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DISCONNECTED FROM REALITY

EGYPT'S NATIONAL HUMAN RIGHTS STRATEGY
COVERS UP HUMAN RIGHTS CRISIS

RESEARCH
BRIEFING

AMNESTY
INTERNATIONAL



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Illustration depicting the surrealism of Egypt's cover-up of its human rights crisis.

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Egypt's National Human Rights Strategy (NHRS) was launched one year ago by the Egyptian authorities to conceal their abysmal human rights record and deflect criticism. Amnesty International's analysis reveals that the NHRS paints a deeply misleading picture of the human rights situation. The international community must not be deceived and pressure the Egyptian authorities to take meaningful steps to end the cycle of abuse and impunity.

1. EXECUTIVE SUMMARY

Egypt is in the midst of a deep-rooted human rights crisis, characterized by rampant crimes under international law and other serious human rights violations committed with impunity. The litany of well documented violations includes unlawful killings; mass arbitrary detentions; severe repression of the rights to freedom expression, association and peaceful assembly; and entrenched discrimination against women and girls, LGBTI people and members of religious minorities.

The Egyptian authorities have consistently denied this grim reality, dismissing evidence of systematic and widespread violations and justifying their actions on national security grounds. In the face of growing international criticism of the human rights situation culminating in a March 2021 joint statement by 32 UN member states at the Human Rights Council, and with the UN Climate Change Conference (COP27) approaching in November 2022, the Egyptian authorities increasingly invested in public relations exercises to improve Egypt's human rights image, of which the five-year National Human Rights Strategy (NHRS) is the most illustrative example.

The Egyptian authorities launched the NHRS one year ago in September 2021 during a ceremony attended by Egyptian President Abdel Fattah al-Sisi to much official and state media fanfare. The NHRS was drafted by a state body, the Supreme Standing Human Rights Committee (SSHRC), and hails existing legal and constitutional human rights guarantees as well as the progress made by the government in upholding them, presenting itself as a continuation of official efforts to advance human rights. Over the past year, the Egyptian authorities have repeatedly referred to the NHRS publicly as well as in private meetings with representatives of other governments, international financial institutions, and members of multilateral forums as evidence of Egypt's commitment to uphold human rights.

Amnesty International's analysis of the NHRS shows that it presents a deeply misleading and at times outright false picture of the human rights situation in Egypt. It completely overlooks patterns of ongoing or past human rights violations and fails to acknowledge the role of security forces and other state actors, including prosecutors and judges, in ordering, instigating or committing violations or in aiding, abetting or otherwise facilitating their commission or to call for an end to impunity.

Instead, the NHRS repeatedly absolves authorities of responsibility, attributing "challenges" to the full enjoyment of human rights to external factors such as security threats, economic concerns, or more problematically the lack of awareness by Egyptian citizens of their legal rights and available government support programmes. The NHRS offers modest and largely technical solutions to overcome these human rights "challenges" without acknowledging the need for political will to reverse course. These shortcomings are not surprising given the exclusion of independent human rights NGOs from the process of developing the strategy, which lacked transparency and was carried out without meaningful public or civil society engagement.

Amnesty International's analysis of the NHRS is primarily based on the organization's extensive documentation of patterns of human rights violations committed in Egypt since the ousting of former President Mohamed Morsi in July 2013 as well as additional information gathered since its launch from a wide range of sources including victims, witnesses, human rights defenders and lawyers and a review of official documents, audio-visual evidence, and reports by UN bodies and others.

LEGAL FRAMEWORK AND ABUSES IN THE CRIMINAL JUSTICE SYSTEM

The NHRS repeatedly refers to Egypt's Constitution and legislation enshrining human rights guarantees in line with international human rights law and its ratification of numerous international treaties. The NHRS defends the government's record and efforts in upholding human rights in the administration of justice, while identifying some areas within the criminal justice system that require reform. For instance, the NHRS acknowledges the need to limit offences punishable by the death penalty, address lengthy pretrial detention and introduce legislative amendments to ensure that suspects are informed of their rights in writing and to guarantee the right of appeal in all felony cases.

However, overwhelming evidence gathered since 2013 by Amnesty International, other national and international NGOs and UN bodies shows that the authorities have repeatedly misused the criminal justice system and repressive legislation to punish and crush dissent. They have arbitrarily detained and/or unjustly prosecuted thousands solely for exercising their human rights. A plethora of repressive laws - many of which were introduced or amended since 2013 including the counter-terrorism, protest, media and NGO laws - effectively criminalize or severely restrict the exercise of the rights to freedom of expression, association and peaceful assembly; further erode fair trial guarantees; and enshrine impunity for security and military forces.

Supreme State Security Prosecution (SSSP) prosecutors have systematically abused counter-terrorism laws to arbitrarily detain thousands for years pending investigations into vague terrorism-related accusations often based solely on National Security Agency (NSA) reports, which defendants and their lawyers are banned from accessing. Emergency courts, military courts, and terrorism-circuits of criminal courts systematically flout fair trial rights in cases of a political nature. Since 2014, thousands have been convicted based on politically-motivated charges following grossly unfair trials and sentenced to long prison terms and the death penalty. The authorities have executed at least 210 people between since January 2020, including following grossly unfair trials characterized by violations of the defendants' rights to adequate defence and presumption of innocence and the failure to investigate allegations of torture and enforced disappearances.

The NHRS outlines measures taken by the government to guarantee that prisoners and other detainees "are treated in a way that preserves their dignity" and points to the authorities dedicating additional resources to ensure access to adequate healthcare for prisoners. This depiction contradicts findings by Amnesty International and others about the cruel and inhuman conditions in prisons. Torture and other ill-treatment are rampant in prisons and other custodial settings, including through the deliberate denial of adequate healthcare, beatings, suspension in stress positions, and indefinite solitary confinement in inhumane conditions. Since 2020, dozens of prisoners have died in prison following reports of denial of access to adequate healthcare. Such violations take place in a climate of near total impunity for security forces responsible for such abuses, with the complicity of prosecutors and judges, who routinely fail to order investigations into complaints of torture and enforced disappearance by detainees or their relatives and lawyers, as well as into the causes and circumstances of deaths in custody.

CRACKDOWN ON DISSENT AND CIVIC SPACE

The NHRS applauds the constitutional and legal framework for the respect of the rights to freedom of expression, association and peaceful assembly and praises the Egyptian authorities for protecting journalists, media diversity and civic space.

This paints a deeply misleading picture; ignoring the authorities' dismal record since July 2013 of cracking down on any form of dissent offline and online through the introduction and application of repressive laws; mass arbitrary arrests and detention; and the unlawful use of force, including lethal, to crush protests.

Hundreds of men and women continue to be arbitrarily detained and unjustly prosecuted, solely for peacefully exercising their human rights. While the authorities released dozens of prisoners of conscience and others held for political reasons since March 2021, hundreds of human rights defenders, civil society workers, lawyers, political opponents, journalists, protesters, academics, students, writers, researchers, bloggers and others remain arbitrarily detained, while arrests of perceived critics and opponents continue.

The authorities have censored hundreds of websites, raided and closed independent media outlets and continue to control content in both public and private media. Since July 2013, dozens of journalists and other media workers have been arrested, detained and prosecuted simply for expressing critical views or carrying out their media work.

The authorities have relied on repressive legislation and other tactics to control civic space and the human rights movement, including through the decade-long criminal investigation into the legitimate

work of civil society organizations in Case 173/2011, known as the “foreign funding case”. Since 2015, the authorities have also increasingly used unlawful summons, coercive questioning and excessive extrajudicial probation measures against human rights defenders and political activists, in an attempt to harass and intimidate them into silence.

Since mid-2013, security forces have consistently dispersed sit-ins and protests, including through the use of unlawful lethal force, and carried out mass arrests of peaceful protesters effectively succeeding in eliminating any street protests. No efforts have been made to investigate this unlawful use of force nor to ensure truth, justice and reparations for the deadly dispersal of the sit-ins at the Rabaa and Nahda squares in August 2013, which left over 900 protesters dead.

DISCRIMINATION

The NHRS praises the State’s commitment to “the principles of equality, justice and non-discrimination” and enumerates initiatives and actions by official bodies in promoting “equality”, “tolerance” and countering “extremist ideas”. It also acknowledges the alarming increase of gender-based violence, lists as “challenges” broadly worded “negative cultural legacies”, and “lack of awareness” by women of their rights, and calls for comprehensive legislation to combat all forms of violence against women.

Despite these claims, Amnesty International has found that authorities continue to subject men, women and children to human rights violations on the basis of their sex, gender identity, sexual orientation and religious beliefs.

A number of laws, policies and practices entrench discrimination against women, including in relation to marriage, child custody, inheritance, bodily autonomy and privacy. The authorities have failed to adequately prevent and investigate violence against women and girls committed by state and non-state actors, including concerns around abusive practices by the police. These include violating the confidentiality and privacy of survivors who seek to report rape and other sexual violence; blaming survivors of sexual violence for their “inappropriate” clothing or behaviour; pressuring victims to withdraw their complaints and witnesses to withdraw their testimonies; and in some documented cases refusing to register complaints.

The authorities continue to target LGBTI individuals and activists, through harassment, arrests and prosecution on the basis of their real or perceived sexual orientation and/or gender identity and carry out anal examinations, an invasive intentional, discriminatory and punitive practice that amounts to rape and torture.

The NHRS also hails the authorities’ respect of the right to freedom of religion and belief, but fails to recognize that religious minorities, including Coptic Christians, Shi’a Muslims and Bahá’í continue to face discrimination in law and/or practice. The NHRS presents Law No. 80/2016 on Building and Repairing Churches as an advancement of the rights of Christians, while in practice it is used to prevent Christians from worshipping by restricting their right to build or repair churches. The NHRS’ claim on addressing “individual sectarian incidents” is in stark contrast to Amnesty International’s research on the authorities’ consistent failure to protect the community from repeated sectarian attacks since 2013, to bring those responsible to justice and to provide victims with reparations.

The authorities also continue to crackdown on members of religious minorities and Muslims not espousing state-sanctioned religious beliefs through arbitrarily detention, prosecution and unjust imprisonment over “defamation of religion” and other bogus terrorism-related charges simply for practicing their faith or their right to freedom of thought, conscience and religion.

ECONOMIC AND SOCIAL RIGHTS

The NHRS’ claims regarding the government’s track record on respecting the rights to health and adequate housing as well as labour rights stand in sharp contrast not only with the authorities’ failure to progressively realize these rights, but also their unrelenting attacks on those expressing their socio-economic grievances, including workers, medical professionals and residents of informal areas.

The NHRS notes the government's efforts on health such as the adoption of the "universal health insurance law", government initiatives to treat patients with Hepatitis C, and the adoption of policies to "reduce pollution; enhance proper management of hazardous materials and wastes including safe disposal of waste; maintain eco-balance and biodiversity". The NHRS also highlights the government's commitment to prioritize spending on health without mentioning the authorities' failure to meet the minimum constitutionally-mandated allocation of 3% of GDP to health in its previous national budgets, including during the Covid-19 pandemic.

The NHRS lauds the government's "efforts to combat Covid-19" and states that "all preventive and precautionary measures were taken to maintain public health, reduce morbidity and death rates". In the course of its investigations into the government's response to the pandemic, Amnesty International found how authorities relied on repressive tactics, including arbitrary detention and threats of prosecution, to silence healthcare workers and journalists criticising the government's handling of the pandemic and introduced legislation to criminalize spreading information on pandemics on vaguely-worded grounds. The organization also documented delays in vaccinating at-risk groups and failures to prioritize prisoners, refugees and migrants, and other marginalized groups.

The NHRS highlights the authorities' implementation of "the largest program to develop slum and unsafe areas", but fails to acknowledge patterns of ongoing forced evictions of residents from informal settlements and security forces' repeated use of unlawful force and mass arrests to crackdown on residents protesting against their home demolitions and forced evictions.

The NHRS praises constitutional and legal guarantees for workers' rights, including collective bargaining. In reality, the right to form and join independent trade unions and the right to strike are severely restricted in law and practice, while workers and labour rights activists calling for just and favourable conditions of work have been targeted through unfair dismissals, unjust prosecutions, arbitrary detention and other harassment. The NHRS also claims that arbitrary dismissals are prohibited under Egyptian law, but in 2021, the President ratified a new law allowing for the dismissal of public sector employees included on the "list of terrorists" without any due process, while the government has repeatedly failed to address unfair dismissals and other abuses of workers' rights by private-sector companies.

CONCLUSION AND RECOMMENDATIONS

The NHRS' failure to acknowledge the human rights crisis is reflected in its limited recommendations, presented as "target results" for the authorities. Some of these "target results" including the review of crimes punishable by the death penalty, alternatives to pretrial detention and custodial sentences for non-violent acts such as failure to pay debts, and the introduction of comprehensive legislation to combat violence against women are welcome and can lead to meaningful improvements if implemented.

However, overall the NHRS' "target results" don't begin to address the cycle of human rights violations and impunity. To demonstrate their self-declared commitment to human rights, the Egyptian authorities must go beyond targets set out in the NHRS. They must start by releasing the thousands arbitrarily detained in pretrial detention or after unjust convictions and sentences including for peacefully exercising their human rights. They must also end their attacks on the human rights movement including by closing once and for all the politically-motivated criminal investigations against human rights defenders and lifting all travel bans, asset freezes and other restrictions; and ensure criminal investigations into crimes under international law and other serious human rights violations committed by security forces including unlawful killings and extrajudicial executions; torture; enforced disappearances with a view to bringing those responsible to justice.

The international community must put pressure on the Egyptian authorities, in public and in private, to take meaningful steps to end the cycle of abuse and impunity and support efforts to establish a monitoring and reporting mechanism on the human rights situation in Egypt at the UN Human Rights Council. Ultimately, a real change in Egypt's image on human rights will occur only once the authorities shift course. They must take steps towards ending their repression of all forms of dissent and make actual measurable progress in the human rights practices and policies set out above.

2. METHODOLOGY AND SCOPE

This briefing presents Amnesty International's analysis of Egypt's National Human Rights Strategy (NHRS), launched in the presence of Egyptian President Abdel Fattah al-Sisi on 11 September 2021, and is based on the organization's extensive documentation of patterns of human rights violations committed in Egypt since the ousting of former President Mohamed Morsi in July 2013, by President Abdel Fattah al-Sisi, who was then Minister of Defence.¹ It primarily relies on findings revealed in the organization's publications over the past decade that are cited throughout the briefing. Amnesty International's primary sources in Egypt include victims of human rights violations, their family members, close friends and lawyers; as well as human rights defenders, civil society organizations' staff, political activists, journalists and other media workers, academics, trade unionists, workers and medical professionals. Where relevant, the organization's research also involves extensive reviews of government statements and reports, court and other official documents, medical records, audio-visual evidence, news and NGO reports. The selection of individual cases featured in this briefing was based on the availability of information and willingness of the individuals in question and/or their relatives and lawyers to share their experience with the organization.

The briefing does not present a comprehensive analysis of all claims made in the NHRS regarding the human rights situation in Egypt, but focuses on addressing the NHRS' false or misleading claims on specific patterns of human rights issues and concerns in Egypt that the organization has extensively investigated and reported on since 2013.

Amnesty International shared the findings and recommendations presented in this briefing with the Supreme Standing Committee for Human Rights (SSCHR), the state body which coordinated the drafting of the strategy, and the National Human Rights Council (NHCR), the state human rights institution, the Ministry of Foreign Affairs, and the State Information Service on 7 September, but received no response in time for publication.

3. BACKGROUND

3.1 THE PROCESS OF DEVELOPING THE NATIONAL HUMAN RIGHTS STRATEGY

The NHRS for 2021-2026, the first such official strategy on human rights, is a 78-page document² developed by a dedicated governmental body established by the Prime Minister on 14 November 2018, through a one and a half year process which began in early 2020.³ On the day of the NHRS' launch, Egypt's then Permanent Representative to the United Nations in Geneva and the founding Secretary-General of SSCHR emphasized its unprecedented nature: "For the first time, we set an integrated road map and a vision of what we want for ourselves in the coming years [...] Egypt addresses the world in its language."⁴

¹ On 3 July 2013, the Constitution was also suspended and the President of the Supreme Constitutional Court, Adly Mansour, was appointed interim president until presidential elections were held in May 2014, and Abdel Fattah al-Sisi assumed office in June 2014.

