



**Australian Government**  
**Department of Foreign Affairs and Trade**



# **DFAT COUNTRY INFORMATION REPORT EGYPT**

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# 1. PURPOSE AND SCOPE

1.1 This Country Information Report has been prepared by the Department of Foreign Affairs and Trade (DFAT) for protection status determination purposes only. It provides DFAT's best judgment and assessment at time of writing and is distinct from Australian Government policy with respect to Egypt.

1.2 The report provides a general, rather than an exhaustive country overview. It has been prepared with regard to the current caseload for decision makers in Australia without reference to individual applications for protection visas. The report does not contain policy guidance for decision makers.

1.3 Ministerial Direction Number 56 of 21 June 2013 under s 499 of the Migration Act 1958 states that:

Where the Department of Foreign Affairs and Trade has prepared a country information assessment expressly for protection status determination processes, and that assessment is available to the decision maker, the decision maker must take into account that assessment, where relevant, in making their decision. The decision maker is not precluded from considering other relevant information about the country.

1.4 This report is based on DFAT's on-the-ground knowledge and discussions with a range of sources in Egypt. It takes into account relevant and credible open source reports, including those produced by the US State Department, UK Home Office, World Bank, Chatham House, Transparency International, Amnesty International, Human Rights Watch, Freedom House, Reporters Without Borders, Committee to Protect Journalists; UN agencies; and credible news sources. Where DFAT does not refer to a specific source of a report or allegation, this may be to protect the source.

1.5 This updated Country Information Report replaces the previous DFAT Information Report on Egypt and the DFAT Thematic Report on Egyptian Copts, both published on 24 November 2015.



## 2. BACKGROUND INFORMATION

### RECENT HISTORY

2.1 Egypt is one of the world's oldest continuous nation-states, with a written history dating back several millennia. Contemporary Egypt owes its origins to a 1952 military coup, which overthrew Egypt's last monarch and led to the establishment of a republic the following year. For most of the period since 1952, military-backed presidents have ruled over a heavily centralised state with a strong internal security apparatus.

2.2 Egypt fought a series of costly wars against Israel from 1948 to 1973. After losing control of the Sinai Peninsula in 1967, Egypt regained it through the 1979 Egypt-Israel Peace Treaty that followed the 1978 Camp David Accords. The two countries established full diplomatic relations in 1980. President Anwar Sadat, who signed the Camp David Accords, was assassinated in 1981 by an Islamist extremist. Under his successor, former Air Chief Marshal Hosni Mubarak, security was the paramount state concern.

2.3 Inspired by the popular uprising in Tunisia (which sparked the broader Arab Spring movement), widespread protests broke out against the Mubarak regime in January 2011. The unrest in Egypt was due to a number of key factors, including general frustration with the high cost of living, growing economic hardships, heavy-handed security practices, lack of political representation, and endemic corruption within the ruling elite. Mubarak resigned within weeks, and an interim military regime took power. Presidential elections held in June 2012 resulted in the election of Mohammed Morsi of the Freedom and Justice Party, the political wing of the formerly outlawed Muslim Brotherhood ('the Brotherhood').

2.4 As President, Morsi drew criticism for his perceived inability to improve Egypt's economic situation and his increasingly authoritarian tendencies. Sporadic, large-scale protests and violent clashes took place between Morsi's opponents and supporters, and led quickly to crippling political polarisation in Egypt. Massive nationwide anti-government protests led to a military intervention that removed Morsi from power and re-installed an interim military regime in July 2013. Security forces violently suppressed pro-Morsi demonstrations protesting the military intervention, and the Brotherhood was subsequently re-designated as a terrorist organisation (see 'Muslim Brotherhood').

2.5 Egypt introduced a new Constitution in February 2014. A May 2014 presidential election resulted in the election of Abdel Fattah el-Sisi (Sisi), former head of the Egyptian Armed Forces. After a number of delays caused by constitutional challenges, parliamentary elections were held in late 2015. Sisi transferred legislative powers to the Parliament in February 2016. Many Egyptians have welcomed the return to stability and order provided by the military intervention and the Sisi administration. However, ongoing economic difficulties and tight security environment have caused some frustration and disillusionment.

## DEMOGRAPHY

2.6 The CIA World Factbook estimates Egypt's current population to be 94.6 million, with an annual growth rate of 2.5 per cent. Around 98 per cent of Egyptians live in the fertile areas of the Nile Valley and along the Suez Canal, an area comprising just three per cent of the country. About half of Egyptians reside in urban areas, particularly the capital and largest metropolis Cairo (estimated population 18.8 million) and Alexandria (estimated population 4.8 million).

2.7 Virtually all (99.6 per cent) Egyptians reported that they were ethnically Arab in the 2006 national census. The national language is Arabic. The US Commission on International Religious Freedom (USCIRF) reports that Sunni Muslims comprise approximately 90 per cent of the population; Coptic Christians make up between 8-10 per cent; and the remainder consists of small numbers of other religious minorities, including Shia Muslims, non-Coptic Christians, Baha'is and Jews (see also 'Religion').

## ECONOMIC OVERVIEW

2.8 The World Bank classifies Egypt as a lower middle-income country. Egypt's economy has relatively large tourism, agricultural and services sectors; derives substantial revenues from the Suez Canal; receives considerable remittances from overseas workers; and garners some additional income from the sale of hydrocarbons. Military-owned companies, often run by retired generals, have long played an active role in Egypt's economy. The military has significantly broadened its economic profile since the overthrow of the Morsi government, including through coordinating massive infrastructure projects and running a retail network that distributes discounted food.

2.9 Significant falls in tourism and foreign investment since the 2011 Revolution have severely affected the Egyptian economy. Travellers' safety concerns over political instability were exacerbated by the downing of a Russian jetliner over the Sinai in late 2015 (see 'Security') and the unexplained crash of an EgyptAir flight in the Mediterranean in May 2016. According to official statistics, overall tourism to Egypt declined by 15 per cent in 2015, costing more than \$US1 billion in lost revenue.

2.10 Worsening economic conditions have particularly affected Egypt's poor. In October 2016, the country's statistical agency announced that Egypt's poverty rate (defined as those living on less than \$US2 per day) had risen to 27.8 per cent in 2015 compared to 25.2 per cent in 2010/11: rural governates in Upper Egypt were the worst affected. Shortages of basic consumer goods such as infant formula, rice and sugar have been common. Inflation has risen substantially, driven largely by a decision to float the Egyptian pound in November 2016. The Central Bank and Egypt's statistics agency reported the core inflation rate at 33.1 per cent in February 2017, the highest rate since 2003.

2.11 In August 2016, the International Monetary Fund (IMF) announced a three-year loan package worth \$US12 billion, intended to stimulate the economy and increase investor confidence. It formally approved the loan in November 2016, immediately delivering the first tranche to the Egyptian Central Bank.

2.12 The size of Egypt's informal sector makes the employment rate difficult to measure accurately. Unemployment in Egypt has officially been around 12-13 per cent for the past five years. However, the actual rate is likely to be considerably higher, with under-employment also a significant issue. Youth unemployment is of particular concern given more than half of all Egyptians are aged under 30. The official unemployment rate for those aged under 30 is 30 per cent, and is 49.8 per cent for young women. Many of the young unemployed are university graduates. There is considerable frustration over lack of economic opportunities, which prevent many young Egyptians from being able to marry or access their own housing. DFAT assesses that the lacklustre economy, low income levels, and poor economic opportunities all act as 'push factors' for emigration from Egypt.

## Health

2.13 The provision of health care in Egypt is highly fragmented. The Ministry of Health funds primary care clinics and the Ministry of Higher Education funds university hospitals, while the third strand of public health care consists of independent ministries, including defence, transport, aviation, electricity and interior, and the Health Insurance Organisation. Many Egyptians lack access to affordable public health care, particularly in rural areas, and the standard of public hospitals is very low. Quality in the private sector is better. While Egyptian health indicators are generally poor overall, the country has seen improvements in child mortality rates and life expectancy.

## Education

2.14 According to UNICEF, 95 per cent of children attended primary school in 2013/4, although participation rates in secondary school dropped to 64 per cent. There was no significant variance between the rates of participation for girls and boys. The quality of public education in Egypt is poor – the World Economic Forum’s Global Competitiveness Index for 2015-16 ranked Egypt 139 out of 140 countries for education. Egypt’s education system has faced criticism for overcrowding in classrooms, poor teaching quality, over-centralised control, a focus on rote learning for examinations, entrenchment of social inequalities, and inadequate university access, funding and research capacity. Quality in the private sector is better. There is a considerable disconnect between the needs of the Egyptian economy and the skills taught in Egypt’s universities. Vocational training has limited availability, and a social stigma attaches to vocational graduates.

## Corruption

2.15 Egypt is a State Party to the UN Convention Against Corruption (2005), and Article 218 of the Constitution commits the state to fighting corruption. The Criminal Code criminalises active and passive bribery, attempted corruption, providing gifts with the intention to influence, abuse of office and the use of public resources for private gain. Several government agencies work to combat corruption, including the Central Agency for Auditing and Accounting, the Administrative Control Authority, the Ministry of Justice, the Ministry of Interior, the Public Prosecution Office, and the Egyptian Money Laundering and Terrorist Financing Combating Unit.

2.16 Corruption is widespread throughout Egypt. The payment of *baksheesh*, or tips, in order to receive basic services is part of everyday life. A culture of nepotism and favouritism negatively affects Egypt’s economy and investment climate. A weak legal framework and a widespread culture of corruption leave businesses reliant on strong connections and the use of intermediaries to operate, and well-connected businesses enjoy privileged treatment. Legislation is enforced unevenly, leading government officials to act with impunity. Facilitation payments and gifts are common, despite being illegal. In January 2017, Transparency International ranked Egypt equal 108<sup>th</sup> out of 176 countries (176 being most corrupt), level with Algeria, Cote d’Ivoire, Ethiopia and Guyana.

2.17 In March 2016, Sisi removed the country’s chief corruption auditor after the official made several statements to the media asserting that state institutions and prosecutors were ignoring or stymying action on his agency’s reports of endemic government corruption. The dismissal also came after the official was reported as saying in December 2015 that the cost of corruption to Egypt’s economy was \$US67.6 billion in 2015. The official was convicted in July 2016 of disseminating false news that harmed the national interest, and given a suspended one-year prison sentence and EGP20,000 (\$AU1700) fine. Human Rights Watch

concluded that the figure did not exaggerate the cost of corruption to the economy, and in fact may have underestimated it.

## POLITICAL SYSTEM

2.18 Egypt is a presidential republic. The President is head of state and head of the executive branch of government, is elected to a four year term for a maximum of two terms, must be an Egyptian born to Egyptian parents, be over 40 years of age, have performed military service, and neither s/he, his or her parents or spouse may have held other citizenship. The Constitution gives considerable power to the President, who appoints the Prime Minister and other Ministers, civil and military personnel and diplomatic representatives, is Supreme Commander of the Armed Forces (see 'Military'), can declare a state of emergency, can issue a pardon or mitigate a sentence, can issue a decree with the force of law should the Parliament not be in session (the Parliament must subsequently approve it within 15 days of convening), and can call for a referendum.

2.19 Egypt does not have a Vice-President. If the President is temporarily unable to carry out the functions of office, the Prime Minister acts in his/her place. If the Presidential office becomes vacant due to resignation, death, permanent disability or any other reason, the Speaker of Parliament temporarily assumes presidential powers. An election must be held within 90 days of the office becoming vacant.

