egyptian prisons are cruel and inhuman, with prisoners subjected to overcrowding and inadequate accommodation, poor ventilation, substandard sanitation and hygiene, shortage of nutritious food, and little or no access to fresh air and exercise. Prisoners continue to be held in horrific and punitive conditions in new prisons, such as Badr 3, opened in mid-2022.⁴³
29. The authorities failed to adequately investigate the causes and circumstances of at least 188 deaths in custody as a result of physical violence or denial of healthcare recorded by Amnesty International since Egypt's last UPR review.

DEATH PENALTY

30. Amnesty International regrets that during its last UPR review Egypt rejected recommendations to implement a moratorium on all executions.⁴⁴ Since 2020, Amnesty International recorded at least 222 executions and over 1,748 death sentences, many following unfair trials.⁴⁵

IMPUNITY

31. Egypt has accepted recommendations to combat impunity, including by investigating violations committed by security forces.⁴⁶ However, the judiciary has not held any police or military officers accountable for their dispersal of sit ins in Rabaa or Nahda squares on 14 August 2014 during which at least 900 people were unlawfully killed.⁴⁷ The authorities have also consistently failed to conduct effective investigations into crimes under international law and other serious human rights violations, including when victims or families complained directly to prosecutors or judges. In some cases, authorities prosecuted those reporting torture instead of investigating their claims.⁴⁸

GENDER-BASED DISCRIMINATION AND VIOLENCE

32. Amnesty International regrets Egypt failure to implement the recommendations it accepted during its last UPR review to eliminate gender-based discrimination.⁴⁹
33. Women and girls in Egypt face gender-based discrimination in law and practice, including in relation to marriage, child custody, inheritance, bodily autonomy and privacy. Egypt lacks comprehensive legislation to combat all forms of violence against women including legal provisions prohibiting marital rape and domestic violence.⁵⁰

34. Since 2020, authorities have arrested and prosecuted at least ten women TikTok influencers for “indecent” and “inciting immorality.”⁵¹ In August 2020, authorities arbitrarily detained and opened criminal investigations against four people who came forward as witnesses in a case concerning a gang rape at Fairmont hotel in Cairo in 2014, over charges related to “morality” and “misuse of social media”, among others. The public prosecution released all the witnesses by January 2021, as well as the men suspected of involvement in the rape due to “lack of evidence”. This case had a deterrent effect on survivors’ willingness to report sexual violence and seek justice.⁵²
35. Amnesty International regrets that Egypt rejected recommendations to end the arrest and prosecution of people for their real or perceived sexual orientation or gender identity and repeal laws criminalizing consensual same-sex relations. Authorities continued to target LGBTIQ+ individuals and activists through arbitrary arrests and prosecution on charges of “habitual debauchery,”⁵³ and have used anal examinations to “prove” same-sex sexual conduct, a practice that amounts to torture.⁵⁴

FREEDOM OF RELIGION AND BELIEF

36. Religious minorities, including Christians, Shi'a Muslims and Baha'is, face entrenched discrimination in law and practice. The right to build or repair churches remains restricted by a 2016 law requiring approval from security agencies and other state bodies. In May 2023, the Egyptian prime minister announced that since the law came into force, the government had approved the legalization of 2,815 churches, approximately half of the submitted requests.⁵⁵
37. “Public activities” by the Bahá’í community continue to be criminalized under discriminatory Law 263/1960 on the ban of Bahá’í forums.⁵⁶

ECONOMIC AND SOCIAL RIGHTS

38. Authorities are failing to address the impact of the country’s severe economic crisis on people’s access to and enjoyment of socio-economic rights. The government allocated about half of the 2023/2024 budget to debt repayment and failed to meet the constitutionally mandated allocation of at least 3% and 6% of GDP to health and basic and higher education, respectively.
39. The right to form and join trade unions remains severely restricted in law and practice, while workers and labour rights activists calling for just and favourable conditions of work have faced reprisals such as unfair dismissals, unjust prosecutions, arbitrary detention and other harassment.
40. Amnesty International has documented the authorities’ ongoing pattern of forced evictions of residents of informal settlements as well as the security forces’ repeated use of unlawful force and mass arrests to crackdown on residents protesting against house demolitions and forced evictions.⁵⁷

RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

Amnesty International calls on the government of Egypt to:

Freedom of expression, association and peaceful assembly:

41. Bring legislation in line with international human rights law and standards, including by repealing or substantially amending laws that criminalize the exercise of human rights and erode fair trial guarantees.⁵⁸
42. End censorship of news and human rights websites and respect the right to access information.

Arbitrary detention and unfair trials:

43. Immediately and unconditionally release all those detained solely for exercising their human rights or for reasons of discrimination on any grounds including religion, gender identity and sexual orientation.
44. Release those held in prolonged pretrial detention, particularly those who have exceeded the two-year limit for pretrial detention stipulated by Egyptian law and ensure that pretrial detention is only used as a last resort measure in line with international human rights law and standards and that detainees can meaningfully challenge the legality of their detention.
45. Quash the verdicts of those convicted and sentenced in unfair trials including by emergency or military courts. Those charged with internationally recognizable offences should be retried in line with international fair trial standards without recourse to the death penalty.

Refugees, asylum seekers and migrants

46. Immediately halt arbitrary arrests of foreign nationals solely on migration grounds or for entering the country irregularly.
47. Ensure that all those fleeing the conflict in Sudan are provided with prompt, safe and dignified entry into Egypt, and unrestricted access to fair and effective asylum procedures.
48. Halt the collective expulsions of Sudanese nationals, which risks violating the principle of non-refoulement, and refrain from forcibly returning anyone without individually assessing the human rights risks they may face upon their return.

Enforced disappearances, torture, and other ill-treatment

49. Ensure that prisoners have access to timely and adequate healthcare, their families and lawyers and are held in conditions that meet international standards.
50. Ratify the Optional Protocol to CAT and the International Convention on the Protection of all Persons from Enforced Disappearance; and establish an independent body comprising medical professionals, members of civil society organizations and other experts to monitor conditions of detention. The body should have unannounced and unfettered access to all places of detention and be able to talk with detainees of their choice in private and in confidence.

Death penalty

51. Establish an official moratorium on executions with a view to abolishing the death penalty.

Impunity

52. Conduct thorough, effective, impartial and independent investigations into allegations of enforced disappearances, torture and other ill-treatment and unlawful killings and bring those suspected of criminal responsibility to justice through fair trials without recourse to the death penalty. Those officials reasonably suspected of committing crimes should be suspended from positions that would allow them to commit violations, interfere in investigations or grant them immunity, pending investigations.

Gender-based discrimination and violence

53. Repeal all legal provisions and reform all laws that discriminate on the grounds of sex, gender identity or sexual orientation.
54. Stop prosecuting people on the basis of their real or perceived sexual orientation or gender identity.
55. In consultation with civil society, in particular WHRDs, review and reform existing laws and adopt new laws to criminalize all forms of gender-based violence and ensure their effective implementation.

Freedom of religion and belief

56. Amend all discriminatory laws and practices against religious minorities to ensure full conformity with international standards.

Economic and social rights

57. Put in place social protection programmes to mitigate the effects of the economic crisis and guarantee the right to an adequate standard of living for all.. Ensure that any commitments around Egypt's debt do not undermine the government's ability to fulfil its human rights obligations.
58. Put in place safeguards, in law and practice, to prohibit forced evictions; and ensure that all people affected are genuinely consulted, given adequate notice, have access to effective remedies including compensation, and that adequate alternative housing is provided to all those who cannot provide for themselves.
59. Uphold workers' rights to organise, form and join trade unions and strike without fear of reprisals.

ANNEX 1

KEY AMNESTY INTERNATIONAL DOCUMENTS FOR FURTHER REFERENCE

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