² The Supreme Standing Committee for Human Rights (SSCHR), *National Human Rights Strategy- The Republic of Egypt 2021-2026*, 11 September 2021, sschr.gov.eg/media/gapb5bq4/national-human-rights-strategy.pdf (English version). The original Arabic version is 78 pages, and is available at: sschr.gov.eg/media/xaonutei/arabic-strategy-final.pdf

³ Egypt's Prime Minister, Decision Number 2396 of 2018 on the Establishment of the Supreme Standing Committee for Human Rights, 14 November 2018, manshurat.org/node/47399/

⁴ Al-Ahram. "مندوب مصر بالأمم المتحدة: الإستراتيجية الوطنية لحقوق الإنسان رسالة للعالم", 11 September 2021, gate.ahram.org.eg/News/2952264.aspx

The body responsible for drafting the strategy, the SSCHR, is charged with: “[...] managing the mechanism of dealing with the human rights file and to respond to any allegations raised against Egypt concerning human rights [...]”, indicative of its main purpose of improving Egypt’s human rights image rather than addressing the human rights crisis in the country.⁵

The SSCHR, which is headed by the Minister of Foreign Affairs or his designate, is composed of 12 representatives from the ministries of defence, interior, the general intelligence, and the public prosecution as well as the NCHR and other state institutions.⁶ The role of the general intelligence and ministries of interior and defence raise particular concerns given their well-documented involvement in crimes under international law and serious human violations including unlawful killings, torture and other ill-treatment, arbitrary arrest and detention and unfair trials.⁷ Amnesty International has also documented the public prosecution’s complicity in abuses committed by security forces, as well as their persistent failure to conduct full, impartial, independent and prompt investigations into crimes under international law and other serious human rights violations.⁸

The process of developing the strategy lacked transparency with the SSCHR limiting the information publicly released to basic announcements about meetings having taken place, without any details on participants and other stakeholders consulted, including criteria for their selection, human rights topics under discussion, views exchanged, and any mechanisms for members of the public to contribute to the process.⁹ Throughout its development, there was no meaningful consultation with independent human rights NGOs or activists, despite SSCHR’s claim that it “adopted an extensive consultative approach to the strategy’s preparation”.¹⁰

The introductory section of the NHRS entitled “Stages of Development of the Strategy” notes that SSCHR conducted a round of consultations with state bodies and institutions, which are not identified, and another round with representatives from the NCHR as well as unnamed civil society organizations, labour unions, research centres and universities, chambers of commerce and public figures. The NHRS points to additional discussions between the SSCHR and the parliamentary human rights committee, the NCHR and civil society, and to the establishment of a group of 25 unnamed advisors.¹¹ Despite these claims, Egypt’s most prominent independent human rights groups and defenders were excluded, as they were neither invited to consultation meetings nor was the draft document made available to them at any stage of its preparation.

Independent human rights groups that were excluded include the Egyptian Commission for Rights and Freedoms (ECRF), the Egyptian Initiative for Personal Rights (EIPR), the Cairo Institute for Human Rights Studies (CIHRS), the Arab Network for Human Rights Information (ANHRI), the Nadeem Centre for Rehabilitation of Victims of Torture, the Centre for Egyptian Women’s Legal Assistance (CEWLA), the Association For Freedom of Thought and Expression (AFTE), the Egyptian Front for Human Rights (EFHR), and the Committee For Justice. These groups have been subjected to the decade-long politically-motivated criminal investigations and associated travel bans and asset freezes due to their human rights work.¹²

There was no public consultation. The first public glimpses of the content of the NHRS were screenshots of a PowerPoint presentation, bearing the name of the SSCHR, shared in an online meeting with the apparent participation of an SSCHR representative and civil society representatives.

⁵ Egypt’s Prime Minister, Decision Number 2396 of 2018 (previously cited), Article 1

⁶ Amnesty International, *Egypt: Permanent State of Exception: Abuses by the Supreme State Security Prosecution*, (Index: MDE 12/1399/2019), 27 November 2019, [amnesty.org/en/documents/mde12/1399/2019/en/](https://www.amnesty.org/en/documents/mde12/1399/2019/en/)

⁷ Amnesty International, “Egypt: Video of Extrajudicial Executions Offers Glimpse of Hidden Abuses by Military in North Sinai”, 21 April 2017, [amnesty.org/en/latest/news/2017/04/egypt-video-of-extrajudicial-executions-offers-glimpse-of-hidden-abuses-by-the-military-in-north-sinai/](https://www.amnesty.org/en/latest/news/2017/04/egypt-video-of-extrajudicial-executions-offers-glimpse-of-hidden-abuses-by-the-military-in-north-sinai/), and *Egypt: ‘Officially, you do not exist’ – Disappeared and tortured in the name of counter-terrorism* (Index: MDE 12/4368/2016), 13 July 2016, [amnesty.org/en/documents/mde12/4368/2016/en/](https://www.amnesty.org/en/documents/mde12/4368/2016/en/)

⁸ Amnesty International, *Permanent state of exception: Abuses by the Supreme State Security Prosecution* (previously cited)

⁹ See press releases SSCHR available at: sschr.gov.eg/media-page/press-releases/

¹⁰ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p10-11

¹¹ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p11

¹² See sub-section 5.2 on the right to freedom of association

Those were published by a private news outlet less than 48 hours before its launch.¹³ In fact, no draft of the NHRS was ever published or shared before the official launch ceremony and it was only made available online later that day.¹⁴

3.2 SUMMARY OF THE NATIONAL HUMAN RIGHTS STRATEGY

“The House of Representatives welcomes and blesses the launch of the first National Strategy for Human Rights, which is based upon a number of principles, foremost among which are that: All rights and freedoms are interconnected and complementary, that Democracy and Human Rights are intertwined, and achievement of a balance between rights and freedoms of the individual and society.”

The House of Representatives in a published telegram to the President , 2 October 2021¹⁵

The NHRS starts by a preamble praising Egypt’s progress in the field of human rights and frames the document as a continuation of that advancement. It says “[T]he importance of this document stems from the fact that it is the first integrated national human rights strategy in Egypt. It builds on the progress achieved and takes into consideration opportunities and challenges at the national level.”¹⁶ The NHRS’s stated vision is the “advancing [of] all human rights in Egypt through enhancing respect for and protection of all civil, political, economic, social and cultural rights, stipulated for in the Constitution, national laws and international and regional instruments ratified by Egypt.”¹⁷ It describes the NHRS as being “a national ambitious roadmap on human rights and a significant tool for self-development in this field.”

The NHRS then set-out the three “Pillars of the Strategy” namely:

- 1- “Constitutional Guarantees for Enhancing Human Rights Respect and Protection”, a section where Egypt’s Constitution is described as guaranteeing “the protection of all human rights and fundamental freedoms”. It affirms “values of citizenship, justice and equality of rights and duties without any discrimination” as well as the independence of the judiciary, all principles that “are safeguarded in the Constitution by providing judicial protection to them through the Supreme Constitutional Court”.¹⁸
- 2- “Egypt’s International and Regional Human Rights Obligations”, where Egypt is described as having historically been a contributor to “the development [of] international human rights law” and a state party to eight international instruments, with NHRS being “conducive to creating a comprehensive approach to implementing all these obligations.”¹⁹

¹³ Cairo 24, “فتح المجال العام ودعم الحريات الشخصية والسياسية... القاهرة 24 ينفرد بنشر الاستراتيجية الوطنية لحقوق الإنسان”, 9 September 2021, cairo24.com/1367613

¹⁴ Al-Ahram, “أطلقها الرئيس السيسي لإعلاء كرامة المواطن المصري.. تفاصيل وثيقة الإستراتيجية الوطنية لحقوق الإنسان”, 11 September 2021, gate.ahram.org.eg/News/2952120.aspx

¹⁵ SSCHR Website, “The House of Representatives welcomes the launch of the National Human Rights Strategy”, 2 October 2021, <https://bit.ly/3U4Fpeb>

¹⁶ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p4

¹⁷ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p4

¹⁸ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p5

¹⁹ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p6

- 3- “Sustainable Development Strategy: Egypt Vision 2030”, described by the NHRS as a document that “seeks to attain inclusive development by building a fair society” and that “to attain sustainable development, human rights principles and the rule of law should be respected.”²⁰

In its next chapter, the NHRS announces eight “Basic Principles of the Strategy” starting with the universality of human rights, non-discrimination, rule of law, democracy, good governance, the right to development, duty of members of society “related to the respect for the rights and fundamental freedoms of others”. It makes a distinction between inherent rights and freedoms that are “neither inalienable nor derogable” and rights and freedoms where “no restrictions shall be imposed” “except for those stipulated by the law and [which] are necessary for the protection of national security, public safety, public order, public health and public morals or the protection of the rights and fundamental freedoms of others.”

The NHRS identifies four “Key Challenges” to “enhancing the protection of human rights and fundamental freedoms in Egypt”, in the following sections:

- 1- “The Need to Enhance Human Rights Culture” where it is states that “human rights violations are attributed to the weak human rights culture and certain incorrect cultural legacies”²¹
- 2- “The Need to Enhance Participation in Public Affairs”, where it is states that “it is critical to address reasons for the low level of participation in public affairs, including lack of effective presence of political parties in the society, youth’s reluctance to get involved in political parties’ activities.”²²
- 3- “Challenges to the achievement of targeted economic development”, where economic and demographic challenges are described as well as social and geographical inequalities, and “macroeconomic imbalances” increased because of the “the severe negative impact on the economy” caused by “the regional disorder since 2011”.²³
- 4- “Terrorism and Regional Disorder”, where “support to the State’s stability and unity has become a top priority for national action” given the “unprecedented internal and external threats” thus stating that “terrorism threatens the people’s access to their rights and fundamental freedoms. As such, anti-terrorism measures are integral to the protection of human rights: both are complementary and mutually reinforcing.”²⁴

Having set the background in the above chapters of the NHRS, it briefly announces in the following chapters the “Stages for Development of the Strategy”,²⁵ previously referred to earlier in this briefing.²⁶ The NHRS then affirms the SSCHR’s role in the “Follow-up and Evaluation of Implementation” in accordance with the targets of the NHRS stated under each of the four “Focus Area” or sets of human rights issues described in further detail in subsequent chapters of the NHRS.²⁷ Three “Implementation Tracks” are identified as:

- 1- “Legislative Development Track”,²⁸ a section where it is stated that “the Egyptian legislative structure is rich in guarantees for the promotion and protection of human rights” and where the SSCHR is to contribute to its enhancement by exercising its mandate to “propose laws and legislative amendments related to the promotion and protection of human rights”.

²⁰ SSCHR, NHRS - *The Republic of Egypt 2021-2026 (previously cited)*, p6

²¹ SSCHR, NHRS - *The Republic of Egypt 2021-2026 (previously cited)*, p7

²² SSCHR, NHRS - *The Republic of Egypt 2021-2026 (previously cited)*, p8

²³ SSCHR, NHRS - *The Republic of Egypt 2021-2026 (previously cited)*, p8

²⁴ SSCHR, NHRS - *The Republic of Egypt 2021-2026 (previously cited)*, p9

²⁵ SSCHR, NHRS - *The Republic of Egypt 2021-2026 (previously cited)*, p10-11

²⁶ See section 3.1 “Process of developing the National Human Right Strategy”

²⁷ SSCHR, NHRS - *The Republic of Egypt 2021-2026 (previously cited)*, p11

²⁸ SSCHR, NHRS - *The Republic of Egypt 2021-2026 (previously cited)*, p12

- 2- “Institutional Development Track”,²⁹ where the SSCHR is presented as the latest established body in Egypt’s “rich institutional edifice for enhancing respect for and protection of human rights”, which also comprises the NCHR, National Council for Women, the National Council for Childhood and Motherhood, the Office of the Public Prosecutor, and the Human Rights Committees of both chambers of parliament.
- 3- “Human Rights Education and Capacity Building Track”, which is spelled out in some more detail later in the NHRS as the fourth “Focus Area”.³⁰

Under the section “Implementation Timeline” the NHRS sets its end date as September 2026 announcing a caveat that “some issues need to be further examined to determine the best ways to address them [...] in the next strategy”.³¹

In the following chapter, the NHRS hails “Egypt’s Role in the International Human Rights System”.³²

The final chapter of the NHRS entitled “Focus Areas of the Strategy”,³³ spells out its four focus areas, which encompass 22 individual rights or sets of rights. These are:

- 1- “First Focus Area: Civil and Political Rights”, which includes the rights to life, personal freedom, litigation and fair trial, rights of prisoners, freedom of expression, assembly, association, belief, and the right to privacy.³⁴
- 2- “Second Focus Area: Economic, Social and Cultural Rights”, which includes the rights to health, education, work, social security, food, safe water and sanitation, adequate housing, and cultural rights.³⁵
- 3- “Third Focus Area: Human Rights of Women, Children, Persons with Disabilities, Youth, and the Elderly”, covering each of the groups named in the title.³⁶
- 4- “Forth Focus Area: Human Rights Education and Capacity Building”, which addresses dissemination of human rights culture, mainstreaming human rights into education, police training, training of members of the judiciary, training of public servants.³⁷

Under each of those specific rights or topics the NHRS lists what it considers “Strengths and Opportunities” enumerating the authorities’ achievements. The NHRS then describes “Challenges”, in a manner that generally absolves the authorities of responsibility and instead puts the blame on security threats, economic challenges or outright, the lack of awareness or human rights culture by Egyptian citizens or specific entities such as political parties. Each section closes with “Target Results”, which list recommendations for the government.

4. LEGISLATIVE FRAMEWORK

The NHRS praises human rights guarantees enshrined in Egypt’s Constitution and other legislation claiming that Egypt has achieved “significant milestones in the field of human rights” at the legislative level. The NHRS is either silent on or praises the repressive legislation introduced since

²⁹ SSCHR, NHRS - The Republic of Egypt 2021-2026 (previously cited), p12-14

³⁰ SSCHR, NHRS - The Republic of Egypt 2021-2026 (previously cited), p14

³¹ SSCHR, NHRS - The Republic of Egypt 2021-2026 (previously cited), p14

³² SSCHR, NHRS - The Republic of Egypt 2021-2026 (previously cited), p15-16

³³ SSCHR, NHRS - The Republic of Egypt 2021-2026 (previously cited), p17

³⁴ SSCHR, NHRS - The Republic of Egypt 2021-2026 (previously cited), p18-43

³⁵ SSCHR, NHRS - The Republic of Egypt 2021-2026 (previously cited), p.44-68

³⁶ SSCHR, NHRS - The Republic of Egypt 2021-2026 (previously cited), p.69-91

³⁷ SSCHR, NHRS - The Republic of Egypt 2021-2026 (previously cited), p92-100

the ousting of former President Mohamed Morsi in July 2013 without providing any analysis on its compliance with international human rights law, as set out in the remainder of this Chapter.