2.20 Article 74 of the Constitution gives citizens the right to form political parties by notification as regulated by the law. Political parties cannot be formed based on religion, sex, origin, sect or geographic location. Activities that are hostile to democracy, secretive, or military in nature are prohibited. Every Egyptian has the right to vote and to run for office. The National Elections Commission oversees elections. Although not perfect, and marred by a low voter turnout, local and international observers deemed the most recent parliamentary elections of late 2015 to be technically proficient and largely carried out in a calm and orderly manner.

2.21 The current Parliament consists of 596 members, with 448 seats elected through an individual candidacy system: 120 elected through a block vote by winner-take-all party lists (with quotas for youth, women, Christians, and workers), and 28 selected by the President. Although independent candidates won over 57 per cent of the seats in the 2015 parliamentary elections, post-election coalition building resulted in the formation of a pro-Sisi parliamentary block, the Support Egypt Coalition, which holds a majority. The newly elected Parliament, which was first convened in January 2016, has been criticised for not acting as an effective check on executive power.

2.22 Egypt is divided into 27 governorates, each of which is further subdivided into regions. Each governorate has a capital city and a governor appointed by the President. The police and other aspects of state protection are administered centrally.

## HUMAN RIGHTS FRAMEWORK

2.23 Egypt is a state party to the *International Covenant on Civil and Political Rights*, the *International Covenant on Economic, Social and Cultural Rights*, the *International Convention on the Elimination of All Forms of Racial Discrimination*, the *Convention on the Rights of the Child*, the *Convention on the Elimination of Discrimination Against Women*, the *Convention on the Rights of Persons with Disabilities*, and the *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*. Egypt has acceded to the 1951 Refugee Convention and the 1967 Protocol. Article 93 of the Constitution commits the state to the agreements, covenants and international conventions it has ratified.



2.24 The Constitution grants rights and freedoms to Egyptian citizens, including equal opportunity for all citizens without discrimination (Article 9) and equality regardless of gender (Article 11). It also prohibits discrimination based on religion, belief, sex, origin, race, colour, language, disability, social class, political or geographical affiliation, or for any other reason (Article 53). The Constitution allows for these rights and freedoms to be constrained by legislation.

## National Human Rights Institution

2.25 The National Council for Human Rights (NCHR) was established in 2003. Article 99 of the Constitution grants the NCHR the power to file complaints with the Public Prosecution Office in the event of violations of constitutional or legal freedom. Article 214 guarantees the NCHR's independence. However, the NCHR's enabling law (Law 94/2003) does not specifically establish the NCHR's independence from the executive and legislative branches.

2.26 The NCHR consists of members with strong human rights credentials, and domestic and international observers consider it largely credible. It publishes annual reports on human rights shortcomings, and regularly releases reports critical of government. However, resource and mandate restraints limit its effectiveness. The NCHR lacks the power to subpoena officials, and has no authority to make binding demands on government, which has rarely acted on its findings. In October 2006, the NCHR received a fully effective status ranking from the International Coordinating Committee of National Human Rights Institutions. A review of this status was scheduled to take place in 2013 but had not occurred as of the publication date.

## SECURITY SITUATION

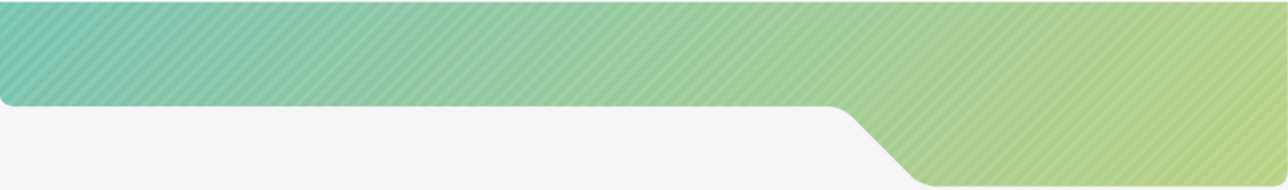
2.27 Egypt experienced a major decline in law and order in the wake of the 2011 Revolution, leading to a sizeable increase in violent crime, civil unrest and terrorist attacks. The Sisi Government's strong emphasis on internal security has largely restored general law and order throughout most of Egypt. Large-scale ongoing protests such as those experienced in 2011 and 2013 have declined considerably (see 'Critics of the State').

2.28 Egyptian security forces have been engaged since 2013 in a military conflict with Islamic State-affiliated militant Islamists in North Sinai province. Although authorities have tightly controlled reporting from the area, it is apparent that a significant number of security forces, militants and civilians have been killed in the conflict. The province has been under a state of emergency since October 2014.

2.29 Terrorist attacks have occurred regularly since the 2011 Revolution, and have primarily targeted security personnel and facilities. Recent attacks of this nature include a bombing in Giza in December 2016 that resulted in the deaths of six security officers, and an attack on a security checkpoint in New Valley governorate in January 2017 in south-west Egypt that killed eight police officers and injured three others.

2.30 Since December 2016, the Islamic State terrorist organisation has claimed responsibility for a series of major attacks targeting Coptic Christian churches (see also Religion – 'Christians'). On 11 December 2016, an Islamic State suicide bomber targeted a church service in Cairo, killing 29 and injuring 49. On 19 February 2017, a group calling itself 'IS Egypt' released a video calling for the targeting of Coptic Christians. Two major attacks against Palm Sunday church services occurred on 9 April, both claimed by Islamic State. The first attack occurred in Tanta, killing 27 and injuring over 70. The second occurred at St Mark's Cathedral in Alexandria, the historical seat of the Coptic Pope, killing at least 16 and injuring 66. Pope Tawadros, head of the Coptic Church, was delivering a service at the cathedral at the time, but escaped unharmed. In addition





to the series of attacks on churches, around 154 Christian families fled the northern Sinai town of al-Arish in January-February 2017 after seven Coptic Christians were reportedly killed by Islamic State-affiliated militants. The Grand Imam of al-Azhar strongly condemned the church attacks, while a faction of the Brotherhood also issued a statement of condemnation.

2.31 In response to the Palm Sunday bombings, Sisi issued a Presidential Decree on 9 April 2017 declaring a nation-wide state of emergency, the first under the 2014 Constitution. The decree was passed unanimously by Parliament on 11 April. The state of emergency is governed by Law 162 of 1958, 'The Emergency Law'. While the exact details of the Emergency Law and how it will be applied were unclear at the publication date, it is likely that the military will be granted extended powers. DFAT assesses that detentions and arrests are likely to increase as a result of the declaration of a nation-wide state of emergency. Sisi also proposed the establishment of a Supreme Council to combat Terrorism and Extremism, which would consider new powers for police and intelligence investigators and allow for the fast-tracking of terrorism cases through the court system.

## 3. REFUGEE CONVENTION CLAIMS

### RACE/NATIONALITY

3.1 The Egyptian population includes several very small ethnic minority communities, including Nubians, Bedouins, Berbers and Europeans, but is overwhelmingly ethnically Arab. DFAT does not consider discrimination based on ethnicity to be relevant for the purposes of this report.

### RELIGION

#### Personal Status Laws

3.2 Religion is central to identity in Egypt. Religious institutions of the three recognised religions (Islam, Christianity and Judaism) have responsibility for personal status issues such as marriage, divorce and inheritance. For Muslims, personal status laws derived from *sharia* (Islamic law) are contained in legislation. Family Courts apply this legislation to Muslim couples, Muslims married to Christians, and married couples who belong to different Christian denominations (see 'Christians'). For Christians and Jews, the religious authorities themselves adopt personal status rules, based on relevant religious doctrine. These rules are considered equivalent to administrative decisions, and are subject to review in Egyptian courts.

3.3 Egypt is a socially conservative country, and very few couples co-habit outside of marriage in both urban and rural areas. The state administers marriages between Muslims in accordance with *sharia*. Christians and Jews must seek marriage under their respective religious institutions before obtaining a marriage contract from the state. All marriages must be registered with the Ministry of Justice, which issues official marriage certificates. According to *sharia* (as interpreted by Egyptian courts), a Muslim man can marry a non-Muslim woman without her having to convert to Islam. A Muslim woman, however, can only marry a non-Muslim man if he converts to Islam. Some Christian denominations will reportedly marry Christians from different denominations without requiring one party to convert, but most, including the Coptic Orthodox Church, will generally only marry couples from the same denomination.

3.4 There is no civil marriage in Egypt, and all religious authorities are strongly opposed to the concept. Civil marriages of Egyptians abroad are recognised within Egypt only when they comply with Egyptian personal status laws. For instance, if a Muslim woman married a Christian man in a civil marriage abroad, it would not be recognised in Egypt. Likewise, Egypt would not recognise a civil marriage between a same-sex couples.

#### Religious conversions

3.5 There is no statutory prohibition in Egypt on converting from one religion to another. Muslim clerics encourage conversion to Islam from other religions. Converts to Islam will generally have their conversions

recognised and their identity cards changed accordingly without difficulty or delay. However, courts and government officials have generally interpreted *sharia* as prohibiting conversion from Islam and have refused to recognise such conversions legally, including through failing to amend a convert's national identity card (and corresponding record) to reflect their chosen faith. This has significant ramifications for personal status issues, such as marriage and divorce, and the state's view of the religious identity of any children born to a convert. Egyptian children obtain a national identity card at age 16, with their religious identity matching that of their parents (their Muslim parent, in the case of a mixed marriage between a Muslim man and Christian woman). Self-identified Christians designated as 'Muslim' on their identity cards will generally be unable to marry in a Christian ceremony. Any children born to such persons will almost certainly have 'Muslim' written on their identity card at age 16.

3.6 A 2011 court ruling allowed Christians who converted to Islam and then back to Christianity (generally to more easily access divorce) to amend their identity cards to reflect their chosen faith. However, DFAT understands that only a small number of such persons have actually been permitted to do so, and that several thousand others are waiting to have their cards changed back.

3.7 Converts from Islam to other religions are not generally subject to officially sanctioned violence, detention or surveillance. However, they face significant societal discrimination in the form of rejection, ostracism and sometimes violence from their families or communities. Such discrimination is worse in poorer or rural areas, where values that are more conservative are tightly held. The level of discrimination is greater if the convert undertakes activities, such as proselytising, in relation to their conversion.

3.8 DFAT is aware of anecdotal reports of Christian women and girls being abducted and forcibly converted to Islam. Such reports have occasionally led to increased tensions and clashes between Christian and Muslim communities, particularly when the alleged abductions involve family members of Christian priests. However, there is little evidence to suggest that forced conversions occur as a regular phenomenon. DFAT assesses that most religious conversions in Egypt occur either to enable a person to marry someone from another faith, or to access divorce.

3.9 DFAT assesses that a person converting from Islam faces a moderate risk of official discrimination. They are unlikely to have their new religious identity officially recognised and reflected on their national identity cards, which has ramifications both for their own personal status and for that of their children. DFAT assesses that a person converting from Islam faces a high risk of societal discrimination in the form of rejection, ostracism and possible violence from their families and communities.

## Blasphemy/ Defamation of Religion

3.10 Article 98(f) of the Egyptian Criminal Code provides for prison sentences of up to five years and/or fines of up to EGP1000 (\$AU145) for 'exploiting and using religion in advocating and propagating extremist thoughts with the aim of instigating sedition and division or disdaining and contemplating any of the heavenly religions, or prejudicing national unity or social peace'. Articles 160 and 161 prohibit misdemeanours connected with religion, including disturbing religious ceremonies, violating the sanctity of religious buildings or cemeteries, printing adulterated versions of holy books, or imitating religious ceremonies for the purpose of ridicule.

3.11 Courts of general jurisdiction (see 'Judiciary') hear defamation of religion cases. While the Misdemeanour Courts hear most cases, the Criminal Courts may have jurisdiction if the charge is serious enough to involve a potential term of imprisonment. It is common for cases to last over a year, and for proceedings to be postponed repeatedly. The Public Prosecution Office places charges, which may occur after a lawsuit is filed, a private citizen files a complaint, or the state itself files a case.

3.12 Before the 2011 Egyptian Revolution, defamation of religion cases were rare. The number and frequency of charges rose considerably under the Morsi government, and this trend has continued under the Sisi government. In January 2015, Sisi issued a decree permitting the government to ban any foreign publications deemed offensive to religion. Under the Sisi government, Article 98(f) has been used against an increasingly wide range of groups across the country, including atheists, Christians (including converts from Islam), and artists (see also 'Atheists'). The increased use of social media has reportedly been a contributing factor in the rise of such cases, as more people have had visibility of potentially controversial material.

3.13 According to the US State Department, at least 20 individuals were prosecuted and eight individuals convicted in 2015 under Article 98(f). The exact numbers of those prosecuted in 2016 are unclear. However, some of the more high-profile recent arrests and prosecutions include: an Islamic scholar and TV host sentenced to a year's imprisonment in December 2015 for questioning the sources of some of the Prophet Mohammed's sayings; a prominent poet sentenced to three years' imprisonment in Cairo in January 2016 for a Facebook post that criticised the ceremonial slaughter of sheep during a Muslim religious festival; the dismissal of the Minister for Justice in February 2016 for saying he would jail the Prophet Mohammed if he perpetrated a crime; and the sentencing of four Christian teenagers in Minya to between three and five years' imprisonment in March 2016 for a video mocking an Islamic State execution that included a pre-beheading prayer.

3.14 DFAT understands that those accused of blasphemy rarely have an adequate right of defence and are generally convicted. Penalties include fines and/or imprisonment ranging from six months to five years. In some cases, families have reportedly had to leave their homes due to threats received because of defamation of religion cases. In June 2016, two Members of Parliament reportedly launched a movement to repeal Article 98(f) on the grounds that it violated the Constitution's articles on freedom of belief and did not fit within *sharia*.

## Construction/Restoration of Churches

3.15 In August 2016, the Parliament passed Law 80/2016 required by Article 235 of the Constitution to allow Christians to build and renovate churches. Church building is one of the most sensitive communal issues in Egypt - a leading human rights NGO has stated that it is the source of around 20 per cent of clashes between Muslims and Christians. It has traditionally been extremely difficult to build a new church in Egypt, as local authorities have imposed convoluted processes to request permission and then ultimately refused the building permit. In contrast, there are minimal restrictions to building a mosque. There are reportedly approximately 2,800 registered churches throughout Egypt, compared to nearly 110,000 mosques.

3.16 Under the new law, Christians wishing to build a new church are still required to apply to the provincial governor for a building permit. The Christian community was divided over the new law in the lead-up to the vote. Many Christian politicians and activists spoke out against the law, claiming it only enshrined the existing bureaucratic hurdles used to prevent church construction, and that it codified discrimination against Christians. While initially critical, the Coptic Church ultimately spoke out in favour of the law after the Pope met with the Prime Minister, and many Christian MPs voted in favour of the law. However, there remains significant concern both within the Christian community and in civil society about how the new law will operate in practice, and whether it will actually make it easier for Christians to build new churches.

3.17 DFAT assesses that Christians are subject to official discrimination in relation to the building and restoration of their places of worship as they continue to face restrictions in doing so that do not apply to Muslims.



## Communal Violence

3.18 Most Egyptians, especially those living in urban areas, work, live and socialise together with little regard to each other's religious identity. However, small-scale disputes such as neighbourhood disagreements can on occasion adopt religious overtones and escalate into community-level violence, particularly in poorer and rural areas. Most communal incidents in Egypt take the form of vandalism and destruction of property. High-profile incidents in which people are killed or churches attacked are not a frequent occurrence.

3.19 The majority of incidences of communal violence in recent years have taken place in the provinces of Upper Egypt. The province of Minya – which has a sizeable (approximately 40 per cent) and relatively assertive Christian population, high concentration of Islamists, high rate of poverty, and low rate of education – has been particularly notable in this regard. According to the National Council of Human Rights, around ten incidents of communal violence occur each month in Minya.

3.20 A general breakdown in law and order nation-wide following the 2011 Revolution contributed to a significant growth in communal violence that peaked in the period leading up to and immediately following the July 2013 military intervention, and again in the aftermath of the August 2013 dispersals of pro-Morsi protests in Cairo. On these occasions, Muslim Brotherhood members and supporters attacked Christian targets across the country, including churches, schools, and private property. Most, but not all, of the incidents were marked by a slow police response, which may have been in part the result of police and security personnel being otherwise engaged in protecting government institutions. Large-scale anti-Christian violence ended with the declaration of a nationwide state of emergency and curfew in August 2013, combined with a security crackdown on protest activity by Brotherhood supporters.

3.21 A November 2014 government report into the anti-Christian violence found that 29 people had died in communal-related killings, 52 churches had been completely razed, another 12 damaged, and numerous Christian-owned properties destroyed. In December 2014, 40 perpetrators found responsible for attacks on churches in Upper Egypt received prison terms ranging from one to 15 years. The US State Department reported in 2015 that, under a specific presidential order, the military had completed the rebuilding of around one-third of the churches and other buildings destroyed in the 2013 violence.

3.22 Incidents of communal violence continued in 2016. Many of the incidents took place in Minya, including physical assaults of Christians and looting and destruction of Christian property. In May 2016, an elderly Christian woman was stripped and assaulted by a 300-strong mob angered by rumours that her son was in a relationship with a divorced Muslim woman. In July 2016, eight men involved in the incident were released and ordered to pay a fine. Around 154 Christian families fled the northern Sinai town of al-Arish after seven Coptic Christians were reportedly killed by Islamic State-affiliated militants in January-February 2017.

3.23 Egyptian leaders are sensitive to the impact of communal violence. President Sisi has repeatedly denounced attempts to create rifts among Egyptians and called for national unity, most recently in relation to the displacement of Christians from northern Sinai. However, lower-level Church officials have questioned the commitment of local officials and law enforcement to upholding the law equally for Christians and Muslims.

3.24 DFAT assesses that while Egyptian authorities are generally committed to preventing communal violence, this commitment may vary between individuals and locations. Occasional violent incidents of communal violence are likely to continue to occur, especially in Upper Egypt and in Minya in particular. Most cases are likely to be the result of small-scale localised disputes that take on a religious dimension.

## Atheists

3.25 The centrality of religion in Egypt is rarely questioned, and it is virtually impossible to live in Egypt completely free of religious tradition. National identity cards and corresponding records reflect a person's religious identity at birth, and it is not possible to amend them to remove the religious designation. There is no legal statute preventing atheism in Egypt. However, the state has strongly opposed the practice. In July 2014, the Ministry of Endowments and the Ministry of Sports and Youth began a national campaign to fight the presumed spread of atheism among youth. The Minister of Endowments said in February 2015 that atheism (and extremism) were being nurtured by 'the enemies of religion and the nation'.

3.26 Publicly questioning a recognised religion, particularly Islam, in writing or speech (including through Facebook posts) has led to several charges of defamation of religion under Article 98(f) of the Criminal Code (see 'Blasphemy/ Defamation of Religion'). In January 2015, a court in Ekdo (near Alexandria) sentenced a student to three year's imprisonment for denigrating religions by publishing posts allegedly critical of Islam on Facebook. However, there has been some inconsistency in prosecuting proclaimed atheists. DFAT is aware that a volunteer atheist network has produced an online television program on atheism since March 2015, and that atheists have occasionally appeared on mainstream television to debate religion without official consequence.

3.27 Atheism has little public support in Egypt, regardless of socio-economic status or geographic location. Proclaimed atheists have experienced physical attacks and death threats, and are likely to face arrest if they seek police protection. Proclaimed atheists from both Muslim and Christian backgrounds are likely to be disowned by their families and communities. Proclaimed atheists in rural and poorer areas, which tend to be more conservative than middle class urban areas, face an increased risk of violence, discrimination and harassment.

3.28 DFAT assesses that proclaimed atheists face a high risk of official discrimination because vilification by government officials leaves them vulnerable to arrest (under Article 98) or public vigilantism. DFAT assesses that proclaimed atheists face a moderate level of societal discrimination, although this is dependent on individual and socio-economic circumstances.

## Christians

3.29 Christianity has deep roots in Egypt, arriving approximately six centuries before Islam. Although there are twelve officially recognised Christian denominations in Egypt (four Orthodox, seven Catholic and one Protestant), the overwhelming majority of Christians in Egypt are members of the Coptic Orthodox Church. All those belonging to recognised Christian denominations are identified as Christian on their national ID cards. While Christians reside throughout the country, they are particularly concentrated in Upper Egypt (the southern part of Egypt) and in major cities such as Cairo and Alexandria. Suburbs in Cairo, other cities and some villages are sometimes regarded or described as 'Christian areas', but few are exclusively Christian (or Muslim). The Christians are politically and socio-economically diverse: they hold varied professions; range from the very poor to the substantially rich; and have attained a range of education levels.

3.30 Christians generally dress similarly to Muslim Egyptians. In urban areas, however, Christian women are more likely to leave their hair uncovered than are Muslim women. Christian women living in rural or conservative areas are more likely to cover their hair, but would not wear the Islamic hijab. Christians tend to have identifiable names. Though not a mandatory part of religious practice, Christians often have small crosses tattooed on the inside of their wrists or between their thumb and forefinger as a mark of their

identity. Such tattoos are often obtained after Christians have visited monasteries or holy sites. It is unclear what percentage of the Christian community has such tattoos, or if the practice is increasing or decreasing.

3.31 As an overwhelmingly Sunni Muslim country, Egyptian laws and long-standing practices are generally designed to safeguard the majority (although the Constitution preserves the rights of all Egyptians). There are no legal barriers to prevent Christians from attaining visibility in public life, and a number of Christians have become prominent and influential in Egyptian politics and business. DFAT understands that the percentage of Christians in the Egyptian civil service is broadly representative of the religious breakdown of the population. However, Christians tend to be under-represented in senior civil servant roles, and in the upper ranks of the military and security services. It is very rare for Christians to be appointed as presidents, deans or vice-deans in public universities. While anti-discriminatory laws and legal protections exist, these are not always enforced fairly and Christians may experience some discrimination, particularly in rural areas (see 'Reconciliation Committees').

3.32 Most Christians viewed the post-2011 Revolution ascendancy of the Muslim Brotherhood with considerable apprehension. They regarded the Morsi government's removal and the restoration of general law and order as a cause for relief, and strongly supported the ascendancy of Sisi to the presidency. Christian religious authorities have consistently expressed appreciation for Sisi's public calls for Egyptians to place national unity above religious differences. Sisi attended the main Coptic Christmas Eve mass in January 2015, the first time a serving Egyptian leader had done so, and attended again in January 2016. Sisi also called personally on Pope Tawadros to express his condolences following the murders of 21 Egyptian Copts in Libya in February 2015. Following the December 2016 church bombing in Cairo, Sisi declared three days of national mourning, attended the funeral for victims and ordered the Armed Forces to repair quickly the damaged church. As noted in 'Security Situation', following the twin Palm Sunday bombings, Sisi declared a nation-wide state of emergency. Christians generally remain strong supporters of Sisi, although (like other Egyptians) their initial enthusiasm has waned due to the lack of economic improvement and ongoing social difficulties in Egypt, including the threat of terrorism.