The NHRS also justifies the need for the state of emergency (in place from April 2017 until the time of its publication), on the basis of "the imperative to fight terrorism", while falsely claiming that "these (exceptional) measures and procedures are consistent with the Constitution and [Egypt's] obligations under international human rights law".³⁸

4.1 CONSTITUTION

NHRS CLAIMS

The NHRS refers to the Constitution in glowing terms for example in its Preamble:

"Efforts to move forward industriously to advance human rights situation are supported by (...) the respect for the Constitution, which is significant for ensuring rights and fundamental freedoms as it stresses principles of citizenship, rule of law, equality and non-discrimination."³⁹

The NHRS draws specific attention to Article 93 of the Constitution on the status of international human rights treaties ratified by Egypt reaffirming that "the State's respect for these instruments is a constitutional obligation, rendering rights and fundamental freedoms provided for therein the protection accorded to a constitutional rule. Accordingly, the Legislative Authority may not promulgate any legislation, which comes in conflict with the State's obligations pursuant to these instruments."⁴⁰

AMNESTY INTERNATIONAL'S FINDINGS

While the 2014 Constitution mends some shortcomings of the 2012 Constitution adopted during the short-lived presidency of Mohamed Morsi, a number of its provisions fall short of Egypt's international human rights obligations. In particular, it allows for the trial of civilians in military courts, fails to guarantee the rights to freedom of expression and peaceful assembly and to provide protection against forced evictions.⁴¹ The Constitution was amended in 2019 further expanding the jurisdiction of military courts over civilians, and entrenching impunity for human rights violations committed by security forces.⁴²

The NHRS praises constitutional guarantees of "the independence of the judiciary, which has a foundational role in ensuring access to remedy and effective enforcement of all principles of human rights and fundamental freedoms"⁴³. However, the 2019 constitutional amendments granted the President far-reaching powers to appoint senior judges, including the head of the Supreme Constitutional Court, oversee judicial affairs and define the rules for appointments and promotions for the judiciary.

4.2 REPRESSIVE LAWS

NHRS CLAIMS

The NHRS notes that Egypt is party to a number of international treaties stating that "Egypt ratified eight core international human rights instruments and a number of regional instruments within the

³⁸ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p9

³⁹ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p4

⁴⁰ SSCHR, *NHRS-The Republic of Egypt 2021-2026* (previously cited), p6

⁴¹ For a fuller analysis of the 2014 Constitution, see: Amnesty International, *Egypt constitution draft – improved text amid ongoing violations* (Index: MDE 12/076/2013), 9 December 2013, [amnesty.org/en/documents/mde12/076/2013/en/](https://www.amnesty.org/en/documents/mde12/076/2013/en/)

⁴² For a fuller analysis of the 2019 constitutional amendments, see: Amnesty International, *Egypt: Parliament should reject proposed constitutional amendments* (Index: MDE 12/ 0147/2019), 8 April 2019, [amnesty.org/en/documents/mde12/0147/2019/en/](https://www.amnesty.org/en/documents/mde12/0147/2019/en/)

⁴³ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p5

Arab and African human rights systems.”⁴⁴ These include the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the International Covenant on Civil and Political Rights (ICCPR), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the Convention on the Rights of the Child (CRC).

The NHRS hails several laws passed since the ousting of former President Mohamed Morsi. For example, it refers to the NGO Law of 2019 as being “an opportunity for building an effective and sustainable partnership with civil society organizations” and to the Law on Churches’ Construction and Renovation of 2016 as “specifying, for the first time, rules and procedures of obtaining permits for church construction”.⁴⁵ With regards to the legal framework regulating the right to freedoms of expression and media, the NHRS claims the “Law” guarantees free press, media, printing, audio-visual and electronic publications all while prohibiting “freedom-depriving penalties for crimes committed by way of publication or publicity”.⁴⁶ It does however recognize the need for the freedom of information law and sets as a target the enactment of a law: “to regulate the right to access and circulate official information, data and statistics.”⁴⁷

The NHRS acknowledges the need to “enhance consistency between national laws, on the one hand, and principles and guarantees stated in the Constitution and international and regional human rights instruments ratified by Egypt, on the other hand, either by amending certain existing laws or promulgating new ones”.⁴⁸

AMNESTY INTERNATIONAL’S FINDINGS

Multiple laws have been introduced since the ousting of Mohamed Morsi in July 2013 which effectively criminalize the exercise of the rights to freedom of expression, association and peaceful assembly, further erode fair trial guarantees and enshrine impunity.

Law No. 107/2013 on Organizing the Right to Public Meetings, Processions and Peaceful Protests was the first draconian law introduced since the military removed President Mohamed Morsi. The NHRS presents Law No. 107/2013 as a step towards the advancement on the right to freedom of peaceful assembly,⁴⁹ but it grants security forces free rein to ban protests and use excessive and lethal force against peaceful protesters. It has been used concurrently with colonial era Law No. 10/1914 on assembly to prosecute protesters in grossly unfair mass trials by imposing heavy sentences on all participants in a protest regardless of their individual criminal responsibility for alleged engagement in violence.

In relation to freedom of expression, in 2018, the authorities enacted four laws⁵⁰ consolidating their iron grip over print, online and broadcast media. The media and cybercrime laws⁵¹ have enabled the authorities to censor and block media outlets, social media platforms and blogs and to criminalize media content on overly broad grounds, such as those relating to “the independence, stability, security, unity, and safety of the country, and matters related to the affairs of the Presidency of the

⁴⁴ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p6

⁴⁵ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p4, p8, p40. See Amnesty International’s analysis of these laws under sections 4.2 “Amnesty International’s findings” and 8.3 “Religious Minorities”

⁴⁶ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p31

⁴⁷ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p32

⁴⁸ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p12

⁴⁹ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p33

⁵⁰ The Law Regulating the Press and Media (No. 180/2018) governs the establishment of private media platforms and the conduct of private and public media. The Law of the National Press Authority (No. 179/2018) focuses on the organization of newspapers and news websites run by the state, while the Law of the National Media Authority (No. 178/2018), focuses on the organization of TV channels and radio stations owned by the state. The Anti-Cyber and Information Technology Crimes Law (No. 175/2018), known as the cybercrimes law, focuses on websites running content considered harmful to the national economy or national security.

⁵¹ For a fuller analysis of the Law No. 175/2018 and Law No. 180/2018, see Amnesty International, “Egypt: Proposed laws an assault on online freedoms”, 2 July 2018, [amnesty.org/en/latest/news/2018/07/egypt-proposed-laws-an-assault-on-online-freedoms/](https://www.amnesty.org/en/latest/news/2018/07/egypt-proposed-laws-an-assault-on-online-freedoms/)

Republic, National Defence Council, National Security Council, the Ministry of Defence and Military Production, the Ministry of Interior, General Intelligence, Administrative Control Authority, and the agencies affiliated with those bodies". Law No.180/2018 regulating the press and media, grants the Supreme Council for Media Regulation (SCMR), whose members are appointed by the executive, extensive powers over the media without judicial oversight. The SCMR has the authority to control and prevent the publication of media content, grant and revoke licenses of media institutions, ban the activity of any media outlet and block websites on the basis of overly broad and vague "national security considerations."⁵² Further restrictions on the right to freedom of expression and access to information were introduced days after lifting of the state of emergency on 25 October 2021, when parliament approved amendments to the Penal Code which made it a criminal offence to collect unauthorised information, including statistics and studies, on the military forces' activities and its members, punishable by up to five years in prison.

In relation to freedom of association, Law No.149/2019 on NGOs⁵³ replaced the draconian Law No. 70/2017.⁵⁴ The new NGO law is listed as evidence in the NHRS of the authorities' respect of the right to freedom of association, despite the fact that it grants the authorities overly broad powers to restrict the registration, activities, funding, and dissolution of NGOs. It restricts the activities of NGOs by limiting their work to "societal development", which could serve as an effective ban on human rights work, and bans NGOs from conducting research and publishing their findings without prior governmental permission. The law imposes severe financial penalties for violating its provisions.

Since 2014, the authorities have also introduced at least three new draconian laws and legal amendments which eroded basic fair trial guarantees, including expanding military courts' jurisdiction in prosecuting civilians. Egyptian legislation, including the Military Justice Code, allows for the trials of civilians before military courts which lack independence and are inherently unfair because judges are serving members of the military subject to its hierarchy, and gives military courts jurisdiction over alleged human rights violations by the army.⁵⁵ In 2014, the President signed Decree No. 136/2014 on Protecting Public Properties (Law No. 136/2014) that expanded the military courts' jurisdiction to include acts taking place in all public facilities, including universities. The decree, which was initially passed for two years in 2014, was extended for five additional years in 2016. In 2021, and days after lifting the state of emergency, parliament passed amendments to the decree making its application permanent.

Since 2015, the authorities have also passed multiple counter-terrorism laws further restricting the peaceful exercise of human rights and eroding fair trial guarantees. Passed in 2015, Law No. 94 on counter-terrorism⁵⁶ broadly expanded the definition of a "terrorist act" to include acts of peaceful dissent such as sit-ins and strikes, thereby effectively undermining the exercise of the rights to freedom of expression, association and peaceful assembly. Granting the President powers equivalent to those under the state of emergency, the law gives the authorities increased powers to detain people without proper judicial oversight and with limited fair trial guarantees, in breach of both the Constitution and international law and standards. The law also adds 13 new offences to the large list of those already punishable by death under the Penal Code and grants the security forces immunity from prosecution when using force "whenever their use of this right [is] necessary and sufficient to face danger" to implement the law's provisions,⁵⁷ without the proper considerations of the principles

⁵² Egypt, Law No. 180/ 2018, Article 4

⁵³ For a fuller analysis of the Law 149/2019 on governing civil society work, see Amnesty International, *Egypt: Draft new NGO law retains repressive essence of old one* (Index: MDE 12/0715/2019), 16 July 2019, [amnesty.org/en/documents/mde12/0715/2019/en/](https://www.amnesty.org/en/documents/mde12/0715/2019/en/)

⁵⁴ For a fuller analysis of the Law No. 70/2017 on Associations and Other Foundations Working in the Field of Civil Work, see Amnesty International, "Egypt: NGO law threatens to annihilate human rights groups", 30 May 2017: [amnesty.org/en/latest/news/2017/05/egypt-ngo-law-threatens-to-annihilate-human-rights-groups/](https://www.amnesty.org/en/latest/news/2017/05/egypt-ngo-law-threatens-to-annihilate-human-rights-groups/)

⁵⁵ Article 48 of the Code of Military Justice (Law No. 25/1966, as amended) allows the military judiciary to determine its own jurisdiction.

⁵⁶ For a fuller analysis of the Law No.94/2015 on counter-terrorism, see Amnesty International, *Egypt's Draft Law on Counter Terrorism*, (Index: MDE 12/2269/2015), 12 August 2015: [amnesty.org/download/Documents/MDE1222692015ENGLISH.pdf](https://www.amnesty.org/download/Documents/MDE1222692015ENGLISH.pdf)

⁵⁷ Egypt, Law No. 94/ 2015, Article 8

of necessity and proportionality established under international standards on the use of force.⁵⁸The law also poses a particular risk for journalists, human rights defenders and others who publish information differing from the official narrative.

Law No. 8/2015 on Terrorist Entities and Terrorists imposes restrictive measures – initially for three years and amended in 2017 to five years - on “terrorist” organizations or persons based on overly-broad and vague definitions of a “terrorist entities” or a “terrorists.” The latter as described as those “carrying out or aiming to promote by any means” acts that are protected by international law including the participation in marches or protests or strikes resulting in “obstruction of public transport” or “occupation” of public buildings or “obstructing the government entities from carrying out its duties”. Those designated as “terrorists” are subjected to travel bans, asset freezes, and confiscation of passports or prevention from obtaining passports for three years. In 2017, the authorities introduced further draconian amendments to this law that granted the Public Prosecutor the power to submit to courts lists of entities and persons to be designated as “terrorists” based only on “police investigation or information,” without the need for prosecutors to carry out investigations and interrogations to verify the police investigations and information or judges to authorize. In 2020, this law was amended again giving the Public Prosecutor the power to submit to courts lists of entities and persons to be designated as “terrorists” regardless of whether an alleged “terrorist act” had actually occurred.

In 2017, the President signed a series of legislative amendments to the Code of Criminal Procedure, Law No. 57/1959 regulating appeals before the Court of Cassation, and Law No. 94/2015 on counter-terrorism⁵⁹ which further undermine fair trial guarantees by giving special courts the power to detain people indefinitely and empowering security forces to carry out arrests or house searches of suspected “terrorists” without judicial warrant. The amendments also give courts the discretion not to hear any defence witnesses and abolish the right to re-trial and second appeal before the Court of Cassation, including in capital cases. Further, they allow for the detention of suspects for up to seven days without being brought before a judge or prosecutor, facilitating enforced disappearances, torture and other ill-treatment.

In June 2021, the President ratified amendments to the Penal Code which criminalize the unauthorized filming or revealing of information regarding court sessions further undermining the right to a public trial. In 2021, days after lifting of the state of emergency on 25 October, parliament approved amendments to the counter-terrorism law toughening the fine for filming, recording, broadcasting, or displaying information from court sessions on “terrorist” crimes.

RECOMMENDATIONS

The NHRS acknowledges the need for some legal reform, for example in relation to the right to “personal freedom” and the “right to litigation and strengthening guarantees of a fair trial”, setting the following as “target results”, which if implemented would require legal amendments:

- “Guarantees related to the regulation, justifications, and durations of pretrial detention are enhanced in national laws.”⁶⁰
- “Inclusion into the Criminal Procedures Law of technologically advanced alternatives to pretrial detention is considered together with means to activating alternatives included therein.”⁶¹

⁵⁸ UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and UN Code of Conduct for Law Enforcement Officials

⁵⁹ For more information regarding these legislative amendments, see Amnesty International, *Egypt: New draconian amendments in the name of counter-terrorism: Another nail in the coffin of fair trial standards in Egypt*, (Index: MDE 12/6081/2017), 19 April 2017: [amnesty.org/en/documents/mde12/6081/2017/en/](https://www.amnesty.org/en/documents/mde12/6081/2017/en/)

⁶⁰ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p23

⁶¹ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p23

- “A different legal regulation of justifications for pretrial detention is developed for children over 15 years of age, adding more strict conditions for their detention.”⁶²
- “A legislative amendment is considered to find an alternative to freedom-depriving penalties in cases of default on debts resulting from civil contractual relations.”⁶³
- “A law is enacted allowing felony judgments issued by courts of all degrees to be appealed.”⁶⁴
- “The Criminal Procedures Law is amended, mandating to inform an accused of their right to remain silent.”⁶⁵
- “Crimes within the jurisdiction of emergency courts are accurately confined.”⁶⁶

In order to strengthen legal human rights guarantees, Amnesty International calls on the Egyptian authorities to:

- **Bring legislation in line with Egypt’s obligations under international law**, including by repealing or amending laws that criminalize the exercise of human rights and erode fair trial guarantees to bring them in line with international human rights law. These include Law No.58/2015 on Counterterrorism, Law No.8/2015 on the Organization of Lists of Terrorist Entities and Terrorists, Law No.175/2018 on Anti-Cyber and Information Technology Crimes, Law No.180/2018 on Regulating the Press and Media; Law No.107/2013 on Organizing the Right to Public Meetings, Processions and Peaceful Protests; Law No.10/1914 on Assembly, Law No.150/1950 on Criminal Procedures and the Penal Code which includes provisions criminalizing consensual sex between adults in private and restricting the right to freedom of thought, conscience and religion; and
- **Ratify key international human rights treaties to which Egypt is not a state party**, in particular the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and implement them in national law.

5. FAILURE TO CO-OPERATE WITH UN BODIES

NHRS CLAIMS

The NHRS praises Egypt’s positive role at the United Nations, including the Human Rights Council, stating that “Egypt is keen to interact with the special procedures system within the United Nations Human Rights Council and the African Commission on Human and Peoples’ Rights. It responds to all communications received from these mechanisms.”⁶⁷

In relation to recommendations made to Egypt by other states during its Universal Periodic Review (UPR) at the UN Human Rights Council in 2019, the NHRS states that Egypt accepted “87.37 percent of recommendations received,”⁶⁸ but does not address to what extent these have been implemented, a reporting requirement for Egypt’s upcoming UPR. It does however state that “Egypt is keen to implement recommendations received from international human rights mechanisms in consistency with its international and national obligations. Therefore, it is currently considering the

⁶² SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p24

⁶³ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p24

⁶⁴ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p26

⁶⁵ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p27

⁶⁶ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p27

⁶⁷ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p15

⁶⁸ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p15

establishment of a national electronic database to follow up on the implementation of these recommendations.”⁶⁹

AMNESTY INTERNATIONAL’S FINDINGS

The Egyptian authorities have failed to positively respond to and facilitate visits by ten UN Special Procedures who had requested visits⁷⁰ and have carried out reprisals against individuals who engage with UN Special Procedures.