3.33 DFAT assesses that discrimination faced by Christians in Egypt is more likely to be societal than official in nature, and is likely to vary considerably according to geographic location. However, some Christians, particularly in rural areas, may face difficulty in obtaining justice through legal means. Christians are also less likely than Muslims to be able to achieve senior positions in institutions such as the civil service, military and security services, and universities, despite the lack of any official policy of discrimination against them.

## Shia

3.34 The Shia population in Egypt is generally estimated as being around 900,000 people. Egyptian Shia do not have any defining characteristics such as appearance or dress that would distinguish them from other Egyptians, and do not live in identifiable communities. While most Shia have names that would identify them as Shia in other parts of the Middle East (such as Ali or Hussein), many Egyptian Sunni also use these names. The national identity cards carried by Shia designate their religion as Muslim without any additional clarifying marker, and Shia are not required to carry any additional form of identification.

3.35 Although there is no official legislation prohibiting Shiism in Egypt, the state has acted on occasion to prevent its practice. State action against Shia activities has tended to peak during times when Egypt has been experiencing diplomatic tensions with Iran, backed by media coverage which has frequently portrayed Egyptian Shia as spies for Iran. In May 2015, the Ministry of Social Solidarity announced the formation of a committee tasked with investigating NGOs alleged to be practising or promoting Shia religious rites. In October 2015 and October 2016, the Ministry of Endowments closed the Imam Hussein Shrine in Cairo (a

site of particular significance for Shia) for a three-day period surrounding the observation of Ashura, releasing a statement that described Shia practice as a falsehood with no connection to Islam.

3.36 Popular Islamist rhetoric against Shia rose during the Morsi period. In June 2013, a mob numbering several hundred lynched a prominent Shia cleric and three others in Greater Cairo. The killings took place in the midst of violence that followed months of Shia denigration by Salafist preachers and the then-ruling Muslim Brotherhood. In June 2015, 23 men implicated in the killings were sentenced to 14 years in prison without parole, while a further eight defendants were acquitted. However, those who incited the violence were not prosecuted. DFAT is not aware of any other incidents of serious violence against Shia, and assesses that state authorities have generally attempted to prevent sectarian tensions from escalating, although this commitment may vary between locations.

3.37 The level of societal discrimination against Shia varies according to socio-economic level and geographic location. Most Shia maintain a low profile in relation to their religious identity. There are reports that Shia have been arrested for practising their faith in private homes after local residents have called the police to complain. DFAT is aware of allegations that Shia have been dismissed from private sector employment after their employers discovered their religious identity, but DFAT is not aware of any cases where Shia have been dismissed from public sector employment because of their faith. A number of prosecutions of Shia under Article 98(f) of the Criminal Code have occurred. In May 2015, a court in Dakalia governate in the Nile Delta sentenced a retired dentist to six months imprisonment under Article 98 after a police raid on his home found unlicensed books on Shiism and items used in Shia rituals. Two others were sentenced *in absentia* to five years imprisonment for transporting the books.

3.38 DFAT assesses that Shia face a moderate level of official discrimination in Egypt as they are unable to freely practise key elements of their religion, and because vilification by government officials leaves them vulnerable to arrest under Article 98 or to public vigilantism. DFAT assesses that Shia face a moderate level of societal discrimination, although this is dependent on individual and socio-economic circumstances.

## POLITICAL OPINION (ACTUAL OR IMPUTED)

### Muslim Brotherhood

3.39 The Muslim Brotherhood ('the Brotherhood') is an organisation founded in 1928 as an Islamist religious, political and social movement. The Brotherhood has traditionally represented the primary political opposition to Egypt's military rulers, despite being prevented for the most part from participating in formal politics and being subjected to intermittent (and often violent) crackdowns.

3.40 Although the Brotherhood did not play a significant role in the 2011 Revolution, it took a more assertive role afterwards. In the first parliamentary elections after Mubarak's overthrow, the Brotherhood's newly formed Freedom and Justice Party won almost half the seats. Leading Brotherhood member Mohammed Morsi was elected President in June 2012. Since Morsi's removal from office by military intervention in July 2013, and the violent dispersal of two large protest camps of Brotherhood supporters in August 2013, Egypt's security apparatus and courts have carried out a significant crackdown on the Brotherhood's members and activities.

3.41 In December 2013, the Egyptian Interim Cabinet declared the Brotherhood a 'terrorist organisation' under Article 86 of the Egyptian Criminal Code. According to Article 86, membership of a designated terrorist group may incur penalties of up to five years' imprisonment. Article 86 also criminalises the distribution of materials, in writing or in speech, pertaining to a proscribed organisation or in service of its objectives. DFAT



understands that most, if not all, NGOs affiliated to the Brotherhood have either been shut down, had their assets seized, and/or had their board replaced with government appointees. Tens of thousands of Brotherhood members have been arrested and detained since July 2013 (see also 'Detention and Prison'), and courts throughout the country have handed down a series of harsh sentences (including the death penalty) in mass trials of those charged with participating in violent protests or riots following the military takeover (see also 'Death Penalty').

3.42 The key Brotherhood senior leadership has been in detention since the July 2013 military intervention, and much of the leadership has fragmented. According to his family, Morsi has been held in solitary confinement since being overthrown in 2013. In October 2016, a court upheld a 20-year prison sentence against Morsi for his role in the killing of protesters outside the presidential palace in Cairo in December 2012, and he is currently serving three other lengthy prison sentences, which are under appeal. However, a death sentence imposed earlier on Morsi was overturned in November 2016. In May 2016, the Brotherhood's Supreme Guide Mohammed Badie was sentenced along with 35 others to life in prison over violent clashes in 2013 following the military intervention. Badie has previously had two death sentences overturned, with retrials ordered in both cases.

3.43 DFAT understands that although large-scale arrests of Brotherhood members and supporters continue to occur in the context of counter-terrorism operations, they are no longer being targeted purely based on their affiliation to the organisation. It is generally estimated that up to a quarter of Egyptians still sympathise with the Brotherhood's goals to some degree, although the number of active members and supporters would be considerably less than this.

3.44 DFAT assesses that Muslim Brotherhood leadership figures and members who continue to pursue political activities actively either within or outside the party structure are highly likely to be arrested and prosecuted. Ordinary inactive members, party supporters and those with family links to members face a lower risk of being targeted for arrest, but may be subject to arbitrary arrest during wider security actions. They are likely to come under the close attention of authorities and be subject to surveillance and monitoring of their activities.

## Salafists

3.45 There are an estimated 5-6 million Salafists in Egypt. Salafism is a fundamentalist (but not necessarily extremist) movement dedicated to a return to the original ways of Islam through emulation of the ways of the Prophet Mohammed and his companions. Like other conservative Muslims, Salafists wear long white robes, long beards (for men) and headscarves (for women), and adhere to a strict interpretation of *sharia*. Salafists can be divided roughly into a politically active stream and an inactive (or 'Quietist') stream. Quietist Salafists eschew any kind of political or social project beyond proselytisation, believing that the best way to improve communities is through the higher objective of spiritual struggle. Politically active Salafists, however, pursue the same objectives - incorporating Islamist principles into society - through party politics or direct action.

3.46 Though religiously conservative, Salafists are not universally synonymous with a 'political Islam' project and there is a wide range of diverse political outlooks within the Salafist movement. Al-Nour, the largest Salafi political party, was the only prominent religious party to support the July 2013 military intervention, and the party strongly backed Sisi in the 2014 presidential election. The government has reportedly shut down other Salafist political parties who were more sympathetic to the Brotherhood.

3.47 Al-Nour was the only Islamist party to participate in the 2015 parliamentary elections but polled poorly, receiving only three per cent of the vote (as opposed to 25 per cent in the 2011 elections). The party's poor showing reflected a number of factors, including a widespread boycott of the election by

Islamist voters; dissatisfaction among the party's support base for its decision to support the Sisi government; and a shift in the public mood away from Islamist political parties. Al-Nour has continued to back the government. However, dissatisfaction among its support base for the failure of its parliamentarians to block legislation they believe contradicts *sharia*, such as the laws on building churches and increasing criminal penalties for female genital mutilation (FGM), have led some to call for the party to suspend its parliamentary activities. Some Egyptians have also raised questions as to whether the party's religious nature is in breach of Article 74 of the Constitution.

3.48 Credible sources have told DFAT that there is considerable tension and rivalry between the Brotherhood and al-Nour. While the Brotherhood reportedly sees al-Nour and its supporters as traitors for supporting the Sisi government, many al-Nour supporters (and other Salafists) feel that they were unfairly sidelined during the Morsi era. A number of violent clashes have reportedly taken place in prisons between supporters of the two organisations. DFAT is unaware as to whether any such clashes have occurred in general society.

3.49 DFAT assesses that Quietist Salafists, and al-Nour members and supporters, face a low risk of official discrimination. However, this risk may rise should al-Nour publicly withdraw its support for the government through suspending its parliamentary activities. DFAT assesses that members and supporters of Salafist parties supportive of the Brotherhood face a low risk of arrest or official discrimination. However, they may be subject to a similar level of attention from authorities as ordinary inactive Brotherhood members and party supporters, and may be subject to arrest during wider security actions.

## Critics of the State

3.50 Article 73 of the Constitution guarantees citizens the right to organise public meetings, marches, demonstrations and all forms of peaceful protests (without carrying arms) by serving a notification as required by law. The Constitution guarantees the right to peaceful and private assembly without need for prior notification, and prohibits security forces from attending, monitoring or eavesdropping on such meetings.

3.51 In practice, the passing of Law 107/2013 ('the Protest Law') in November 2013 has severely restricted the ability of citizens to protest peacefully against the state. The Protest Law was introduced amid a tense political environment characterised by recurrent protests. It requires organisers of any kind of public event or meeting involving more than ten people to provide police with three days' notice; prohibits houses of worship (or their immediate vicinities) being used for political gatherings or as meeting points for marches; and limits activities which could be seen as violating general security, public order, production, or which could impact on public services or the flow of traffic, among other things. Failure to comply with the Protest Law's provisions are punishable with fine of up to EGP300,000 (AUD50,000), or up to seven years' imprisonment. In December 2016, the Supreme Constitutional Court confirmed that the majority of the Protest Law was constitutional, with the exception of one article allowing the Interior Minister to unilaterally cancel or change the location of planned protests. The law is now protected from any further legal challenges.

3.52 Since its introduction, the provisions of the Protest Law have been strictly applied, resulting in a number of harsh sentences and a decrease in the number of large-scale street protests in Egypt. However, thousands of Egyptians took to the streets nationwide in April 2016 to protest Sisi's decision to transfer two unoccupied Red Sea Islands to the control of Saudi Arabia, and more than 1,200 people were reportedly arrested. Most were quickly released. In May 2016, two Cairo courts convicted and sentenced to five years' imprisonment more than 100 protesters (around half *in absentia*) for violating the Protest Law.

3.53 There have been several recent occasions where the state has clashed with powerful professional syndicates, including doctors, journalists, engineers, lawyers and accountants, who have criticised government policy. As of the date of publication, in most cases these rows had not resulted in significant punitive or retaliatory action against the syndicates. However, in November 2016, three leaders of the Egyptian Journalists Syndicate were sentenced to two years' imprisonment on charges for harbouring a fugitive after a police raid on the syndicate. The three reportedly still face charges of spreading 'false news' about the raid (see also 'Media').

3.54 Insulting the military or judiciary is a criminal offence, and those so accused are liable to be prosecuted in military courts. The definition of 'insult' is broad enough to include anyone who satirises the military or brings it into disrepute. For example, in October 2016 the Consumer Protection Agency referred the country's major beer producer to the prosecution of over allegations that it offended the army in a social media advertisement.

3.55 DFAT assesses that the ability of ordinary Egyptians to protest peacefully against the government has been severely restricted by the introduction of the Protest Law. DFAT assesses that civilians who come to the attention of authorities for attempting to protest are highly likely to face arrest and prosecution, particularly if they are perceived to have criticised the military or judiciary.

## Labour Activists

3.56 The Constitution provides numerous guarantees in relation to labour rights, including: the right to work, the provision of a safe work environment, the right to collective negotiations, the prevention of arbitrary dismissal, the right to peacefully strike, and the right to form and join independent trade unions, subject to relevant law.

3.57 The state's approach to labour issues has noticeably tightened since late 2015. DFAT is aware of instances of workers being dismissed for joining independent trade unions, and arrested for planning or joining labour protests or strike actions. Several recent high-profile incidents involving labour activists have occurred, including the referral of 26 workers at a Defence Ministry-owned shipyard company in Alexandria to a military court in May 2016 after they staged a sit-in protest against low wages and inadequate health and safety procedures. In September 2016, six labour leaders from the Public Transport Authority were arrested in Cairo for organising a bus strike to demand better wages. Despite actively campaigning against state labour policies during the Morsi era, the six were charged with forming a 'Muslim Brotherhood terrorist cell' to incite strikes and disturb public order. DFAT is also aware of numerous instances of intimidation, harassment and threatening behaviour, which have particularly targeted members of independent trade unions.

3.58 DFAT assesses that prominent labour activists and leading members of independent trade unions face a high risk of arrest and prosecution. Ordinary members of independent trade unions who engage in protest or strike activities also face a high risk of arrest and prosecution.

## Human Rights Activists

3.59 The ability of activists to carry out human rights-related activities has been considerably restricted under the Sisi government. In July 2014, the government ordered all NGOs to register under Law 84/2002, which expressly authorises the government to interfere in the internal affairs of associations; includes vague grounds for dissolution; and provides for harsh sanctions, including prison terms, for any violations of the law, including receiving unauthorised foreign funding. In September 2016, a Cairo criminal court froze the

assets of three significant NGOs, as well as the personal funds of five human rights activists, as part of an investigation into their foreign funding. The funds of a further two NGOs and three more high-profile activists were frozen in December 2016, with the frozen assets placed under government custodianship.

3.60 In November 2016, Parliament passed a new law regulating domestic and international NGO operations, including foreign funding. However, President Sisi did not ratify the law, which has reportedly been returned to Parliament for amendment. The new law proposed to introduce a National Authority for the Regulation of Non-Governmental Foreign Organisations, with a mandate to monitor foreign organisations and NGOs to verify that they are spending funds appropriately. The new law would give the state greater power to close NGOs if their expenses are perceived as inappropriate, and to imprison or fine associated NGO members. The new law had not been implemented as of the publication date.

3.61 In addition to the formal restrictions placed upon them, many NGOs have been subjected to interventions such as raids, hostile phone calls, or the confiscation of assets. While NGOs linked to the Brotherhood have been particularly subject to state intervention, most NGOs with a human rights dimension have been targeted to some degree. The state intervention into NGO activity has severely weakened the ability of such organisations to conduct their activities. NGOs have told DFAT that the state has attempted to stigmatise their activities as being disloyal or ‘un-Egyptian’.

3.62 Under the Sisi government, at least 12 directors, founders and staff members of Egyptian NGOs and dozens of members of political parties, youth activists, bloggers, journalists and activists have been subjected to travel bans that have prevented them from leaving the country. In most cases, the bans have not been formally announced, and those banned from travel have only learned about their status on arrival at the airport when intending to depart Egypt. Faced with the possibility of a travel ban or finding their assets frozen, some critics have chosen to leave Egypt in recent years.

3.63 DFAT assesses that activists and NGOs involved in human rights activities face a high risk of official discrimination in the form of arrest or prosecution. They are unlikely to be able to carry out their activities without significant interference from state agents, and are likely to be subjected to arbitrary travel bans.

## Media (see also ‘Critics of the State’)

3.64 The Constitution provides numerous guarantees relating to the freedom of the press, the independence of media outlets, and the prevention of censorship. Egypt has a wide variety of traditional and electronic media. While not a monopoly, the state is a major force in the media and runs many TV and radio stations, websites, newspapers and magazines. Television – including via satellite – is the most popular source of news. There are two state-run national and six regional TV channels, and more than 20 daily newspapers, state-run or privately published. Some 30.1 million Egyptians were online in 2016. Following the July 2013 military intervention, the military forcibly shut down several channels perceived to be pro-Islamist. Most pro-Brotherhood media has now been closed, or broadcasts only from abroad. The majority of the privately owned media strongly supported the military intervention, and continues to run a pro-Sisi line.

3.65 A counter-terrorism law passed in August 2015 imposed a large fine on any person who ‘spreads false news’ or who publishes a report contradicting an official Ministry of Defence statement. This law has been repeatedly used to prevent journalists reporting on issues of sensitivity, including the North Sinai insurgency and anti-government protests. Reporters Without Borders (RWB) ranked Egypt 161<sup>st</sup> out of 180 countries in its 2017 World Press Freedom Index. According to the Committee to Protect Journalists (CPJ), the number of journalists imprisoned in Egypt for their work had risen considerably under Sisi. CPJ reported that as of 2016, Egypt was the third-worst jailer of journalists worldwide (behind only Turkey and China). The relatives of detained journalists have claimed that some have been tortured in prison, while others have been denied adequate medical care.



3.66 The CPJ reported 97 violations against journalists attempting to cover protests against the handover of the Red Sea islands in Cairo in April 2016 (see ‘Protests’), including detentions, beatings, and confiscation of equipment. A photographer from a news website was sentenced in May 2016 to two years’ imprisonment after being convicted of inciting illegal protests, obstructing traffic and publishing false news.

3.67 In June 2016, a court upheld a death sentence against three journalists (and three others). The six had been convicted the previous month of helping to smuggle secret documents to Qatari intelligence officers and the Qatari broadcaster *al-Jazeera*. Two of the three journalists (who were all tried *in absentia*) were *al-Jazeera* employees. In September 2016, a further four journalists were arrested in downtown Cairo while conducting street interviews. Three of the four, who all worked for different private media outlets, were arrested while interviewing passers-by for their opinions on a presidential initiative encouraging Egyptians to donate their spare change to help fund national projects, an initiative that had sparked ridicule on social media. The fourth was arrested the next day while covering a protest. The CPJ said all four had reported being beaten and electrocuted while being interrogated. All were charged with ‘publishing false news’, while the three arrested together were also charged with belonging to a banned organisation and inciting violence and terrorism online.

3.68 DFAT assesses that those who criticise the state or government on national security issues or human rights through the media, including on-line, face a high risk of arrest and prosecution.

## Women

3.69 Article 11 of the Constitution commits the state to achieving equality between women and men, and commits the state to ensuring appropriate representation of women in national bodies. There are considerable legal protections for women in many areas, including on personal safety, participation in the workforce, and mandatory schooling for girls. Law 46/2014 stipulates the presence of 56 women on party lists as well as 14 women appointed directly by the President. This contributed to an improvement in female political representation in the current Parliament, which has 89 female MPs making up 15 per cent of the Parliament (compared with two per cent during the last Parliament in 2012). Four Ministers in Sisi’s Cabinet are women, and Sisi’s national security advisor is a woman. President Sisi appointed Egypt’s first female Governor in February 2017.

3.70 Women participate in all areas of Egyptian society, including government, business and civil society. However, societal, cultural and religious barriers continue to place considerable limits on that participation. The implementation of constitutional protections can be unpredictable, and frequently dependent on the individual discretion of police, prosecutors or judges. Human rights organisations have told DFAT that some judges, particularly in rural areas, allow their religious or cultural view of women to influence their findings. The accountability of police is also an issue, both in terms of their capacity to enforce laws preventing violence and harassment against women and as perpetrators of such acts, particularly in custody (see ‘Detention and Prison’). DFAT understands that police have targeted some women living alone (a social taboo) for arrest or extortion under Law 10/1961, which prohibits prostitution.

3.71 As noted in ‘Personal Status Laws’, laws relating to family (including marriage, divorce and inheritance) are drawn from religious tradition. Both Muslim and Christian women tend to be disadvantaged by these laws. While Muslim men can unilaterally divorce their wives without providing any justification, Muslim women must either forfeit their financial rights by accepting a ‘no-fault’ divorce, or fight a long and costly court battle to prove that their husband harmed them. Christian women married to Christian men are only able to access divorce if their partner converts to another religion or is unfaithful, which results in many women being unable to leave abusive relationships. Women are entitled to inherit only half as much as their male relatives. Laws relating to adultery are far more severe for women than men. Women have fewer

custodial rights than men, and may not remove a child from Egypt without the specific permission of the father. Fathers are able to place travel bans on their children to prevent them from leaving the country (see 'Entry and Exit Procedures'). Abortion is criminalised in all cases.

## Female Genital Mutilation (FGM)

3.72 Female genital mutilation (FGM) has been illegal in Egypt since 2008 (Law 126/2008, amending the provisions of the Child Law). However, prosecutions under the Law are rare, and have generally been limited to cases where girls die after undergoing the procedure. FGM is a strongly held tradition in Egypt. It is widely practised throughout the country among both Muslim and Christian communities, and strong social and patriarchal pressures exist on young women and girls to undergo the procedure in order to get married. A comprehensive UNICEF study on FGM published in July 2013 found that 27.2 million Egyptian women (91 per cent) had undergone the procedure, which was conducted by a medical professional in 77 per cent of cases. A February 2016 update to the report found that there had been a noticeable decline in the percentage of girls aged 15-19 who had undergone the procedure. In June 2016, Egypt's highest religious authorities issued a statement saying the procedure was un-Islamic and should be stopped, which followed an earlier statement to the same effect made in 2007.

## Violence Against Women

3.73 Sexual harassment is a frequent occurrence for women across the socio-economic spectrum. A 2013 UN Women study found 99.3 per cent of Egyptian women had experienced sexual harassment, while 91.5 per cent reported experiencing unwanted physical contact. Sexual harassment was found to be particularly prevalent during mass street celebrations such as religious feasts, or political demonstrations. The study found that most sexually assaulted women would not report the crime to the police or tell their families. Decree 50/2014 criminalised sexual harassment for the first time, providing for prison sentences of up to five years. Nine men received lengthy prison sentences in July 2014 for participating in mob sexual assaults, and a man received a five-year sentence in April 2015 for sexually harassing a woman on public transport in Cairo. However, such prosecutions and sentences remain rare.

3.74 Article 267 of the Criminal Code makes rape punishable by death. Approximately 20,000 cases of rape are reported annually, although the actual number is credibly estimated to be much higher. Rape within marriage is not a crime. Legal definitions for rape and sexual assault are weak. According to Amnesty International, authorities treat rape and sexual assault as a social nuisance rather than a crime to be prosecuted, and rarely make serious attempts to prosecute those responsible for sex crimes.