The lack of cooperation with the few Special Procedures who have visited Egypt in recent years raises further questions over Egypt’s commitment to genuinely cooperate with the international human rights mechanisms. During the visit of the UN Special Rapporteur on the right to adequate housing in 2018, the last visit by a UN independent expert to Egypt, the authorities subjected individuals who engaged with her to reprisals, including through detention, interrogation and home demolitions.⁷¹

Following these worrying incidents, the UN Special Rapporteur on the right to adequate housing, together with the UN Special Rapporteur on human rights defenders, concluded:

“Unless Egypt ensures that human rights defenders and victims of human rights violations can interact with UN human rights envoys without fear of reprisal, it is in our view not ready to host further visits.”⁷²

The Egyptian authorities also arrested lawyer and human rights defender Ebrahim Metwally at Cairo airport in September 2017 to prevent him from traveling to Geneva for a meeting with the UN Working Group on Enforced or Involuntary Disappearances. At the time of writing, he remained arbitrary detained.⁷³

RECOMMENDATIONS

To demonstrate their commitment to cooperating with UN bodies, Amnesty International calls on to the Egyptian authorities to:

- Cooperate fully with UN treaty bodies and Special Procedures; **extend invitations or accept visitation requests by UN Special Procedures without restrictions** on duration or scope and ensure they are allowed to meet with human rights defenders and victims without hindrance; and ensure that individuals who cooperate with UN human rights mechanisms are protected from reprisals; these invitations should encompass the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Working Group on Arbitrary Detention, the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on the protection and promotion of human rights and fundamental freedoms while countering terrorism, the Special Rapporteur on extrajudicial, summary or arbitrary executions, and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on opinion and expression, and the Special Rapporteur on peaceful assembly and association, and the Working Group on Women and Girls.

⁶⁹ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p15

⁷⁰ OHCHR, *View Country visits of Special Procedures of the Human Rights Council since 1998*: spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en

⁷¹ Amnesty International and others, “Egypt: UN: Act on reprisals by Egypt - Attacks on people who met with UN expert”, 12 December 2018: [amnesty.org/en/wp-content/uploads/2021/05/MDE1295612018ENGLISH.pdf](https://www.amnesty.org/en/wp-content/uploads/2021/05/MDE1295612018ENGLISH.pdf)

⁷² OHCHR, “Egypt: UN experts alarmed by treatment of human rights defenders after visit”, 4 December 2018, [ohchr.org/en/press-releases/2018/12/egypt-un-experts-alarmed-treatment-human-rights-defenders-after-visit](https://www.ohchr.org/en/press-releases/2018/12/egypt-un-experts-alarmed-treatment-human-rights-defenders-after-visit)

⁷³ Houria Es-Slami, Chair of the UN Working Group on enforced or involuntary disappearances and Michel Forst, the Special Rapporteur on the situation of human rights defenders expressed their concern about Ebrahim Metwally’s arrest: “It is extremely preoccupying that Mr. Metwally was arrested while taking a flight to Geneva, where he was due to meet United Nations human rights experts specialized in enforced disappearances, to discuss his son’s case and other disappearances in Egypt”. See here: [ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22079&LangID=E](https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22079&LangID=E)

6. ABUSES IN THE CRIMINAL JUSTICE SYSTEM

The NHRS praises the authorities' record and efforts in upholding human rights in the administration of justice. It provides as notable examples the establishment in 2017 of "a human rights department to receive human rights-related complaints and reports, monitor the implementation of international and regional human rights instruments ratified by Egypt, within the jurisdiction of the Public Prosecution". In addition, the NHRS praises the establishment by the Egyptian Military Justice Authority in 2018 of a "human rights branch" at the Military Public Prosecutor's Office to "addresses all human rights-related issues as specified in its constituent decree and that fall within the military judiciary's jurisdiction."⁷⁴

The NHRS identifies some areas within the criminal justice system that require reform acknowledging the need to limit offences punishable by the death penalty, address lengthy pre-trial detention and introduce legislative amendments to ensure that suspects are informed of their rights in writing and to guarantee the right of appeal in all felony cases.

This depiction by the NHRS covers up and distorts the well-documented patterns of the authorities misusing the criminal justice system to punish and crush dissent since 2013. Thousands have been arbitrarily detained and/or unjustly prosecuted solely for exercising their human rights, while fair trial guarantees have been routinely flouted in cases of a political nature, amid a climate of near total impunity.

6.1 ARBITRARY DETENTION AND UNFAIR TRIALS

NHRS CLAIMS

The NHRS lays out the constitutional and legal protections against arbitrary arrest and detention, including the right to be informed of the reasons of one's arrest, the right to a lawyer and the right to challenge the legality of one's detention. It also acknowledges the need to further develop alternatives to custodial sentences and review pretrial detention regulations. In relation to the right to fair trial, the NHRS notes the need "the need to reconsider crimes within the jurisdiction of emergency courts, given legislative amendments and legal developments."⁷⁵ The NHRS also notes the authorities' efforts to reduce the numbers of those detained through releases following presidential pardons on national occasions, on parole or on health grounds.

The NHRS lists some challenges in upholding the right to "personal freedom" and "guarantees to fair trial", including those stemming from the "weak legal awareness of some citizens of their rights upon arrest".⁷⁶

AMNESTY INTERNATIONAL'S FINDINGS

Since 2013, Amnesty International, UN bodies and experts, and Egyptian and international human rights organizations, have consistently documented and reported on the Egyptian authorities' abuse of the criminal justice system and counter-terrorism legislation to keep opponents and critics arbitrarily detained. At the time of writing, thousands of men and women in Egypt were detained arbitrarily for exercising their human rights or after unfair trials or without legal basis; while security forces enjoyed near total impunity for their routine use of torture or other ill-treatment and enforced disappearance.

Amnesty International and other rights groups have repeatedly documented the use of prolonged pretrial detention, frequently in contravention of both Egyptian and international law, to keep

⁷⁴ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p14

⁷⁵ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p26

⁷⁶ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p23

opponents and critics indefinitely behind bars without charge or trial.⁷⁷ Prosecutors from the Supreme State Security Prosecution (SSSP) abuse the special powers that they are afforded under Egyptian law – usually reserved for judges – to arbitrarily detain thousands for months and sometimes years, based on vague terrorism-related accusations on the basis of National Security Agency (NSA), investigations that defendants and their lawyers are banned from accessing, without allowing them to challenge the lawfulness of their detention.⁷⁸ For instance, political activist from the banned April 6 Youth movement, **Mohamed Adel**, has been held in prolonged pretrial detention since June 2018. In 2021 alone, the SSSP has opened at least 2,380 investigations into terrorism-related or other national security offences - many of which are actually related to the legitimate exercise of the rights to freedom of expression or peaceful assembly. From January to 20 September 2022, the SSSP has opened at least 1,634 such investigations.⁷⁹

In recent years, SSSP prosecutors have also increasingly bypassed decisions by judges or prosecutors to release individuals in prolonged pretrial detention by ordering their detention pending investigations into similar terrorism-related accusations in relation to new cases in a practice commonly referred to as “rotation”. SSSP prosecutors employ similar tactics to keep in detention even those acquitted by courts. For example, the authorities continue to detain **Anas al-Beltagy**, son of imprisoned Muslim Brotherhood senior figure Mohamed al-Beltagy, since his arrest in December 2014. Despite being acquitted by courts of all charges in four separate criminal cases, and a judge's decision to provisionally release him in a fifth case, the SSSP ordered his detention pending investigations into a separate sixth case on similar spurious terrorism-related accusations.

Security forces have also targeted lawyers representing victims of arbitrary detention and other abuses, while SSSP prosecutors ordered their detention pending investigations into similar terrorism-related charges. At least 10 lawyers remain behind bars solely for their human rights work, including three arrested in 2022. Among them is 26-year-old **Youssef Mansour** arrested on 24 March 2022 by security forces, who then held him at an undisclosed location for three days, while denying to his relatives and lawyers having him in custody, thereby committing the crime of enforced disappearance. On 27 March, an SSSP prosecutor interrogated him and ordered his pretrial detention on accusations of "membership in a terrorist group" and "spreading false information". Amnesty International learned that NSA officers questioned him about his social media post criticising abuses against his client, **Mohamed Radwan "Oxygen"**, an arbitrarily detained blogger.

Defendants' rights to a fair trial are routinely flouted in cases of a political nature, which have been systematically referred to emergency or military courts, or terrorism-circuits of regular criminal courts. In proceedings before these courts, Amnesty International most frequently documented violations to the right to presumption of innocence and not to be compelled to self-incriminate; the right to a public hearing; the right to adequate defence; the right to examine witnesses and the right to a genuine review. Among those arbitrarily detained since December 2013 on the basis of grossly unfair and politically-motivated trial proceedings is prominent activist **Ahmed Douma**, who was convicted and sentenced to 15 years' imprisonment by a terrorism-circuit of a criminal court in January 2019 in relation to his participation in anti-government protests. His verdict was upheld by the Court of Cassation in July 2020.⁸⁰

⁷⁷ Amnesty International, *Permanent state of exception: Abuses by the Supreme State Security Prosecution* (previously cited) and Amnesty International, "Egypt: Court arbitrarily extends the pre-trial detention of over 1,600 defendants", 7 May 2020, [amnesty.org/en/latest/news/2020/05/egypt-court-arbitrarily-extends-the-pretrial-detention-of-over-1600-defendants/](https://www.amnesty.org/en/latest/news/2020/05/egypt-court-arbitrarily-extends-the-pretrial-detention-of-over-1600-defendants/); *Egypt: Roadmap to Repression: No End in Sight to Human Rights Violations* (Index: 12/005/2014), 23 January 2014: [amnesty.org/en/documents/mde12/005/2014/en/](https://www.amnesty.org/en/documents/mde12/005/2014/en/); *Egypt: Generation Jail: Egypt's Youth Go from Protest to Prison* (Index number: MDE 12/1853/2015), 30 June 2015, www.amnesty.org/en/documents/mde12/1853/2015/en/

⁷⁸ Amnesty International, *Permanent state of exception: Abuses by the Supreme State Security Prosecution* (previously cited) and Amnesty International, "Egypt: Court arbitrarily extends the pre-trial detention of over 1,600 defendants", 7 May 2020, [amnesty.org/en/latest/news/2020/05/egypt-court-arbitrarily-extends-the-pretrial-detention-of-over-1600-defendants/](https://www.amnesty.org/en/latest/news/2020/05/egypt-court-arbitrarily-extends-the-pretrial-detention-of-over-1600-defendants/)

⁷⁹ Data collection by Amnesty International

⁸⁰ Amnesty International, "Release Activist Sentenced after Unfair and Politically Motivated Trial", 11 May 2021, [amnesty.org/en/wp-content/uploads/2021/05/MDE1240522021ENGLISH.pdf](https://www.amnesty.org/en/wp-content/uploads/2021/05/MDE1240522021ENGLISH.pdf)

The Egyptian authorities have also been increasing using of Emergency State Security Courts (ESSC), activated when the state of emergency is in place, where proceedings are inherently unfair, and whose rulings are not subject to appeal, only ratification by the President.⁸¹

Since 2017, thousands including activists, protesters and human rights defenders have been convicted by ESSCs, and sentenced to long prison terms and the death penalty, following grossly unfair trials.⁸² In the three months preceding the October 2021 lifting of the state of emergency, the Egyptian authorities referred at least 29 human rights defenders, lawyers, activists and opposition politicians to trial before emergency courts.⁸³ They include human rights lawyer and director of the Egyptian Coordination for Rights and Freedoms, an Egyptian human rights organization, **Ezzat Ghoniem**, human rights lawyer and former member of the NHRC **Hoda Abelmoniem**, **Aisha al-Shater**, the daughter of a senior figure in the Muslim Brotherhood, and her husband **Mohamed Abo Horieria**, also a lawyer, on trial in front of an ESSC on charges of spreading “false news” about Egypt’s human rights situation and terrorism-related charges.⁸⁴ At the time of writing, the trial was ongoing in accordance to Law No.162/1958 on the State of Emergency stipulating that ongoing trials are to continue even after the state of emergency is no longer in force.

Presidential Pardons Committee

While not directly mentioned in the NHRS, President Abdel Fattah al-Sisi called for the re-activation of the Presidential Pardons Committee on 26 April 2022 to re-examine the situation of individuals detained for political reasons and for failure to pay debts, and for a national dialogue with the opposition. The move followed the releases of 85 arbitrarily detained individuals, amid promises to release hundreds of other “political prisoners”. Concerns remain around the role of security forces in decisions over the release of prisoners, as confirmed by a committee member in media interviews⁸⁵, and the exclusion of those accused of “terrorism”. In practice, this could lead to the exclusion of thousands who have been held in pretrial detention on bogus terrorism-related accusations as well as prominent members and supporters of the Muslim Brotherhood and other high-profile activists who played a key role in the 25 January Revolution and who have been subjected to particularly punitive and discriminatory treatment in detention. The authorities have yet to respond to calls by independent Egyptian human rights groups to adopt a rights-based approach to end mass arbitrary detention in line with their obligations under international human rights law.⁸⁶ Since April 2022, the prosecution ordered the release of 348 individuals and the President pardoned 13 others. Amnesty International is aware of 33 individuals, whose release orders by the prosecution were not implemented. Instead, they were kept in pretrial detention pending investigations over similar charges in new cases. Others were released conditionally under travel bans and instructed not to speak out at risk of renewed detention.

RECOMMENDATIONS

While the NHRS fails to acknowledge the widespread use of prolonged pretrial detention against individuals exercising their rights, it sets as a “target results... guarantees related to the regulation,

⁸¹ Law No.162/1958 on the State of Emergency, grants the president the power to appoint judges, decide on crimes that fall under the jurisdiction of ESSCs, and be the final arbiter on all verdicts by ESSCs. See article 12 of Law No.162/1958 on the State of Emergency

⁸² Amnesty International, “Egypt: Retry 36 Men Facing Execution following Unfair Trials by Emergency Courts”, 8 November 2021, [amnesty.org/en/latest/news/2021/11/egypt-retry-36-men-facing-execution/](https://www.amnesty.org/en/latest/news/2021/11/egypt-retry-36-men-facing-execution/)

⁸³ Amnesty International, “Stop Trials by Emergency Courts”, 31 October 2021, [amnesty.org/en/latest/news/2021/10/egypt-stop-trials-by-emergency-courts/](https://www.amnesty.org/en/latest/news/2021/10/egypt-stop-trials-by-emergency-courts/)

⁸⁴ See sub-section 7.2 “The right to freedom of association”

⁸⁵ Al-Manasa, “المكنة مايتطلعش قماش”: غضب في لجنة العفو الرئاسي”, 13 July 2022, [almanassa.com/stories/5848](https://www.almanassa.com/stories/5848)

⁸⁶ Amnesty International, “Egypt: Exclude security agencies from reviewing releases of jailed critics”, 22 May 2022, [amnesty.org/en/latest/news/2022/05/egypt-exclude-security-agencies-from-reviewing-releases-of-jailed-critics/](https://www.amnesty.org/en/latest/news/2022/05/egypt-exclude-security-agencies-from-reviewing-releases-of-jailed-critics/)

justifications, and durations of pretrial detention.”⁸⁷ It also recommends considering non-custodial sentences for individuals detained for failure to repay debt. Indeed, such reforms are urgently needed, as Egypt continues to imprison people for failure to meet contractual obligations, in contravention to its obligations under international law.⁸⁸ Moreover it sets as a “target result” a review of “crimes punishable by mandatory freedom-depriving penalties and maximizing fines especially in low-level crimes where the perpetrator is not a source of extreme criminal danger.”⁸⁹

In relation to the right to a fair trial, the NHRS has identified as “target result” limiting the types of crimes under the jurisdiction of ESSCs and mandating for written responses to requests for reconsideration of ESSC verdicts submitted to the President.