3.75 Domestic violence is prevalent and commonly accepted. A lack of comparative, adequate and up-to-date official statistics make the levels, trends and exact nature of domestic violence difficult to assess. However, a 2009 study commissioned by the NCW found that over 60 per cent of married female respondents had experienced some form of violence during their married lives, while around 28 per cent had experienced a physically violent act. The study reported that 80 per cent of married male respondents admitted to inflicting violence against their wives, while 28 per cent acknowledged being physically abusive. DFAT assesses that these statistics are credible and unlikely to have changed significantly since the study was undertaken.

3.76 Socio-economic factors can make it very difficult for a woman to escape an abusive marriage. Attempting to do so in conservative or rural areas will usually result in communal and familial ostracism. Amnesty International reported in January 2015 that Egypt had only eight operating government-run shelters, with the ongoing government crackdown on NGOs preventing them from filling the vacuum. The

shelters aim primarily to reconcile women with their husbands, and tend to shelter women on a limited basis. The shelters are poorly resourced and advertised, and apply rules and procedures that greatly limit their accessibility and utility to survivors of violence.

3.77 There are no reliable statistics regarding the incidence of killings and assaults motivated by ‘honour’ - these are not specifically addressed in the Criminal Code, and are considered as any other crime. Several Articles of the Criminal Code in effect condone the committing of such crimes, including: Article 17, which provides for reduced sentences in light of mitigating circumstances; Article 60, which does the same for offences committed in good faith of a *sharia* right; and Article 237, which provides for reduced sentences when a husband surprises his wife in the act of adultery and kills her. According to the US State Department, the practice of honour killings is more common in rural areas. Some victims of honour killings may be officially categorised as suicides or accidents.

3.78 Egyptian girls are vulnerable to early or forced marriages, particularly those from rural areas. According to a panel hosted by the Office of the High Commissioner for Human Rights in Geneva in 2014, nearly a quarter of girls married before the age of 18 and as many as 21 per cent married before the age of 15. Some early marriages are temporary marriages intended to mask child prostitution, known as ‘tourism’ or ‘summer’ marriages. These ‘marriages’ involve wealthy foreign men (generally from Gulf States) purchasing Egyptian girls for the purpose of sexual exploitation, with the transaction often facilitated by the girl’s family. In December 2015, the Ministry of Justice introduced measures to make such ‘marriages’ more difficult to obtain, but refrained from eliminating the practice altogether.

3.79 DFAT assesses that the majority of Egyptian women, regardless of religion and socio-economic level, face societal discrimination in that long-standing traditional values and gender roles continue to restrict their participation in the community and workforce. DFAT assesses that the majority of Egyptian women face a high risk of gender-based violence, including sexual assault and domestic violence.

## Sexual Orientation and Gender Identity

3.80 Homosexuality is a strict social taboo across socio-economic backgrounds and geographic locations. A 2013 study by the Pew Research Center found that 95 per cent of Egyptians surveyed believed society should reject homosexuality. As such, the overwhelming majority of LGBTI Egyptians hide their identity, and no LGBTI advocacy organisations exist. Both gay men and lesbians come under considerable social pressure to enter into heterosexual marriage. In both urban and rural areas, discovery of LGBTI identity can lead to incidents of violence. Christian and Muslim religious authorities have consistently condemned homosexuality. During a television interview in June 2016, the Imam of al-Azhar said that no Muslim society could ever consider homosexuality to be a personal right, but rather as a disease that needed to be fought and treated.

3.81 The ability of LGBTI individuals to live freely in Egypt continues to be highly restricted under the Sisi government. Human rights organisations have reported a considerable increase in instances of arrest, harassment and mistreatment of LGBTI individuals by police, including through entrapment. Those arrested have reported having their phones seized and data searched to find other LGBTI individuals, or been tortured to provide names of others. While there are no laws that specifically prohibit homosexual acts, many LGBTI individuals have been charged with ‘habitual debauchery’ under Law 10/1961 (a law that has also been used to prosecute women for prostitution). Following arrests, detainees are commonly subjected to intrusive anal examinations, which police maintain can prove if a person has been engaged in homosexual conduct.

3.82 A number of high profile arrests of LGBTI individuals have occurred in recent years. Eight men were arrested in September 2014 after online footage showed them attending a marriage-like ceremony on board a Nile riverboat. The eight were sentenced to three year’s imprisonment, downgraded on appeal to one

year. In December 2014, 26 people were arrested and marched naked to police vans after a raid on a Cairo bathhouse (although those arrested were subsequently acquitted). In February 2015, seven transwomen were arrested (and charged as men) after police used fake dating profiles to lure them to a nightclub. In September 2015, eleven people were arrested in Giza and subsequently sentenced to prison terms ranging from three to 12 years.

3.83 It is almost impossible in Egypt to change documents of identity from male to female. Many transwomen are unable to access employment other than prostitution, leaving them highly vulnerable to sexual abuse, harassment or arrest under Law 10/1961. Since 2003, the Egyptian medical ethics code has prohibited doctors from performing corrective gender reassignment surgery for those 'electing' to change their gender (meaning that intersex people can access surgery but transgender people cannot).

3.84 DFAT assesses that LGBTI individuals face a high risk of official discrimination, including by entrapment, arrest, harassment and mistreatment by police. DFAT assesses that LGBTI individuals face a high risk of societal discrimination, with ongoing traditional views about sexuality and gender restricting their participation in the community and workforce. High profile or highly visible LGBTI individuals, particularly transwomen, face a high risk of violence, from both police and the public.

## Military Objectors

3.85 Article 86 of the Constitution states that military service is compulsory according to the law. The Military and National Service Law 127/1980 regulates military service. All Egyptian males older than 18 are required to serve. Recruits face up to three years of mandatory service and a nominal monthly wage of EGP250 (AUD37). Conscripts may be placed in a branch of the military, in the police force or prison service. If a male over the age of 18 years seeks employment without having completed military service, he generally has to produce an exemption certificate from the Ministry of Defence to his employer. National identity cards indicate completion of military service, and eligible men who have not completed their service (or gained an exemption) are reportedly not permitted to travel abroad or emigrate.

3.86 Service conditions for military conscripts vary considerably. Some conscripts have been sent to the military front lines in North Sinai (see 'Security'), while others have been dispatched to police urban areas. Those with significant family or other connections have been able to undertake their military service in administrative departments, military hotels or offices, or in one of the military's economic projects (see 'Economic Overview').

3.87 Exemptions and deferrals are common. These can occur for family reasons, including: when an individual is an only son, is the only breadwinner, has brothers who have migrated and is supporting the family, has a brother already serving in the military, or has a father or brother who died while serving in the military. Other family reasons may also be considered. This exemption is renewed every three years for reassessment of the situation until the subject is 30 years old, at which time he receives a permanent exemption. University students can be granted exemptions up to the age of 28, and exemptions are also possible for health reasons. In addition to these deferrals and exemptions, the military may exempt individuals if it has an excess number of conscripts. It has also been reported that the military will not recruit as conscripts those arrested as Islamists. Final exemptions from military service are granted when the individual turns 30.

3.88 If an individual is not able to renew his military service exemption and does not complete his military service, he is liable to pay a fine of up to EGP1000 (\$AU170) and/or to face a minimum of one year's imprisonment. It is unclear how many people have been imprisoned in Egypt for evading military service. Anecdotal evidence suggests that those imprisoned for not completing military service are not targeted or treated differently relative to other prisoners.



3.89 Conscientious objection to military service is not a common phenomenon in Egypt. However, there is a small conscientious objector movement, launched by prominent conscientious objector, Maikel Nabil, who refused to be enlisted in 2009. Nabil was detained five times for publicly campaigning against compulsory military service, and was imprisoned for two years for insulting the military. In June 2015, two conscientious objectors (including Nabil's brother) were granted an exemption from service by the office of the Defence Minister. The exemption did not state a reason or recognise the two as conscientious objectors. It is unlikely that these exemptions represent any formal move towards recognition of conscientious objection.

3.90 DFAT assesses that most (but by no means all) Egyptian males will undergo some form of national service. Obtaining a deferral or exemption from military service is largely dependent on individual and socio-economic circumstances. Military service conditions can vary considerably depending on individual placements. Those with significant connections are likely to have an easier experience than those without them. DFAT assesses that those seeking to avoid military service face a high likelihood of arrest and detention.

## 4. COMPLEMENTARY PROTECTION CLAIMS

### ARBITRARY DEPRIVATION OF LIFE

#### Extra-Judicial Killings

4.1 Several thousand people have been killed during police and military actions since the 2011 Revolution, with few credible investigations or prosecutions of those responsible. Criminal proceedings have been pursued against a number of senior Brotherhood figures in relation to the deaths of protesters during the Morsi era (see 'Muslim Brotherhood'). However, there have been no such proceedings against members of the police or military in cases where the excessive use of force by state authorities resulted in civilian deaths, most notably during the August 2013 dispersal of two pro-Morsi sit-in protests in Cairo (see 'Recent History').

4.2 A prominent Egyptian NGO, the al-Nadeem Center for Rehabilitation of Victims of Torture, reported in June 2016 that extrajudicial killings by security forces had surged in 2016, with 754 people killed by mid-2016 as opposed to 326 such killings in all of 2015.

#### Enforced or Involuntary Disappearances

4.3 In June 2016, Amnesty International released a report alleging that several hundred students, political activists and protesters had vanished without trace at the hands of the state. The report cited local NGOs as saying that between January and May 2016, on average three to four people –some as young as 14 – had been seized from their homes each day by heavily armed state security forces and brutally interrogated.

4.4 The Amnesty International report stated that although the families of those seized attempted to report disappearances to state authorities, in most cases no investigations resulted. In the rare cases where cases were opened, they were closed once authorities acknowledged that the detainee was in the custody of state security, and detainees continued to be denied access to their lawyers or families afterwards. The report criticised the role of the Public Prosecutor, stating that it accepted questionable evidence from state security, including falsified dates of arrest to conceal the time detainees had spent under conditions of enforced disappearance; based charges on confessions obtained under duress; and failed to investigate allegations of torture. According to the US State Department's 2016 human rights report on Egypt, the NCHR had raised 266 cases of enforced disappearance with the Interior Ministry and received information on 238 cases as of March 2016.

4.5 DFAT assesses that, based on investigations by the NCHR and Amnesty International, reports of enforced disappearances are highly credible.

## Deaths in Custody

4.6 Egypt does not publish official statistics on deaths in custody, although cases are often reported in the local media. However, DFAT understands that deaths in Egyptian detention facilities happen regularly, due to severe overcrowding, violence, and a lack of access to medical care and treatment. In November 2016, the Arab Organisation for Human Rights UK reported that at least 517 detainees had died since the July 2013 military intervention, including 427 who died as a direct outcome of medical neglect and inhumane conditions at detention centres. In its annual report, the al Nadeem Center for Rehabilitation of Victims of Violence reported 123 deaths in detention in 2016.

## DEATH PENALTY

4.7 Several hundred offences are punishable by execution under the Criminal Code, including a number of offences not resulting in death. In practice, the death penalty is most commonly applied in cases of premeditated murder, rape, terrorism and high treason. Executions are carried out by hanging, although military personnel can be executed by firing squad. All sentences are referred to the Grand Mufti, who issues non-binding legal opinions based on interpretations of *sharia*. Appeals against death sentences are referred to the Court of Cassation, except in the case of military trials that preclude the possibility of appeal.