To fully and genuinely address mass arbitrarily detention and unfair trials, Amnesty International recommends that the authorities to go beyond the modest reforms suggested and:

- **Immediately and unconditionally release** all those arbitrarily detained solely for the peaceful exercise of their human rights or for reasons of discrimination on any grounds including religion, gender identity and sexual orientation, including human rights defenders, political activists, members of opposition parties, trade unionists, workers, peaceful protesters, journalists, lawyers, social media influencers, members of religious minorities, and medical professionals;
- **Release those held in prolonged pretrial detention**, particularly those who have exceeded the absolute two-year limit for pre-trial detention stipulated by Egyptian law, pending investigations into unfounded terrorism or national security-related charges amid severe concerns over the lack of due process, including the inability of suspects to challenge the legality of their detention; and
- **Quash the verdicts of those convicted and sentenced in unfair trials** including by ESSCs, military courts or terrorism-circuits of criminal courts. Those charged with internationally recognizable offences should be retried in proceedings in line with international fair trial rights without recourse to the death penalty.

6.2 PRISON CONDITIONS, TORTURE AND ENFORCED DISAPPEARANCES

NHRS CLAIMS

The NHRS highlights constitutional and legal guarantees prohibiting torture, which is defined as a crime with “no statute of limitations”, and stipulating for all detainees to “be treated in a way that preserves their dignity (...) according to humanitarian and health standards”.⁹⁰ The NHRS also affirms the authority of prosecutors and judges to inspect prisons and places of detention and notes NHRC’s visits to prisons.⁹¹

The NHRS praise the Egyptian authorities for taking steps to improve detention conditions, including by introducing an advanced booking system to regulate family visits and expanding healthcare access in all prisons.⁹² The NHRS notes that the authorities “expanded health care services by providing a local hospital in each prison, with all-specialty clinics, radiology units and kidney dialysis as well emergency surgery rooms in certain premises.”⁹³

⁸⁷ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p23

⁸⁸ International Covenant on Civil and Political Rights (ICCPR), Article 11

⁸⁹ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p24

⁹⁰ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p28

⁹¹ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p28

⁹² SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p29

⁹³ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p28

The NHRS argues that "the weak legal awareness within the society of practices which constitute a cruel, inhumane or degrading treatment, which are legally criminalized" to be a main impediment for the enjoyment of the right.⁹⁴

AMNESTY INTERNATIONAL'S FINDINGS

Amnesty International's extensive documentation of the situation in prisons and other detention facilities shows that prison officials systematically hold men and women in conditions that violate the absolute prohibition of torture and other ill-treatment, characterized by overcrowding and inadequate accommodation, poor ventilation, substandard sanitation and hygiene, shortage of nutritious food, and little or no access to fresh air and exercise.⁹⁵

Prison authorities also deliberately place certain detainees, including prisoners of conscience and others held in relation to political cases, in squalid, inhuman and cruel conditions, including in prolonged solitary confinement, and deprive them of access to basic necessities, even when costs are borne by their families. This punitive treatment is sometimes carried out on the basis of instructions by the NSA to punish them for their perceived opposition to the government.⁹⁶

On healthcare in prisons, Amnesty International found that prison authorities deliberately deny adequate access to healthcare to certain prisoners with political profiles.⁹⁷ Amnesty International has found that the cumulative impact of the abysmal conditions coupled with the denial of adequate healthcare has contributed or led to preventable deaths in custody. In 2021, 56 detainees died in prison following medical complications up from 35 in 2020.⁹⁸ The Egyptian authorities systematically fail to carry out effective investigations into the causes and circumstances of suspicious deaths in custody and bring those responsible to justice.

Amnesty International also found that authorities impose undue restrictions and in some cases bar prisoners' contact with the outside world, adversely impacting their mental health and facilitating torture and other ill-treatment. Authorities have cruelly banned scores of detainees, including activists and politicians, from receiving family visits for protracted periods – in some cases for over four years – in what are punitive and discriminatory restrictions aimed at punishing dissent. Officials at al-Qanater Prison for women did not allow 61-year-old human rights lawyer **Hoda Abdelmoniem** a single prison visit since her detention on 1 November 2018, citing "instructions" by the NSA.⁹⁹

In 2017, the UN Committee against Torture concluded, based on its examination of reports of torture in Egypt received since 2012, that "torture is a systematic practice in Egypt", taking place in prisons and police stations.¹⁰⁰ This is consistent with Amnesty International's documentation of the routine use of torture and other ill-treatment in official and unofficial places of by the police including the NSA. Most frequently reported methods include beatings, electric shocks, suspension in contorted positions and indefinite solitary confinement in dire conditions. In 2021 alone, at least four deaths in custody involved credible reports of torture.

Instead of conducting effective investigations into claims of torture, authorities have carried out reprisals against those exposing and seeking justice for torture. In response to leaked videos depicting

⁹⁴ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p20

⁹⁵ Amnesty International, *Egypt: "What Do I Care if You Die?": Negligence and Denial of Health Care in Egyptian Prisons*, (Index: MDE 12/3538/2021), [amnesty.org/en/documents/mde12/3538/2021/en/](https://www.amnesty.org/en/documents/mde12/3538/2021/en/) and *Egypt: 'Circles of Hell' Domestic, Public and State Violence Against Women* (Index: MDE 12/004/2015), 21 January 2015, [amnesty.org/en/documents/mde12/004/2015/en/](https://www.amnesty.org/en/documents/mde12/004/2015/en/) 59

⁹⁶ Amnesty International, *Egypt: Crushing Humanity: The Abuse of Solitary Confinement in Egypt's Prisons*, (Index: MDE 12/8257/2018), 7 May 2018, [amnesty.org/en/documents/mde12/8257/2018/en/](https://www.amnesty.org/en/documents/mde12/8257/2018/en/)

⁹⁷ Amnesty International, *Egypt: "What do I care if you die?"* (Previously cited)

⁹⁸ Amnesty International, *Report 2021/22: The state of the world's human rights* (Index: POL 10/4870/2022), 29 March 2022: [amnesty.org/en/documents/pol10/4870/2022/en/](https://www.amnesty.org/en/documents/pol10/4870/2022/en/) .

⁹⁹ Amnesty International, "Egypt: Arbitrarily Detained Lawyer Denied Health Care: Hoda Abdelmoniem", (Index: MDE 12/5094/2021), 10 December 2021, [amnesty.org/en/documents/mde12/5094/2021/en/](https://www.amnesty.org/en/documents/mde12/5094/2021/en/)

¹⁰⁰ UN Committee against Torture, Report, UN Doc. A/72/44 (2016-17), para. 69.

police abuse at al-Salam First Police Station first revealed by the Guardian on 24 January,¹⁰¹ the Ministry of Interior dismissed the videos as fabricated while the SSSP has opened investigations against nine detainees including eight who appeared in the leaked videos, as well as three others, including a 15-year-old child, arrested since February 2022 on accusations of “helping to spread the videos.” At the time of writing, they were on trial on various charges including “spreading false news”, “membership in a terrorist group”, “aiding a terrorist group”, “possession of publishing tool inside a place of detention”, “funding a terrorist group” and “misusing social media”.¹⁰²

Custodial places are not subject to oversight by independent impartial bodies, and visits that do take place by the NHRC are irregular, limited in scope and pre-arranged with the Ministry of Interior, while independent national and international observers are banned from prison visits and prisoner complaints to the public prosecution, including its human rights department, are routinely ignored or dismissed.¹⁰³

Since 2013, Amnesty International has repeatedly documented how security forces have subjected those accused of involvement in terrorism or participation in protests to enforced disappearances for periods ranging between a few days and several months.¹⁰⁴ In a particularly shocking case, NSA officers seized university teacher **Manar Adel Abu el-Naga**, her husband, **Omar Abdelhamid Abu el-Naga**, and their one-year-old baby boy, **al-Baraa**, from their home in Alexandria on 9 March 2019. The authorities refused to acknowledge their detention, until Manar Adel Abu el-Naga and her child appeared at the SSSP on 20 February 2021.¹⁰⁵ At the time of writing, she remained detained pending investigations, while the whereabouts of her husband remain unknown.

Security forces also regularly remove detainees held in connection to political cases from their habitual places of detention following court orders for their release, and forcibly disappear them in unknown locations, while concealing information about their fate and whereabouts from their families and lawyers, for periods reaching up to 12 months. They are then taken to SSSP prosecutors who order their detention pending investigations in new cases over similar unfounded accusations.¹⁰⁶

These violations by security forces are carried out with the complicity of prosecutors and judges, who routinely fail to order investigations into complaints of enforced disappearances, torture and other ill-treatment by detainees and their lawyers, and instead rely on torture-tainted “confessions” to indict or convict them, leading to an environment of absolute impunity for security forces.

RECOMMENDATIONS

The NHRS sets as a target “the continuation of efforts to combat torture in all its forms, conduct investigations into relevant allegations, and protect victims’ rights in accordance with the Constitution and Egypt’s international obligations”,¹⁰⁷ without providing any further detail. The NHRS calls for an end to “individual practices which violate the sanctity of the body,” in a statement that denies the systematic nature of torture and other ill-treatment in Egyptian custodial settings.¹⁰⁸ It also sets as a “target result” increased awareness by the public “of practices, which constitute a cruel, inhumane or degrading treatment and enhanced “public servants’ awareness and capacities”.¹⁰⁹ On prisons, it sets as a target the “continuation of efforts to implement the plan and programs on the development and

¹⁰¹ The Guardian | Global development, “‘We’re next’: Prisoner’s secret filming appears to show torture in Cairo police station”, 24 January 2022 | theguardian.com/global-development/2022/jan/24/cairo-egypt-police-station-secret-filming-appears-to-show-torture

¹⁰² Amnesty International, “Egypt: Investigate police officers, not detainees, for leaked torture videos”, 14 March 2022, [amnesty.org/en/latest/news/2022/03/egypt-investigate-police-officers-not-detainees-for-leaked-torture-videos/](https://www.amnesty.org/en/latest/news/2022/03/egypt-investigate-police-officers-not-detainees-for-leaked-torture-videos/)

¹⁰³ Amnesty International, *Egypt: “What Do I Care if You Die?”* (Previously cited)

¹⁰⁴ Amnesty International, *Egypt: “Officially, You Do not Exist” – Disappeared and Tortured in the Name of Counter-Terrorism*, (Previously cited)

¹⁰⁵ Amnesty International, “Egypt End and redress shocking crimes against toddler and family forcibly disappeared for 23 months”, 4 March 2021, [amnesty.org/en/latest/press-release/2021/03/egypt-end-and-redress-shocking-crimes-against-toddler-and-family-forcibly-disappeared-for-23-months/](https://www.amnesty.org/en/latest/press-release/2021/03/egypt-end-and-redress-shocking-crimes-against-toddler-and-family-forcibly-disappeared-for-23-months/)

¹⁰⁶ Amnesty International, *Permanent state of exception: Abuses by the Supreme State Security Prosecution* (Previously cited)

¹⁰⁷ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p20

¹⁰⁸ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p21

¹⁰⁹ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p21

modernization of prisons facilities and the establishment of new ones” with a view to reduce prisons density and improve living standards in prison and healthcare.¹¹⁰

To address the human rights crisis in prisons, Amnesty International recommends to the Egyptian authorities to:

- **Conduct thorough, effective, impartial and independent investigations** into allegations of enforced disappearances, torture and other ill-treatment, including forced anal examinations, extrajudicial executions and other unlawful killings and bring those suspected of criminal responsibility to justice through fair trials without recourse to the death penalty. Those reasonably suspected of committing crimes should be suspended from positions that would allow them to commit further violations, interfere in investigations or grant them immunity, pending investigations; and
- Take measures to ensure that **prisoners are held in conditions that meet international standards** and ensure that all those held have access to timely and adequate medical care, their families and lawyers.

6.3 DEATH PENALTY

NHRS CLAIMS

In relation to the death penalty, the NHRS states that “a framework is required to review the most serious crimes punishable by the death penalty” that would take into consideration “societal conditions and specialized studies”.¹¹¹ It notes the importance of upholding the right to adequate defence, which it sees as “intrinsically related to the right to life”.¹¹²

AMNESTY INTERNATIONAL’S FINDINGS

Egyptian legislation retains the death penalty for a wide range of offences not meeting the threshold of “most serious crimes” involving intentional killing, including drug-related offences, while courts continue to sentence people to death for drug-trafficking. Since October 2020, Egypt embarked on an execution spree which saw at least 158 people executed by the end of 2021, making the country the world’s third most prolific executioner globally in 2020 and 2021. After a halt in executions between September 2021 and March 2022 in response to global outcries, authorities resumed executions again, putting at least 10 people to death between 8 and 11 March alone.¹¹³ Prison officials consistently violate Egyptian law in carrying out executions in secret without informing family members of the day of execution and allowing them one final visit.¹¹⁴

Egyptian authorities continue to execute people sentenced to death after grossly unfair trials, marred by allegations of torture and enforced disappearances as well as grave breaches of due process. In March 2021, the authorities executed monk Wael Tawadros, known as Father Isaiah, after he was convicted in a grossly unfair trial that relied on his torture-tainted “confessions.”¹¹⁵

¹¹⁰ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p30

¹¹¹ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p19

¹¹² SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p20

¹¹³ OHCHR, Press briefing notes on Egypt executions, 15 March 2022, [ohchr.org/en/press-briefing-notes/2022/03/press-briefing-notes-egypt-executions](https://www.ohchr.org/en/press-briefing-notes/2022/03/press-briefing-notes-egypt-executions)

¹¹⁴ Amnesty International, *Death sentences and executions 2020*, (Index: ACT 50/3760/2021), 21 April 2021, [amnesty.org/en/documents/act50/3760/2021/en/](https://www.amnesty.org/en/documents/act50/3760/2021/en/) and Amnesty International, *Death sentences and executions 2021*, (Index: ACT 50/5418/2022), 24 May 2021, [amnesty.org/en/documents/act50/5418/2022/en/](https://www.amnesty.org/en/documents/act50/5418/2022/en/)

¹¹⁵ Amnesty International, “Egypt: Tortured Monk at Imminent Risk of Execution”, (Index: MDE 12/4033/2021), 27 April 2021, [amnesty.org/en/wp-content/uploads/2021/05/MDE1240332021ENGLISH.pdf](https://www.amnesty.org/en/wp-content/uploads/2021/05/MDE1240332021ENGLISH.pdf)

Military, emergency and terrorism-circuits of criminal courts continue to sentence people to death in proceedings falling far short of international standards of fair trial.¹¹⁶ Among those at imminent risk of execution are 16 men sentenced to death in July 2021 following a grossly unfair trial by the ESSC, including two brothers, **Ahmed Abdelzare** and **al-Motaseem Abdelzare**, who were subjected to enforced disappearances and torture by the NSA. The judge relied on torture-tainted “confessions” and testimonies by policemen to convict them.¹¹⁷

RECOMMENDATIONS

The NHRS sets the target of ensuring legal aid to defendants in capital cases by the Court of Cassation, and notes that “benefit is achieved from a framework to review the most serious crimes punishable by death penalty.”¹¹⁸

Amnesty International calls on to the Egyptian authorities to:

- Establish an **immediate moratorium on executions, commute all death sentences** and reduce the number of crimes punishable by the death penalty, with a view to abolishing it.

7. CRACKDOWN ON DISSENT AND CIVIC SPACE

The NHRS hails Egypt’s constitutional and legal framework, citing repressive laws which in fact criminalize peaceful dissent and are routinely used by the authorities to target political opponents, critics, journalists and human rights defenders. The NHRS shifts blame from the authorities to Egyptian citizens by stating, for example, as the only challenge to freedom of assembly “the weak awareness of the peaceful assembly culture and of legal requirements for demonstrations”.¹¹⁹

The picture painted by the NHRS is deeply misleading, ignoring the authorities’ dismal record since 2013 of cracking down on any form of dissent, both offline and online, through the introduction and application of a series of repressive laws; mass arbitrary arrests and detentions; and the unlawful use of force against peaceful protesters.