4.8 Egypt does not generally publicise executions, except in highly politicised cases. In October 2016, the Ministry of Interior reportedly announced that 14 executions had taken place in 2016. According to Amnesty International, Egypt executed at least 22 people in 2015, including at least three women, and executed at least 15 people in 2014. Authorities can and have used the death penalty as political tools to address public outrage and pre-empt riots and/or demonstrations, as occurred in January 2013, when 21 people were sentenced to death for their role in deadly football riots the previous year, of which ten were upheld by the Court of Cassation in February 2017.

4.9 After the July 2013 military intervention, the numbers of death sentences handed down by Egyptian courts spiked. Amnesty International reported that at least 538 people were sentenced to death in 2015; at least 509 in 2014; and 109 in 2013. This spike was largely due to verdicts handed down in a series of mass trials involving hundreds of Brotherhood defendants following the July 2013 military intervention. Higher courts have since overturned the majority of these death sentences and ordered retrials.

4.10 Many of the death penalty sentences handed down by both civilian and military courts in recent years have faced credible accusations of being unfair. In May 2015, six men were executed for terrorism after being convicted by a military court of having taken part in deadly attacks on security forces in March 2014. An Amnesty International report released afterwards alleged that at least three of those executed could not possibly have taken part in the attacks as they were already in custody at the time. The report also alleged that the six confessed to participating in the attacks after having been tortured by security forces.

4.11 On 10 October 2016, a coalition of human rights organisations issued a statement calling on the government to declare a moratorium on the use of the death penalty until improvements and significant reform were achieved in the judicial system. The NCHR has also recommended the government reduce the number of crimes that carry the death sentence. However, there is strong public support for the death penalty in Egypt and little domestic appetite for its abolition. Religious arguments are often cited in support of the death penalty, including verses from the Koran that prescribe the death penalty for certain offences.

## TORTURE

4.12 As noted in 'Human Rights Framework', Egypt is a state party to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (but has not signed the Convention's Optional Protocol). Article 52 of the Constitution states that all forms of torture are a crime with no statute of limitations. Article 126 of the Criminal Code provides for a punishment of three to ten years' imprisonment for ordering or conducting torture to extract a confession. The Office of the Public Prosecutor has responsibility for investigating complaints of torture, and for referring them to the criminal courts.

4.13 The Egyptian judicial system is heavily reliant on confessions. International and local human rights NGOs have consistently reported that the security services, including police, routinely resort to torture or other cruel, inhuman or degrading treatment or punishment to obtain confessions. Amnesty International reported in July 2016 that detainees were subjected to electric shocks; brutally beaten; sodomised with wooden sticks; and suspended naked by their wrists and ankles for hours at a time. Human Rights Watch's 2016 country report for Egypt stated that police routinely used torture in their investigations. The US State Department has reported instances of persons being tortured to death and other unlawful killings in detention centres, with most complaints not investigated or prosecuted. DFAT assesses that allegations made in these reports are credible.

4.14 In February 2016, members of the security forces entered the El Nadeem Center for Rehabilitation of Victims of Violence, one of the country's most prominent anti-torture NGOs and presented an order to shut down operations. Since being licensed in 1993, the Center has provided hundreds of torture victims with vital services including counselling and legal services. Security forces closed the Center on 9 February 2016, shortly after it had released its annual report for 2016 that listed 535 cases of individual torture and 307 cases of collective torture or malnourishment by security forces in 2016, resulting in 21 deaths.

## CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

### Arbitrary Arrest and Detention

4.15 Article 54 of the Constitution states that except when caught in the act, citizens may only be apprehended, searched, arrested, or have their freedoms restricted by a causal judicial warrant necessitated by an investigation. Those detained must be immediately informed of the reason, allowed to contact family and a lawyer, and brought before the investigating authority within 24 hours. Questioning may only begin in the presence of a lawyer.

4.16 As noted in 'Enforced or Involuntary Disappearances', arbitrary arrests without reference to any of these constitutional protections occur frequently in Egypt. This is due in large part to the passing in February 2015 (enacted in August 2015) of a counter-terrorism law that gave prosecutors greater power to detain suspects without judicial review. The law significantly expanded the definition of activities for which individuals and groups may be designated terrorists. As noted in 'Security Situation', DFAT assesses that detentions and arrests are likely to increase as a result of the declaration of a nation-wide state of emergency on 9 April 2017.



## Corporal Punishment

4.17 Article 55 of the Constitution states that detainees may not be physically or mentally harmed. Since 2002, corporal punishment has been illegal as a disciplinary measure in prisons. Corporal punishment is unlawful as a sentence for crime, including for children. However, corporal punishment is legal in Egyptian homes, alternative care settings and day care centres. According to UNICEF statistics collected between 2005-13, 82 per cent of Egyptian children had experienced physical punishment. A ministerial directive in 1998 stated that corporal punishment should not be used in schools. However, corporal punishment is commonplace in Egyptian educational institutions. In March 2015, a Cairo schoolboy died after his teacher beat him severely.

4.18 As noted in 'Torture', reputable human rights sources have consistently reported that prisoners in Egyptian detention facilities are routinely beaten during the course of interrogations. DFAT assesses these reports as credible.

## 5. OTHER CONSIDERATIONS

### STATE PROTECTION

#### Military

5.1 Article 152 of the Constitution states that the President is Supreme Commander of the Egyptian Armed Forces. The President cannot declare war, or send the military into combat outside state territory, without consultation with the National Defence Council (consisting of senior political and military leaders) and the approval of the House of Representatives with a two-thirds majority. Article 201 states that the Minister of Defence is the Commander in Chief of the Egyptian Armed Forces (although answerable to the Supreme Commander), and must be appointed from among its officers.

5.2 The military comprises an Army, Navy, Air Force, and Air Defence Force. It numbers some 468,500 active personnel, and is one of the largest militaries worldwide. Most Egyptians view the military as an institution that offers stability, and it enjoys considerable power, prestige, independence, and popular support. The military has long played a prominent role in Egyptian political and economic life (see 'Economic Overview'). It held interim power in Egypt from February 2011 (Mubarak's resignation) until June 2012 (Morsi's election), removed Morsi from power in July 2013, and again held interim power until Sisi's election in May 2014.

5.3 Law 136/2014 allows the military to assist police in the protection of vital public facilities, including roads, bridges, railroads, power stations and universities, and provides military personnel with arrest authority during periods of significant turmoil. Any crimes committed against these facilities fall within the jurisdiction of the military judiciary (see 'Judiciary'). The Parliament voted unanimously in August 2016 to extend the application of the law for a five-year period commencing 28 October 2016. As noted in 'Security Situation', it is likely the military will be granted expanded powers as a result of the declaration of a nation-wide state of emergency on 9 April 2017.

#### Police

5.4 Articles 206 and 207 of the Constitution set out the roles and responsibilities of the police force, namely ensuring safety and security to citizens, and preserving public order and morality. The Supreme Police Council, which is composed of senior police officers and the State Council's Chief Legal Officer, assists the Minister of Interior in organising police affairs.

5.5 Police in Egypt are divided into two main forces: the Egyptian National Police (ENP), and the Central Security Forces (CSF). The ENP is a regular police force with approximately 350,000 personnel. It is responsible for law enforcement and maintaining public order nation-wide. It has a number of specialist agencies, including the General Directorate of Criminal Investigation and the General Administration of Criminal Evidence Verification. All police cadets are trained at the Cairo-based Mubarak Police Academy. The

paramilitary CSF, which includes conscripts and whose estimated numbers vary considerably, is responsible for security at key infrastructure sites, diplomatic missions, and public events.

5.6 Professionalism varies across the police. The effectiveness of the police in general is limited by a shortage of equipment, a lack of training, low pay, and poor investigative skills, particularly in relation to investigating cases of sexual assault. In May 2015, the Ministry of Interior commenced a new policing strategy aimed at improving responses to violence against women, including through human rights training and the deployment of more female physicians to hospitals.

5.7 The police do not enjoy the same high public esteem as the Egyptian military. The police's ability to deal with evidence is widely mistrusted, particularly in relation to politically sensitive cases. Police mistreatment and impunity was a particular focus of protesters in the January 2011 revolution. Calls for investigations into incidents of police brutality are common. In April 2015, the Ministry of Interior called on citizens to report police abuses. It announced in February 2017 the formation of committees to evaluate police officers on ethics, behaviour and psychological condition. In March 2017, the NCHR and the Ministry of Interior signed a joint protocol to train 300 police officers on human rights.

5.8 A number of police officers have been successfully prosecuted for sexually assaulting or fatally beating detainees. Recent examples include: the July 2016 conviction and sentencing of six police officers of manslaughter in connection with the beating to death of a detainee in Luxor in November 2015; the November 2016 charging of nine police officers with torturing to death a Cairo fish vendor (case ongoing); and the November 2016 sentencing to life in prison of a police officer for the murder in April 2016 of a Cairo tea vendor following a dispute over the price of a cup of tea.

5.9 However, credible human rights organisations (including Amnesty International, Human Rights Watch and Freedom House) have reported that impunity for the police (and other security forces) remains an ongoing problem. Not all reports of police abuse are investigated, and many prosecutions have resulted in acquittals due to insufficient or contradictory evidence. As of the publication date, no government official or member of the security forces had been held accountable for the violence associated with the 2013 change of government, in particular the deaths of up to 1,000 civilian protesters during the dispersal of pro-Morsi supporters from two squares in August 2013.

## Judiciary

5.10 Article 184 of the Constitution guarantees the independence of the judiciary, and prohibits interference in judicial affairs; Article 186 guarantees the independence and permanent status of judges; and Article 198 prohibits the arrest or detention of lawyers engaged in defence.

5.11 Egypt has three supreme courts. The Supreme Constitutional Court is the highest judicial authority, and has exclusive jurisdiction to decide issues regarding the constitutionality of laws. The Court of Cassation is the supreme court of the common court system, which deals with civil and criminal matters. The Supreme Administrative Court is the highest court of the administrative court system, known as the State Council, which adjudicates disputes involving government actions or those involving government employees.

5.12 The common court system hears the majority of criminal and civil cases. Courts of first instance are the first level of litigation in civil cases, and in criminal cases involving misdemeanours (crimes punishable by up to three years' detention) and petty offences. Misdemeanour courts consist of a single judge attached to the court of first instance for that district. Appeals are to a misdemeanour court of appeals, consisting of a panel of three judges. Felonies that are more serious are tried before panels of three judges in criminal courts, which are a circuit of the courts of appeal. Egypt has eight courts of appeal, located throughout the country. Family courts deal with family-related disputes.

5.13 Misdemeanour and criminal court judges have the authority to conduct their own supplemental investigation into the facts if they are not satisfied with the evidence presented by the public prosecution and defence, or if new factual issues arise in the course of the trial. At the other extreme, trial judges can accept the evidence as presented by the parties in the court file without any requirement to hear live testimony from witnesses if not requested to do so by a party. In this manner, a large number of misdemeanour and even some felony cases are routinely tried fully in a single day – a way for misdemeanour courts, which struggle with very high caseloads, to reduce their backlog. Other trials, however, may unfold over the course of months, with trial sessions held only one or two days a month.

5.14 The Public Prosecution Office is an independent arm of the judiciary whose role is to conduct a neutral, unbiased investigation into the truth. It is headed by a Prosecutor-General, who is a senior judge selected by the Supreme Judicial Council from among the senior judiciary.