7.1 THE RIGHT TO FREEDOM OF EXPRESSION

NHRS CLAIMS

The NHRS, paints a rosy picture of Egypt’s “[diverse] media and press map ... , including public and private institutions, which have general and specialized interests”;¹²⁰ and describes “the law [unspecified]” as guaranteeing free press all while prohibiting “freedom-depriving penalties for crimes committed by way of publication or publicity”.¹²¹ It recognizes the need for a law regulating freedom of information and concludes with vaguely worded aspirations for improving the enjoyment of the right to freedom of expression, including the protection of journalists and issuing a code of conduct for media.

¹¹⁶ Amnesty International, “Egypt: Quash death sentences in torture-tainted grossly unfair mass trial”, 28 June 2022, [amnesty.org/en/latest/news/2022/06/egypt-quash-death-sentences-in-torture-tainted-grossly-unfair-mass-trial/](https://www.amnesty.org/en/latest/news/2022/06/egypt-quash-death-sentences-in-torture-tainted-grossly-unfair-mass-trial/) and Amnesty International, *Egypt: Death sentences upheld for 12 defendants after shameful mass trial*, 14 June 2021, [amnesty.org/en/latest/news/2021/06/egypt-death-sentences-upheld-for-12-defendants-after-shameful-mass-trial-2/](https://www.amnesty.org/en/latest/news/2021/06/egypt-death-sentences-upheld-for-12-defendants-after-shameful-mass-trial-2/)

¹¹⁷ Amnesty International, “Egypt: Retry 36 Men Facing Execution following Unfair Trials by Emergency Courts”, 8 November 2021, [amnesty.org/en/latest/news/2021/11/egypt-retry-36-men-facing-execution/](https://www.amnesty.org/en/latest/news/2021/11/egypt-retry-36-men-facing-execution/)

¹¹⁸ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p20

¹¹⁹ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p33

¹²⁰ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p31

¹²¹ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p31

AMNESTY INTERNATIONAL'S FINDINGS

Amnesty International found that since 2013 the authorities have arbitrarily arrested, detained and prosecuted journalists and other media workers simply for expressing critical views or carrying out their media work. At the time of writing, at least 22 journalists were behind bars for their critical reporting or expressing their opinions according to Amnesty International's documentation, including six who were arrested since April 2022. Among them is **Tawfik Ghanem**, a 66-year-old retired journalist, who has been detained since 21 May 2021 in relation to his previous work with Anadolu Agency, a Turkey-based news agency, pending investigations by the SSSP into unfounded terrorism-related charges.¹²²

Since 2016, the Egyptian authorities have also been consolidating their grip on the media through online censorship, raiding and closing independent media outlets and controlling media content in both public and private media.¹²³ Amnesty International's documentation shows that officials often send journalists and other media workers instructions on topics to cover or to avoid ahead of their publication and broadcasting.¹²⁴

The NHRS' assertion that "it is prohibited to censor, confiscate, suspend or shut down newspapers and media outlets in any way"¹²⁵ also rings hollow given that at least 600 news, human rights and other websites remain blocked since May 2017, according to human rights groups.¹²⁶ These include Mada Masr, Manassa and a few other national independent online media platforms. Staff at these outlets have faced security raids on their offices, arrests and other forms of harassment.¹²⁷

In a footnote, it is specified that the NHRS addresses "freedom of expression in the context of media work and journalism."¹²⁸ It doesn't address the hundreds of human rights defenders, political activists, academics, students, writers, researchers, and bloggers who continue to be arbitrarily detained following convictions or pending investigations into unfounded accusations of "involvement in terrorism" or spreading "false news" solely for exercising their right to freedom of expression, often simply for social media posts. Among them is **Hossam Shaaban**, a doctor involved in providing treatment to injured Palestinians evacuated from Gaza to Egypt, who was arrested on 15 May 2021 and detained on terrorism-related charges over critical tweets, including condemning the authorities' ban on solidarity protests. He was held in pretrial detention until 29 March 2022, when he was released pending investigations.¹²⁹

In 2021 alone, the authorities also referred to trial, including in front of ESSC, at least 29 individuals solely for peacefully expressing their views through social media posts or articles; several were convicted and sentenced to prison terms ranging between three and five years.¹³⁰

RECOMMENDATIONS

The NHRS identifies as "target results": "[a] law is enacted to regulate the right to access and circulate official information, data and statistics."¹³¹ and "the right to exercise freedom of expression is

¹²² Joint statement, "Egypt: Release Journalist Tawfik Ghanem after 150 Days in Detention", 28 October 2021, [amnesty.org/en/wp-content/uploads/2021/10/MDE1249262021ENGLISH.pdf](https://www.amnesty.org/en/wp-content/uploads/2021/10/MDE1249262021ENGLISH.pdf)

¹²³ Amnesty International, *Egypt: Prisons are now journalists' newsrooms* (Index: MDE 12/2240/2020), 3 May 2020

¹²⁴ Amnesty International, 'Egypt: Prisons are now journalists' newsrooms', (previously cited)

¹²⁵ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p31

¹²⁶ IFEX, "Human Rights Organizations Call on Egypt's Government to End Internet Censorship and Website Blocking", 4 November 2020, [ifex.org/human-rights-organizations-call-on-egypts-government-to-end-internet-censorship-and-website-blocking/](https://www.ifex.org/human-rights-organizations-call-on-egypts-government-to-end-internet-censorship-and-website-blocking/)

¹²⁷ Amnesty International, *Egypt: Prisons are now journalists' newsrooms'* (previously cited); and "Egypt: Authorities must immediately drop all charges against four independent Mada Masr journalists", 8 September 2022, [amnesty.org/en/latest/news/2022/09/egypt-authorities-must-immediately-drop-all-charges-against-four-independent-mada-masr-journalists/](https://www.amnesty.org/en/latest/news/2022/09/egypt-authorities-must-immediately-drop-all-charges-against-four-independent-mada-masr-journalists/)

¹²⁸ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p31

¹²⁹ Amnesty International, *Report 2021/22: The state of the world's human rights* (Index: POL 10/4870/2022), 29 March 2022: [amnesty.org/en/documents/pol10/4870/2022/en/](https://www.amnesty.org/en/documents/pol10/4870/2022/en/)

¹³⁰ See section 6.1 "Arbitrary detention and unfair trials" and section 7.2 "The right to freedom of association"

¹³¹ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p32

enhanced and violations are addressed in accordance with the Constitution and relevant laws, which are periodically reviewed to ensure that this right is exercised in accordance with the Constitution and Egypt's international obligations.¹³² It also targets: "a comprehensive code of conduct [to be] issued, covering all aspects of media and press, including digital media and social media, ensuring that freedom of expression is exercised without violating others' freedoms".¹³³

To uphold the right to freedom of expression in accordance with their obligations under international human rights law, Amnesty International calls on the Egyptian authorities to:

- **Immediately and unconditionally release** all those arbitrarily detained for exercising their right to freedom of expression; and
- **End all censorship** of independent media, human rights and other websites by removing the arbitrary blocks preventing access.

7.2 THE RIGHT TO FREEDOM OF ASSOCIATION

NHRS CLAIMS

The NHRS praises Egypt's Constitution and laws guaranteeing the exercise of the right to freedom of association, noting that NGOs "shall acquire legal personality upon notification",¹³⁴ that "the law [regulating NGOs] prohibits imposing any freedom-depriving sanctions", all while taking pride for the "number of non-governmental organizations in Egypt [which] is growing steadily in social, cultural, development, literary, scientific fields".¹³⁵

The NHRS again lays the blame on individuals, civil society organizations and political parties for their lack of enjoyment of the right to freedom of association, emphasizing:

"The need to raise awareness about voluntarism culture and societal participation"¹³⁶ and **" weak societal presence of political parties."**¹³⁷

The NHRS claims that Law No.149/2019 on NGOs and its bylaws allow for "a strong partnership between the State and the civil Sector",¹³⁸ and reflect the state's commitment to uphold the right to freedom of association.¹³⁹

AMNESTY INTERNATIONAL'S FINDINGS

Since President Abdel Fattah al-Sisi came to power, the authorities have sought to control the human rights movement and restrict civic space including through repressive legislation such the aforementioned Law No.149/2019.¹⁴⁰ Since 2014, the authorities have also routinely judicially harassed and/or arbitrarily detained civil society workers and opposition politicians solely for exercising their right to freedom of association.

Egyptian human rights NGOs, Amnesty International and others have repeatedly raised the alarm on the stifling impact of Law No. 149/2019 on the human rights movement. For instance, UN Special Rapporteurs warned in July 2021 that the 2019 NGO law and its bylaws "limit civil society access to funding and enable the executive to carry out supervisory control and broad discretion to regulate and

¹³² SSCHR, NHRS - *The Republic of Egypt 2021-2026* (previously cited), p32

¹³³ SSCHR, NHRS - *The Republic of Egypt 2021-2026* (previously cited), p32

¹³⁴ SSCHR, NHRS - *The Republic of Egypt 2021-2026* (previously cited), p33

¹³⁵ See section 4.2 on "Repressive laws"; SSCHR, "NHRS - The Republic of Egypt 2021-2026" (previously cited), p34

¹³⁶ SSCHR, NHRS - *The Republic of Egypt 2021-2026* (previously cited), p34

¹³⁷ SSCHR, NHRS - *The Republic of Egypt 2021-2026* (previously cited), p37

¹³⁸ SSCHR, NHRS - *The Republic of Egypt 2021-2026* (previously cited), p34

¹³⁹ SSCHR, NHRS - *The Republic of Egypt 2021-2026* (previously cited), p26

¹⁴⁰ See section 4.2 "Repressive laws"

dissolve civil society organizations”.¹⁴¹ Despite these concerns, the government has ordered all NGOs to register under the repressive law or face closure. Law No. 23/2022 came into force on 11 April 2022 requiring all NGOs to register under Law No. 149/2019 on NGOs within six months, while granting the relevant minister the authority to further extend the deadline by another six months pending cabinet approval. The ANHRI, one of Egypt's oldest human rights organizations, suspended its work in January 2022 after 18 years citing the repressive environment and inability pursue human rights work under the NGO law.¹⁴²

In addition to repressive legislation, the authorities rely on other tactics to attack the human rights movement. A decade long criminal investigation into the legitimate work of civil society organizations in Case 173/2011, known as the "foreign funding case", remains active. Since 2014, judges have investigated dozens of civil society workers for receiving foreign funding "to undermine the state" mainly based on Article 78 of the Penal Code, an offence punishable by life imprisonment following amendments introduced in 2014. Under Case 173/2011, the authorities subjected at least 31 civil society workers to travel bans and 10 to asset freezes, while freezing the assets of seven human rights organizations. Although the investigative judge in Case 173/2011 dropped the investigations against 16 civil society workers in 2021, at least 15, including **Mohamed Zaree**, Egypt Program Director at the CIHRS, **Aida Seif al-Dawla**, **Magda Adly** and **Suzan Fayad** from al-Nadeem Centre for the Rehabilitation of Victims of Torture, **Hossam Bahgat**, director of the EIPR, **Gamal Eid**, director of the now closed ANHRI, remain under investigation, banned from travel and have their assets frozen. In July 2021, the investigative judge interrogated several human rights defenders over the work of their organizations, funding and taxes, during which he cited investigations by the NSA, accusing human rights defenders and their organizations of inciting the public against state institutions.¹⁴³

In addition, since 2019, the authorities have intensified their arbitrary detention and prosecution of directors and staff members of civil society organizations for their legitimate human rights work. **Mohamed Baker**, founder and director of Adalah Centre for Rights and Freedoms, has been arbitrarily detained since 29 September 2019. In November 2021, he was convicted and sentenced to four years in prison by an ESSC on charges of "spreading false news" in relation to social media posts and reports by the Adalah Centre for Rights and Freedoms on conditions of detention and the death penalty in Egypt.¹⁴⁴ Even those released remain subject to travel bans and asset freezes, including **Gasser Abdelrazik**, **Mohamed Basheer** and **Karim Ennarah**, three directors of EIPR, who were detained pending investigations in November 2020 and released on 3 December 2020, following a global outcry.¹⁴⁵

Since 2016, the authorities have arrested scores of members of opposition political parties and movements, including al-Destour, Bread and Freedom Party, the Egyptian Social Democratic Party, the Socialist Alliance, and al-Karama party. Some remain arbitrarily detained over unfounded terrorism or other national security related charges at the time of writing solely for their peaceful political work.¹⁴⁶ They include **Zyad el-Elaimy**, former member of parliament and human rights lawyer, who

¹⁴¹ The UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, the UN Special Rapporteur on the situation of human rights defenders, the UN Special Rapporteur on the protection and promotion of human rights and fundamental freedoms while countering terrorism, Communication (LA EG 6/2021), 18 July 2021, spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=26522

¹⁴² Arab Network for Human Rights Information, "In the Absence of the Bare Minimum of the Rule of Law and Respect for Human Rights The Arabic Network for Human Rights Information Decides to Suspend its Activities", 10 January 2022, anhri.info/?p=28609

¹⁴³ Amnesty International, "Egypt: Crackdown on Human Rights Defenders Continues amid ongoing 'Foreign Funding' Investigation", 30 July 2021, [amnesty.org/en/latest/news/2021/07/egypt-crackdown-on-human-rights-defenders-continues-amid-ongoing-foreign-funding-investigation/](https://www.amnesty.org/en/latest/news/2021/07/egypt-crackdown-on-human-rights-defenders-continues-amid-ongoing-foreign-funding-investigation/) and "Egypt: Chance to End seven-year Sham Case against Brave NGOs", 1 September 2021, [amnesty.org/en/latest/news/2021/09/egypt-chance-to-end-seven-year-sham-case-against-brave-ngos/](https://www.amnesty.org/en/latest/news/2021/09/egypt-chance-to-end-seven-year-sham-case-against-brave-ngos/)

¹⁴⁴ Amnesty International, "Stop Trials by Emergency Courts", 31 October 2021, [amnesty.org/en/latest/news/2021/10/egypt-stop-trials-by-emergency-courts/](https://www.amnesty.org/en/latest/news/2021/10/egypt-stop-trials-by-emergency-courts/)

¹⁴⁵ Amnesty International, "Egypt: Authorities escalate punishment of human rights defenders", 24 November 2020, [amnesty.org/en/latest/news/2020/11/egypt-authorities-escalate-punishment-of-human-rights-defenders/](https://www.amnesty.org/en/latest/news/2020/11/egypt-authorities-escalate-punishment-of-human-rights-defenders/)

¹⁴⁶ Amnesty International, "Egypt: An Open-Air Prison for Critics", 20 September 2018,

[amnesty.org/en/documents/mde12/9107/2018/en/](https://www.amnesty.org/en/documents/mde12/9107/2018/en/) .

has been arbitrarily detained since his arrest by the NSA June 2019, shortly after he met with other politicians to discuss their potential involvement in the 2020 parliamentary elections.¹⁴⁷ The authorities also arbitrarily arrested former presidential candidate and founder of Masr al-Qawia party, 71-year-old **Abdelmoniem Aboufotouh** over his comments to the media on 14 February 2018. On 29 May 2022, an ESSC sentenced him, and **Mohamed al-Kassas**, the deputy head of the Masr al-Qawia party, to 15 years and ten years in prison, respectively, on multiple charges including disseminating “false news” and “membership in a terrorist group”.

The authorities also dissolved the Muslim Brotherhood affiliated Freedom and Justice Party (FJP) in August 2014, and arrested thousands solely on the basis of their affiliation with the party. Many of them remain detained since mid-2013, while several senior Muslim Brotherhood figures, including former President Mohamed Morsi and deputy head of the FJP Essam Erian, died in prison following prolonged deliberate denial of adequate healthcare and detention in conditions violating the absolute prohibition of torture and other ill-treatment.¹⁴⁸

Since 2015, the Egyptian authorities have arbitrarily added nearly seven thousand people,¹⁴⁹ including human rights defenders, activists and opposition politicians, on the “list of terrorists” without any due process. The effects of such decisions include travel bans, prohibition from any elected or appointed office and state employment, asset freezes, and bans on civic or political work for the duration of five years.