5.15 Public Prosecutors act as both investigators and courtroom prosecutors. Criminal investigations are generally initiated based on complaints filed by citizens or government officials, but may also be initiated by the Public Prosecution Office itself based on information such as news reports. It is considered mandatory to investigate criminal complaints, which means that no inference can be drawn from the mere opening of an investigation. However, it is common for complainants to file a complaint, and then announce to news media that the Prosecutor-General is conducting an investigation into the matter, thereby creating the misimpression that the Prosecutor-General sees potential merit to the allegations made in the complaint.

5.16 The only avenue for appeal for cases before the criminal courts is the Court of Cassation. Appeals to this court are limited to issues of law rather than substance. However, judgements in criminal courts unsupported by sufficient evidence can be, and sometimes are, reversed as erroneous as a matter of law.

5.17 Despite occasional attempts over the decades by various presidential administrations to wind back their power, Egyptian judges have successfully asserted and retained their autonomy. The judiciary remains a powerful actor in Egyptian society, and one with broad public support and respect. The mass demonstrations in 2013 that ultimately brought down the Morsi government were sparked by his decision to remove executive decisions from judicial oversight. Senior judges, including those sitting on the Supreme Constitutional Court, are generally seen as professional and independent. However, the quality and impartiality of individual judges may vary, particularly at more junior levels.

5.18 Individual judges can be subjected to community pressure to rule in accordance with dominant social and political mores, particularly in cases where religion is a factor. DFAT is aware of instances in Upper Egypt where conservative Muslim lawyers and/or community leaders have demonstrated outside courtrooms hearing defamation of religion cases, implicitly threatening community unrest in the event of an unsatisfactory ruling.

## Military Courts

5.19 Under Sisi, the long-standing practice of trying civilians in military courts has expanded considerably. Egypt's military courts operate under the authority of the Defence Ministry rather than civilian judicial authorities. Military courts typically deny defendants rights accorded by civilian courts, including the right to be informed of the charges against them; to access a lawyer; and to be brought promptly before a judge following arrest. Although Article 204 of the Constitution prohibits military trials of civilians, it has a broad exemption for crimes representing a direct assault against whatever falls under military authority.

5.20 In the wake of a deadly attack in North Sinai in October 2014 that killed 22 soldiers, Sisi issued Law 136/2014 that granted the military the authority to protect public and state facilities for two years and directed state prosecutors to refer any crimes committed at these places to their military counterparts. Over



7,000 civilians have been tried by the military in the two years following the passing of the law. Many of these civilians were either accused of belonging to the Brotherhood, or had taken part in university student protests. In August 2016, Parliament approved the extension of Law 136/2014 for an additional five years until 2021. The jurisdiction of military courts was expanded further in June 2016 when Sisi issued a decree granting the military the authority to police public lands up to two kilometres from public roads and highways. In addition, a series of amendments to the Military Judiciary Law have redefined state properties and institutions – including roads, bridges, factories, gas pipelines, and companies – as military property.

## Reconciliation Committees

5.21 Reconciliation committees are a form of traditional justice that authorities use frequently to resolve communal incidents between Muslims and Christians. The reconciliation committee process typically involves victims of crimes accepting a negotiated apology and compensation and abandoning any claim to legal remedy. Authorities have often seen the application of reconciliation committees as being more likely to resolve issues and prevent revenge attacks and vendettas, particularly in rural and poorer areas such as Upper Egypt. Authorities often pressure victims of crimes to abandon criminal complaints and accept the outcome of reconciliation committees. In most cases, the Prosecutor-General will accept the outcome of reconciliation committees and close the relevant legal files.

5.22 In the majority of cases involving violence by Muslims against Christians, the compensation offered by the state authorities or the Muslim parties is insufficient to meet the cost of the damage caused. In serious cases where one party is required to relocate to avoid ongoing violence, the Christian party is the one generally moved. Christian religious authorities are strongly opposed to the practice of reconciliation committees, arguing that the practice undermines the protection of the power of the law for all Egyptians. They have consistently called on state authorities to intervene to ensure that judicial processes are followed, but with limited success.

5.23 DFAT assesses that Christians involved in communal violence with Muslims are unlikely to receive a fair outcome through a reconciliation committee process. However, the negotiated settlement of the reconciliation committee process may provide some guarantee against future violence.

## Detention and Prison

5.24 Article 56 of the Constitution states that prisons are houses for reform and rehabilitation; that prisons and detention centres should be subject to judicial oversight; and forbids all that violates the dignity of the person or that endangers their health.

5.25 Egypt does not publish official prison population statistics. According to the World Prison Brief/ Institute for Criminal Policy Research's World Prison Population List, as of August 2016 Egypt had an estimated prison population of 106,000 people, including pre-trial detainees and remand prisoners. Just over 96 per cent of detainees were male. The estimated number of detainees has increased considerably from 2011 when the prison population was estimated at 66,000 people, with the rise in numbers largely due to the crackdown on the Brotherhood. As noted in 'Security Situation', DFAT assesses that detentions and arrests are likely to increase further as a result of the declaration of a nation-wide state of emergency on 9 April 2017.

5.26 Prisons in Egypt are the responsibility of the Ministry of Interior. In general, prison conditions do not meet international standards because of overcrowding, poor sanitary conditions and widespread violence. Egypt does not generally allow human rights bodies to visit prisons, and the NCHR must obtain approval from

the Prosecutor-General to conduct prison visits. Visits by relatives and lawyers are regularly (and arbitrarily) banned, or are severely limited in time (often between five and ten minutes only). Food rations are severely limited and of poor quality, and authorities frequently deny prisoners basic comfort and hygiene items. While it is technically possible for prisoners to complain internally about mistreatment, doing so is likely to result in punishment for the prisoner.

## INTERNAL RELOCATION

5.27 Article 62 of the Constitution guarantees freedom of movement, residence and emigration. There is no legal impediment to internal movement within Egypt, and Egyptians can and do relocate for a variety of reasons. Major cities, such as Cairo and Alexandria, offer Egyptians greater opportunities for employment. Some Egyptians from the poorer parts of Upper Egypt have moved to the north coast of the country in search for better jobs and living conditions. Urban middle class Egyptian women will likely have a greater ability to find work and shelter, and will likely have better access to support networks, than Egyptian women from poor and more conservative areas.

## TREATMENT OF RETURNEES

### Exit and Entry Procedures

5.28 The Passport Control Department of the Interior Ministry is responsible for conducting exit checks, which DFAT assesses as strictly enforced. When leaving Egypt, Egyptians must present a valid passport and a valid visa for their destination country, if required. Egyptian males are required to show evidence of their military service status (including proof of exemption, if relevant). Such proof could be an exemption certificate; an expired passport noting exemption from military service; or a permission to travel issued by the Conscription Department.

5.29 Egypt keeps records of entries and exits from the country, and security services have the capacity to find out if an individual is in Egypt or abroad. Egyptian law prevents persons from leaving the country if they have criminal charges against their names. These names are recorded on a 'warning list', amended by judges and the Prosecutor-General, against which all travellers are checked prior to departing from the country. Credible human rights organisations have reported that the Interior Ministry and the Egyptian General Intelligence Service can amend this 'warning list' to include persons of interest to the security apparatus, including for political reasons (see also 'Human Rights Activists').

5.30 Not all people with charges against their names (or trials or appeals pending) are automatically put on the warning list, and it is up to the Prosecutor-General to add their names. It is possible for names to be taken off the list, even if trials are pending. Should a person's lawyer request a name be taken off the list, it is the responsibility of the Prosecutor-General to show why the name should remain on it. There have been numerous cases where a person facing trial has had his or her name removed from the list, and subsequently travelled abroad without incident.

5.31 Children travelling with their mothers only must present proof of their father's approval to leave the country. This can take the form of: in-person approval by the father, written approval from the father presented by a paternal uncle or grandfather, written approval from the father signed and stamped by the Notary Office, or written approval from the father stamped by an embassy or consulate.

## Conditions for Returnees

5.32 The International Organization for Migration (IOM) runs a program in Egypt that assists voluntary returnees, in cooperation with the country from which they are returning. Egyptian authorities cooperate with the IOM in these arrangements. DFAT assesses that people who return to Egypt after several years' absence will not face any adverse attention on their return due to their absence. Likewise, DFAT assesses that failed asylum seekers will not face adverse attention because of their failed application for asylum when they return to Egypt.

5.33 Egypt accepts involuntary returnees. Egyptian officials generally pay little regard to failed asylum seekers upon their return to the country, although it is possible that some individuals will be questioned upon entry, or will have their entry delayed. Many thousands of Egyptians enter and leave the country every day. Egyptians who out-stay their work or tourist visas in other countries are regularly returned to Egypt with no attention paid to them by authorities. DFAT is not aware of failed asylum seekers being reported by airport authorities to the Ministry of the Interior or any of the security services beyond the normal processes for returning Egyptian nationals.

5.34 DFAT assesses that Egyptian embassies or other officials usually take note of political activities conducted by Egyptians abroad. However, only particularly high-profile cases (i.e. those that gain media notoriety in Egypt) are generally of interest to Egyptian authorities. Lower profile political activists may be questioned on return to Egypt, but are unlikely to be detained or otherwise mistreated.

## DOCUMENTATION

### National Identity Cards

5.35 National identity cards, which include the religion of the cardholder, are mandatory for adults in Egypt. Many key transactions are essentially impossible to conclude without them, including renting or buying property or vehicles, applying for passports, and opening bank accounts. Some banks require clients to provide national identity cards to access their accounts. It can be difficult finding employment without an identity card. Failure to obtain a national identity card does not usually result in prosecution.

5.36 Egyptians are eligible for national identity cards from 16 years of age. To issue the card, authorities require an original birth certificate and a declaration (in person) from either of the parents that the applicant is their child. The applicant must submit evidence of study (a recent certificate issued and endorsed by a school or university confirming enrolment and the applicant's photo and identity). A digital photo of the applicant is taken at the time of submitting the application. An electronic record of the identity card and associated documentation is kept at the Civil Registration Authority and is verified against and linked to the applicant's and parents' birth records.

5.37 The address on the identity card should be the holder's residence. Out-of-date or incorrect addresses may go undetected, as there are no checks on the residence records by the Civil Registration Authority. It is a requirement that the address is updated when a person relocates, but this requires the holder to actively make the change. There is no penalty for not updating one's address. Lost cards must be reported to the police, and their replacement is a straightforward process.

5.38 While it appears to be possible to obtain a national identity card fraudulently, DFAT assesses this is rare. Personal identity and other records are crosschecked by the Ministry of the Interior, making such fraud highly risky.

## Passports

5.39 Current requirements for adult passport applicants include a valid national identity card and four photographs. Male adults (except those born prior to March 1941) additionally require proof of completion of military service, a military service exemption certificate, an expired passport with a recorded exemption from military service or a permission to travel obtained from the Conscription Department. Children under 12 years of age require a computerised copy of their birth certificate, which includes the child's national identification number, and four photographs. Children between 12 to 16 years of age additionally require an educational enrolment certificate. Children over 16 years of age require all of the above, but with the substitution of a valid national identity card instead of a birth certificate.

5.40 The Egyptian Passports, Immigration and Nationality Department, which is responsible for issuing passports, has access to the travel warning list (see 'Exit and Entry Procedures' above) and would be able to check the person's travel ban status. If the person is on the list, he or she will not be issued a passport.