Further, Amnesty International’s research shows that since 2015, but increasingly since 2019, NSA have been using a well-honed pattern of unlawful summons and coercive questioning that amounts to cruel, inhuman or degrading treatment or punishment and extrajudicial probation measures against human rights defenders and political activists, in an attempt to harass and intimidate them into silence. NSA officials routinely question summoned activists and civil society workers about their human rights or political activities and views, including those they expressed on social media. Officials also interrogate those summoned about the activities and operations of opposition groups, political movements or human rights organizations and pressure them to act as informants.¹⁵⁰

RECOMMENDATIONS

The NHRS lists as “target results” for the authorities “[to increase] coordination and integration between development partners (government, civil society, private sector and donors)”,¹⁵¹ “raising the awareness of non-governmental organizations about the development dimensions of Egypt’s Vision 2030”,¹⁵² and for “the leadership and organizational capacities and skills of political parties’ members in the area of elections [to be] enhanced”.¹⁵³

To uphold the right to freedom of association, Amnesty International recommends to the Egyptian authorities to:

- **End reprisals** against human rights defenders, civil society workers, journalists, activists and families of victims simply for standing up for human rights and for seeking justice; and

¹⁴⁷ Amnesty International, “Egypt: Opposition Politicians Tried by Special Court: Ziad el-Elaimy, Hisham Fouad, Hossam Moanis”, (Index: MDE 12/4552/2021), 4 August 2021, [amnesty.org/en/wp-content/uploads/2021/08/MDE1245522021ENGLISH.pdf](https://www.amnesty.org/en/wp-content/uploads/2021/08/MDE1245522021ENGLISH.pdf)

¹⁴⁸ Amnesty International, *Egypt: “What do I care if you die?": Negligence and denial of health care in Egyptian prisons*; (previously cited), *Egypt: Roadmap to Repression: No End in Sight to Human Rights Violations* (previously cited); “Egypt: Authorities must order immediate investigation into death of former President Mohamed Morsi,” 17 July 2019, [amnesty.org/en/latest/press-release/2019/06/egypt-must-investigate-mohamed-morsi-death/](https://www.amnesty.org/en/latest/press-release/2019/06/egypt-must-investigate-mohamed-morsi-death/)

¹⁴⁹ Since 2015, the official gazette published at least 52 decisions which included the names of 6,959 different individuals added to the “list of terrorists”. Some were listed more than once.

¹⁵⁰ Amnesty International, *Egypt: “This Will only End when You Die”: National Security Agency Harassment of Activists in Egypt*, (Index: MDE 12/4665/2021), 16 September 2021, [amnesty.org/en/documents/mde12/4665/2021/en/](https://www.amnesty.org/en/documents/mde12/4665/2021/en/)

¹⁵¹ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p34

¹⁵² SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p35

¹⁵³ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p37

- **Close the criminal investigations** into the legitimate work of human rights organizations, known as Case 173/2011, lift all arbitrary travel bans and asset freezes against civil society workers and human rights defenders, and guarantee a safe and enabling environment for human rights organizations including by amending Law No. 149/2019 on NGOs to bring it in line with international human rights law and standards on the right to freedom of association.

7.3 THE RIGHT TO FREEDOM OF PEACEFUL ASSEMBLY

NHRS CLAIMS

In one of its shortest sections, the NHRS starts by praising the constitutional and legislative protections of the right to freedom of assembly stating that “citizens have the right to organize public meetings, marches, demonstrations and all forms of peaceful protests, while not carrying weapons of any type, upon providing notification as regulated by law”.¹⁵⁴

It evokes an amendment introduced in 2017 to Law No. 107/2013 on Organizing the Right to Public Meetings, Processions and Peaceful Protests following a ruling by the Supreme Constitutional Court against granting the executive absolute authority to ban protests for security reasons, hence ensuring “the judiciary is exclusively mandated to permit or prevent a demonstration. The amendment ensures the exercise of the right to peaceful assembly upon notification.”¹⁵⁵

The NHRS adds that Law No. 107/2013 “regulates cases of dispersal of a demonstration, a gathering, or a march in case they deviate from their peaceful nature, taking into account the gradual use of proportional force.”¹⁵⁶ It identifies as the only challenge to the enjoyment of the right to freedom of peaceful assembly “the weak awareness of the peaceful assembly culture and legal requirements for demonstrations”.¹⁵⁷

AMNESTY INTERNATIONAL’S FINDINGS

Since the military ousted late former president Mohamed Morsi in July 2013, the Egyptian authorities have severely undermined the right to freedom of peaceful assembly through a series of repressive legislative moves, dispersals of sit-ins and protests using unlawful lethal force, and prolonged arbitrary detention and unfair trials of peaceful protesters.

Law No.107/2013 on protests severely undermines the right to freedom of peaceful assembly and gives security forces free rein to use unnecessary and excessive force.¹⁵⁸ In practice, since its enactment the authorities have rounded up thousands of peaceful protesters and sentenced them to imprisonment in deeply flawed and unfair trials, including by emergency and military courts and terrorism-circuits of regular criminal courts.¹⁵⁹

The crackdown was largely successful in eradicating protests, and even those rare protests that have taken place in recent years have been met with violence and mass arrests. In response to the 2019 and 2020 anti-government protests, security forces used unnecessary and excessive force and

¹⁵⁴ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p33

¹⁵⁵ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p33

¹⁵⁶ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p33

¹⁵⁷ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p33

¹⁵⁸ See section 4.2 “Repressive laws” .

¹⁵⁹ Amnesty International, “Stop Trials by Emergency Courts”, 31 October 2021, [amnesty.org/en/latest/news/2021/10/egypt-stop-trials-by-emergency-courts/](https://www.amnesty.org/en/latest/news/2021/10/egypt-stop-trials-by-emergency-courts/); Amnesty International, *Egypt: Release activist sentenced after unfair and politically motivated trials: Ahmed Douma* (Index: MDE 12/4052/2021), 11 May 2021: [amnesty.org/en/documents/mde12/4052/2021/en/](https://www.amnesty.org/en/documents/mde12/4052/2021/en/); Amnesty International, *Egypt: Roadmap to Repression* (previously cited)

rounded up thousands of protesters, activists, human rights defenders, lawyers and bystanders, including children, and subjected them to enforced disappearance and torture.¹⁶⁰

The authorities have consistently used unlawful force in response to even those protests not directed at or critical of the authorities, for example during the dispersal of a protest by the Sudanese community in November 2020 against the killing of a Sudanese child by a non-state actor.¹⁶¹

Prosecutors with the SSSP and terrorism-circuit court judges routinely extend the pretrial detention of arrested protesters without allowing them to challenge the lawfulness of their detention, sometimes for periods exceeding the absolute maximum period permissible under Egyptian law. While the authorities released some of those arrested in relation to the 2019 and 2020 protests pending investigations on police probation, some of them remain detained to date. Based on information gathered by Amnesty International, none of those arrested in relation to the 2019 and 2020 protests were referred to trial, nor did the authorities compensate those arbitrarily detained.

The authorities have even imprisoned individuals who stood in silent protest alone, including **Ahmed Badawi**, who held a sign against the 2019 constitutional amendments, before his arrest and detention pending investigations into terrorism-related charges on 21 April 2019. He remained detained at the time of writing.

Amnesty International has also found that increasingly since 2019 security forces have subjected individuals with a history of participating in anti-government protests to unlawful summons, coercive questioning that amounts to cruel, inhuman or degrading treatment or punishment, and excessive monitoring and police probation measures following their release, where they were threatened not to participate in further protests at risk of renewed arrest.¹⁶²

Judicial authorities systematically fail to order investigations into claims of violations committed by the security forces against protesters, including arbitrary detention, enforced disappearance, torture and other ill-treatment.¹⁶³ Indicative of the pervasive climate of impunity, no efforts have been made to investigate the unlawful use of lethal force by security force nor to ensure truth, justice and reparations for the deadly dispersal of the sit-ins at the Rabaa and Nahda squares in August 2013, which left over 900 protesters dead.¹⁶⁴

RECOMMENDATIONS

Despite an abundance of findings on undue restrictions on the right to freedom of peaceful assembly and recommendations by Amnesty International, other international and Egyptian human rights organizations, and those of the OHCHR and UN Special Procedures,¹⁶⁵ the NHRS includes a single

¹⁶⁰ Amnesty International, "Egypt: Rare protests met with unlawful force and arrests", 2 October 2020, [amnesty.org/en/latest/news/2020/10/egypt-rare-protests-met-with-unlawful-force-and-mass-arrests-2/](https://www.amnesty.org/en/latest/news/2020/10/egypt-rare-protests-met-with-unlawful-force-and-mass-arrests-2/) "Egypt: Largest wave of mass arrests since President Abdel Fattah al-Sisi came to power", 2 October 2019, [amnesty.org/en/latest/news/2019/10/egypt-largest-wave-of-mass-arrests-since-president-abdel-fattah-al-sisi-came-to-power/](https://www.amnesty.org/en/latest/news/2019/10/egypt-largest-wave-of-mass-arrests-since-president-abdel-fattah-al-sisi-came-to-power/) and *Egypt: Hundreds of Protesters Arrested in Egypt* (Index number: MDE 12/3910/2016), 27 April 2016, [amnesty.org/en/documents/mde12/3910/2016/en/](https://www.amnesty.org/en/documents/mde12/3910/2016/en/)

¹⁶¹ Amnesty International, "Egypt: Protests by Sudanese Migrants and Refugees over Brutal Killing of a Child Met with Violence and Arrests", 4 November 2020, [amnesty.org/en/latest/press-release/2020/11/egypt-protests-by-sudanese-migrants-and-refugees-over-brutal-killing-of-a-child-met-with-violence-and-arrests/](https://www.amnesty.org/en/latest/press-release/2020/11/egypt-protests-by-sudanese-migrants-and-refugees-over-brutal-killing-of-a-child-met-with-violence-and-arrests/)

¹⁶² Amnesty International, *Egypt: "This Will only End when You Die": National Security Agency Harassment of Activists in Egypt*, (previously cited)

¹⁶³ Amnesty International, *Permanent state of exception: Abuses by the Supreme State Security Prosecution* (previously cited)

¹⁶⁴ Amnesty International, *Egypt: Five Years After Rabaa Massacre, Impunity Continues to Fuel Unprecedented Rights Crisis*, 14 August 2018", [amnesty.org/en/latest/news/2018/08/egypt-rabaa/](https://www.amnesty.org/en/latest/news/2018/08/egypt-rabaa/)

¹⁶⁵ Special Rapporteur on the Rights to Freedom of Peaceful Assembly and Expression, *Observations on Communications Transmitted to Governments and Replies Received*, 2 July 2020, UN Doc. A/HRC/44/50/Add.4 ; *Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association*, *Observations on Communications Transmitted to Governments and Replies Received* - , 24 June 2019, UN Doc. A/HRC/41/41/Add.1; UN Human Rights Experts, *UN Experts Urge Egypt to End Crackdown on Protesters and*

recommendation on: "Raising public awareness about the culture and practice of peaceful assembly in all its forms, given its role in supporting and consolidating democracy".¹⁶⁶

Amnesty International calls on the Egyptian authorities to:

- **Respect the right to freedom of peaceful assembly**, and issue clear instructions to security forces to comply fully with the international standards governing the use of force by law enforcement officials, as set out in the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. This involves giving clear instructions that force may be used only when strictly necessary and only to the extent required to achieve a legitimate objective and that the potential injury or pain that may arise must not outweigh the harm they want to legitimately prevent.

8. DISCRIMINATION

The NHRS praises constitutional guarantees for "non-discrimination and equality," but fails to acknowledge how authorities in Egypt continue to subject men, women and children to human rights violations on the basis of their sex, gender identity, sexual orientation and religious beliefs.

While the NHRS acknowledges the alarming increase of gender-based violence in Egypt and recommends legislative amendments to combat it, it lists as "challenges" broadly worded "negative cultural legacies" and "lack of awareness" by women about their rights and available state programmes to support survivors. No mention is made of laws, policies and practices discriminating against women and girls and state actors' role in committing, acquiescing to or facilitating violence against women and girls and policing their bodies and behaviours as well as their persistent failure in preventing and adequately addressing violence by non-state actors.

The NHRS further ignores violations committed against LGBTI individuals including arbitrary arrests, torture and other ill-treatment and criminal prosecutions on the basis of their real or perceived sexual orientation or gender identity.

The NHRS also hails the authorities' respect of the right to freedom of belief, but religious minorities, including Coptic Christians and Bahá'í, continue to face discrimination in law and practice.

As for other rights, the NHRS fails to recognize past and ongoing violations and recommends for "challenges" to simply be rectified through awareness raising campaigns on gender equality, personal and religious freedoms, without acknowledging the need for political will to address the litany of abuses.

8.1 WOMEN AND GIRLS

NHRS CLAIMS

The NHRS commends the legal framework and policies ensuring gender equality and protecting women's rights. The NHRS acknowledges the increase in gender-based violence, attributing it to "some negative cultural legacies"¹⁶⁷, and as with the enjoyment of other rights, lists as "challenges" the:

Human Rights Defenders, 28 October 2019, ohchr.org/en/press-releases/2019/10/un-experts-urge-egypt-end-crackdown-protesters-and-human-rights-defenders?LangID=E&NewsID=25217; United Nations Office of the High Commissioner for Human Rights, *UN Human Rights Office Urges Egypt to Immediately Release Detained Protestors*, 18 October 2019, news.un.org/en/story/2019/10/1049581; and Human Rights Watch, "Egypt: Respect Right to Peaceful Protest", 21 September 2019, hrw.org/news/2019/09/21/egypt-respect-right-peaceful-protest

¹⁶⁶ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p33

¹⁶⁷ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p76

"Reluctance to benefit from services and programs supporting women exposed to violence and abuse, due to lack of awareness of these services."¹⁶⁸

The NHRS commends the role of the National Council for Women (NCW)¹⁶⁹ "in protecting and enhancing women's rights, freedoms and empowerment, and in promoting values of equality, equal opportunity, and non-discrimination"¹⁷⁰.

The NHRS notes legal amendments passed in recent years to protect women from gender-based violence and the adoption of official strategies and initiatives to protect "women against all forms of violence and harmful practices" and highlights the need to introduce comprehensive legislation to combat all forms of violence against women.¹⁷¹

AMNESTY INTERNATIONAL'S FINDINGS

Women and girls in Egypt face entrenched discrimination in law and practice, including in relation to marriage, child custody, inheritance, bodily autonomy and privacy, while the authorities have failed to adequately prevent and redress widespread sexual and gender-based violence by state and non-state actors.

Egypt continues to lack comprehensive legislation to combat all forms of violence against women including legal provisions prohibiting marital rape and other forms of domestic violence— a long-standing demand by women's rights groups and activists in Egypt.¹⁷² In response to public outcries over high profile public allegations of rape and other sexual violence, a welcome amendment was introduced to the Code of Criminal Procedures in 2020 prohibiting prosecutors from revealing the identities of survivors of sexual violence to help address the reluctance of survivors to come forward without guarantees of confidentiality.¹⁷³

However, the authorities have been unable to adequately prevent and investigate violence against women and girls, and put an end to abusive practices by the police violating the confidentiality and privacy of survivors who seek to report rape and other sexual violence; forcing individuals reporting violence to stay overnight at police stations or putting pressure on survivors to withdraw their complaints; and even refusing to register their complaints, as documented by Amnesty International and Nazra for Feminist Studies.¹⁷⁴ In some cases, the police also facilitate violence against women and further entrench impunity through blaming victims of sexual violence, including in public, accusing them of "inappropriate" clothing or behaviour.¹⁷⁵

For instance, when a student was attacked and sexually assaulted by a mob in Zagazig city, al-Sharkia governorate, in 2017, the Security Directorate in al-Sharkia governorate issued a statement mentioning that by "wearing a short dress" the victim had "caused the mob attack."¹⁷⁶

Amnesty International has also documented the authorities subjecting activists campaigning against sexual harassment as well as survivors and witnesses of sexual violence, to arbitrary detention, unjust prosecution and threats.

¹⁶⁸ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p77

¹⁶⁹ The National Council for Women (NCW) is a government institution mandated to promote and protect women's rights and freedoms.

¹⁷⁰ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p70

¹⁷¹ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p73-74

¹⁷² A proposed draft law prepared jointly by a number of women's rights organizations and other human rights groups and submitted to the Egyptian authorities can be found on the website of the New Women Foundation at the following link: <https://bit.ly/3TMnysp>.

¹⁷³ Amnesty International, *Report 2020/21: The state of the world's human rights* (Index: POL 10/3202/2021), 7 April 2021: [amnesty.org/en/documents/pol10/3202/2021/en](https://www.amnesty.org/en/documents/pol10/3202/2021/en)

¹⁷⁴ Nazra for Feminist Studies, *العنف الجنسي بين فلسفة القانون وإشكاليات التطبيق*, 30 May 2018, <https://bit.ly/3x9icOe>

¹⁷⁵ Amnesty International, *Report 2017/18: The state of the world's human rights* (Index: POL 10/6700/2018), 22 February 2018: [amnesty.org/en/documents/pol10/6700/2018/en](https://www.amnesty.org/en/documents/pol10/6700/2018/en)

¹⁷⁶ Amnesty International, *Report 2017/18: The state of the world's human rights* (previously cited)

In January 2022, the Court of Cassation upheld the conviction against **Amal Fathy**, a women's rights defender who criticised the Egyptian authorities' failure to protect women from sexual harassment and sentenced her to a year in prison.¹⁷⁷ She was arrested in May 2018 after posting a video on her Facebook page in which she spoke about sexual harassment and criticized the Egyptian government for its inaction on the issue and for its wider crackdown on human rights. She was released on probation in December 2018 and left Egypt shortly before the Court of Cassation ruling.

In August 2020, authorities arbitrarily detained and opened criminal investigations against four people who came forward as witnesses in a case concerning a gang rape at the Fairmont Nile City Hotel in Cairo in 2014, over charges related to "morality" and "misuse of social media", among others. The public prosecution released all the witnesses by January 2021, as well as the men suspected of involvement in the rape due to "lack of evidence". Two of the witnesses said they were pressured to change their testimonies by security agents. Their detention has had a chilling effect in deterring survivors of sexual violence and their supporters from seeking justice.

In February 2022, authorities referred journalist and writer **Rasha Azab** to trial on charges of "insult," "defamation" and "deliberately disturbing [the plaintiff]", in relation to Tweets in which she expressed solidarity with survivors of sexual violence who published anonymous testimonies accusing film director Islam Azazi of committing sexual assaults. He retaliated by submitting a complaint against Rasha Azab.¹⁷⁸ On 21 August 2022, an economic court convicted her of "insult" and "defamation" and fined her 10,000 EGP (522 USD).

The authorities have also carried out a crackdown on women social media influencers in an apparent attempt to control cyber space by policing women's bodies and conduct. Since 2020, authorities have arrested and prosecuted at least ten women TikTok influencers for violating the draconian Law No. 175/2018 on cybercrime and other overly vague legal provisions criminalizing "indecentcy" and "inciting immorality"¹⁷⁹. Nine of the 10 women were sentenced to prison terms ranging between one and six years and heavy fines on morality-related or other bogus charges, and at least seven of them remained unjustly imprisoned at the time of writing. A review of their case files, verdicts and lawyers' testimonies makes it clear that the women were punished for the way they dress, act, "influence" the broader public on social media, and earn money online.

During the issuing of the verdict against two influencers **Hanin Hossam** and **Mawada el-Adham**, the presiding judge openly expressed bias and hostility against the women, accusing them of "tarnishing the nation's values" and warning against using social media tools to undermine Egypt's values and morals.¹⁸⁰

RECOMMENDATIONS

The NHRS includes welcome "target results" for the government to address violence against women, namely:

- "The issuance of a comprehensive law on the protection of women from all forms of violence, including amendments to the penal code and the criminal procedural law with regard to discriminatory articles, criminalizing all forms of violence against women;"¹⁸¹

¹⁷⁷ Amnesty International, "Egypt: Hopes for justice crushed as court confirms prison term for women's rights defender", 12 January 2022: [amnesty.org/en/latest/news/2022/01/egypt-hopes-for-justice-crushed-as-court-confirms-prison-term-for-womens-rights-defender/](https://www.amnesty.org/en/latest/news/2022/01/egypt-hopes-for-justice-crushed-as-court-confirms-prison-term-for-womens-rights-defender/)

¹⁷⁸ Amnesty International, "Egypt: End prosecution of rights defender for speaking out against sexual violence", 12 March 2022: [amnesty.org/en/latest/news/2022/03/egypt-end-prosecution-of-rights-defender-for-speaking-out-against-sexual-violence/](https://www.amnesty.org/en/latest/news/2022/03/egypt-end-prosecution-of-rights-defender-for-speaking-out-against-sexual-violence/)

¹⁷⁹ Amnesty International, "Egypt: Survivors of sexual violence and online abuse among prosecuted women TikTok influencers", 13 August 2020, [amnesty.org/en/latest/news/2020/08/egypt-survivors-of-sexual-violence-and-online-abuse-among-prosecuted-women-tiktok-influencers/](https://www.amnesty.org/en/latest/news/2020/08/egypt-survivors-of-sexual-violence-and-online-abuse-among-prosecuted-women-tiktok-influencers/)

¹⁸⁰ Amnesty International, "Egypt: Women influencers jailed over 'indecentcy': Hanin Hossam, Mawada el-Adham" (Index: MDE 12/4443/2021), 14 July 2021 [amnesty.org/en/documents/mde12/4443/2021/en/](https://www.amnesty.org/en/documents/mde12/4443/2021/en/)

¹⁸¹ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p79

- "The development of policies and procedures that combat harassment in the workplace and integrating them into the Labor Law;"¹⁸² and
- "The Criminal Procedures Law is amended to enforce the constitutional obligation to protect the privacy of the victims, witnesses, defendants and whistleblowers."¹⁸³

The NHRS' additional targets focus on the need for awareness campaigns "to benefit from programs targeting the elimination of all forms of violence against women"¹⁸⁴ and technical proposals such as creating "electronic platforms allowing the injured party to file to relevant bodies complaints on violations of their private lives", again without acknowledging that combatting impunity for violence against women crucially requires political will.

To address discrimination and violence against women and girls, Amnesty International calls to the Egyptian authorities to:

- **Repeal or amend all legislation that is discriminatory** on the grounds of sex and/or gender including personal status laws, ensuring that women and men have equal rights in marriage and divorce, child custody, bodily autonomy, decision-making powers in regard to the schooling of children, and inheritance;
- In consultation with independent women's rights organizations and WHRDs, **adopt new legislation, and review existing laws**, in order to criminalize all forms of violence against women and girls, including by introducing legal provisions prohibiting domestic violence, including marital rape, as well as sexual harassment, assaults and rape consistent with international law and standards and conduct thorough and gender-sensitive investigations into cases of sexual and gender-based violence including when alleged perpetrators are state actors with a view of bringing those responsible to justice in fair trials; and
- Put in place **measures to ensure gender-sensitive training** for law enforcement, prosecution and other officials within the criminal justice system; appointments of women judges and prosecutors to all judicial bodies; and appropriate remedies for survivors in a timely manner.

8.2 LGBTI PERSONS

The NHRS claims that the "right to personal freedom" and "right to privacy" are safeguarded in the Constitution and the national laws¹⁸⁵, and that the state guarantees fair compensation for those who have been assaulted.¹⁸⁶ But in practice, violations of the rights to privacy continue unabated against LGBTI individuals. The NHRS is entirely silent on violations against LGBTI individuals and activists, despite well-documented patterns of authorities routinely harassing, arresting and prosecuting individuals on the basis of their real or perceived sexual orientation and/or gender identity.

In 2017, Amnesty International has documented an unprecedented crackdown against LGBTI individuals and activists. That year, Egyptian authorities rounded up and prosecuted people on the grounds of their real or perceived sexual orientation after a rainbow flag was displayed at a concert in Cairo.¹⁸⁷ Security forces arrested at least 76 people, many of whom had been entrapped by security forces through online dating applications. Courts sentenced at least 48 people to prison terms of between three months and six years on several charges, including "habitual debauchery", which is regularly used by authorities to criminalize consensual same-sex sexual relations and penalize adults engaging in consensual same-sex sexual activity. Authorities also subjected at least six of those

¹⁸² SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p79-80

¹⁸³ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p43

¹⁸⁴ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p80

¹⁸⁵ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p21-22; p42-43

¹⁸⁶ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p24; p42

¹⁸⁷ Amnesty International, "Egypt Must Stop Homophobic Persecution", (Index: MDE 12/7230/2017), 5 October 2017:

[amnesty.org/en/documents/mde12/7230/2017/en/](https://www.amnesty.org/en/documents/mde12/7230/2017/en/)

arrested to invasive anal examinations to “prove” they engaged in same-sex activities, an intentional, discriminatory and punitive practice that amounts to rape and torture.¹⁸⁸

Since the spike in arrests in 2017, Amnesty International has continued to document similar arrests and prosecutions with courts sentencing men for engaging in consensual same-sex sexual relations to lengthy prison terms. In August 2021, a court convicted four men of engaging in same-sex sexual relations and sentenced them to prison terms ranging from six to nine years.¹⁸⁹

Authorities also continue to harass, intimidate and prosecute defenders of LGBTI rights and other people publicly discussing LGBTI issues. In 2019, a court sentenced **Mohamed al-Ghiety**, a TV presenter who had publicly expressed homophobic views, to one year in prison and a fine for interviewing a gay man on TV;¹⁹⁰ the sentence served to intimidate people from publicly discussing LGBTI issues.

In 2019, the authorities arbitrarily detained **Malak al-Kashef**, a transgender woman and human rights defender, in relation to calls for a protest following a train accident in Cairo. She was detained for four months in the all-male Mazra’at Tora prison and said she was subjected to a forced anal examination at a government hospital and sexually assaulted including by medical staff. Her complaints to courts were dismissed.¹⁹¹

Amnesty International calls on the Egyptian authorities to:

- **Stop prosecuting people on the basis of their real or perceived gender identity and sexual orientation**, put an immediate end to forced anal examinations and conduct effective investigations into the rape, torture and other crimes against people on the basis of their real or perceived gender identity and/or sexual orientation and hold those responsible to account in fair trials.

8.3 RELIGIOUS MINORITIES

NHRS CLAIMS

Under the title of “freedom of religion and belief”, the NHRS praises constitutional and legal protections, even though they are not compliant with Egypt’s obligations under international law including in limiting protection to adherents of Islam, Christianity and Judaism. The NHRS enumerates initiatives and actions by official bodies and religious and educational institutions in promoting tolerance and fighting extremism such as the National Council for Combatting Terrorism and Extremism, the Supreme Committee for Combatting Sectarian Incidents, the Ministry of Higher Education, the Ministry of Education, the Ministry of Endowments, Al-Azhar Al-Sharif, Dar Al-Iftaa, and three Egyptian churches.¹⁹² The NHRS also states that authorities have developed policies to combat “individual” incidents of sectarian violence against Coptic Christian to ensure “further awareness of the threats of sectarian strife” and have carried out “development activities in areas that witness sectarian tensions.”¹⁹³

¹⁸⁸ Egypt: Six men facing anal examinations for ‘debauchery’ amid homophobic crackdown - Amnesty International, 30 September 2017, [amnesty.org/en/latest/press-release/2017/09/egypt-six-men-facing-anal-examinations-for-debauchery-amid-homophobic-crackdown](https://www.amnesty.org/en/latest/press-release/2017/09/egypt-six-men-facing-anal-examinations-for-debauchery-amid-homophobic-crackdown)

¹⁸⁹ Amnesty International, *Annual Report 2021/2022: The State of the world’s human rights* (Index: POL 10/4870/2022), p153-157, [amnesty.org/en/location/middle-east-and-north-africa/egypt/report-egypt/](https://www.amnesty.org/en/location/middle-east-and-north-africa/egypt/report-egypt/)

¹⁹⁰ Mohamed el-Ghiety, *صحح النوم*, 5 August 2018, [youtube.com/watch?v=67B-p5GtDVQ](https://www.youtube.com/watch?v=67B-p5GtDVQ)

¹⁹¹ Amnesty International, “Egypt: Forcibly disappeared transgender woman at risk of sexual violence and torture”, 11 March 2019, [amnesty.org/en/latest/news/2019/03/egypt-forcibly-disappeared-transgender-woman-at-risk-of-sexual-violence-and-torture/](https://www.amnesty.org/en/latest/news/2019/03/egypt-forcibly-disappeared-transgender-woman-at-risk-of-sexual-violence-and-torture/)

¹⁹² SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p39

¹⁹³ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p38

The NHRS also commends Law No. 80/2016 on the Construction and Repair of Churches stating that “legal status of around 1,800 churches and buildings was regularized until December 2020, according to the Church Construction Law”.¹⁹⁴

AMNESTY INTERNATIONAL’S FINDINGS

Amnesty International has consistently found that religious minorities (an expression not used in the NHRS), including Coptic Christians, Shi'a Muslims and Bahá'í continue to face discrimination in law and/or practice.

The aforementioned Law No. 80/2016, hailed by the NHRS, has in fact been used by the authorities to restrict the right of Christians to build and repair churches by requiring approval from security agencies and other state bodies, through lengthy, complicated and opaque procedures. The strategy claims that “authorities took an initiative to renovate churches damaged and sabotaged (...) in 2013 totalling 72 churches”.¹⁹⁵ According to the EIPR, an independent Egyptian human rights group, since the enactment of the law in 2016, only 40% of applicants were granted registration to build or repair churches and at least 25 churches remained closed with authorities citing as grounds for denying registration their illegal status or risks of stroking sectarian tensions.¹⁹⁶ For instance, security forces prevented dozens of Coptic Christians from praying in a house in Alfor village in el-Minya governorate in 2017, citing security reasons¹⁹⁷ and closed Naga al-Ghafir church in Sohag governorate prohibiting collective worship in it in 2019.¹⁹⁸ In January 2022, security forces arbitrarily arrested at least nine residents of Ezbet Farag Allah village in el-Minya governorate for peacefully protesting the authorities’ refusal to rebuild the only church in the village. After three months in pretrial detention, the prosecution ordered their release pending investigations into charges of “participating in a gathering” and “committing a terrorist act”.¹⁹⁹

Amnesty International's research shows that authorities consistently failed to protect Coptic Christians from repeated sectarian attacks and violence since 2013, to bring those responsible for sectarian violence to justice, to repair churches damaged in such attacks, and to provide victims with reparations. Instead, the authorities continue to pressure members of religious minorities to solely rely on customary reconciliation and accept settlements agreed by local authorities and religious leaders.²⁰⁰ Authorities also failed to protect Christians from attacks by armed groups in North Sinai or secure the safe return of hundreds of Christians who were forcibly displaced from North Sinai following violent attacks in 2017 or provide them with any compensation for lost property and livelihoods.²⁰¹

¹⁹⁴ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p40

¹⁹⁵ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p40

¹⁹⁶ Egyptian Initiative for Personal Rights, *تحسن انتقالي في مواجهة بنىة تشريعية وتنفيذية تمييزية*, April 2022, eipr.org/file/6788/download?token=T6MEMyFk

¹⁹⁷ Amnesty International, *Report 2017/18: The state of the world's human rights* (Index: POL 10/6700/2018), 22 February 2018, amnesty.org/en/documents/pol10/6700/2018/en

¹⁹⁸ Amnesty International, *Human rights in the Middle East and North Africa: Review of 2019* (Index: MDE 01/1357/2020), 18 February 2020, amnesty.org/en/documents/mde01/1357/2020/en/

¹⁹⁹ Amnesty International, “Egypt: Release nine Coptic Christians detained for attempting to rebuild church”, 30 March 2022: amnesty.org/en/latest/news/2022/03/egypt-release-nine-coptic-christians-detained-for-attempting-to-rebuild-church/

²⁰⁰ Amnesty International, “Egypt: Christians scapegoated after dispersal of pro-Morsi sit-ins”, 9 October 2013, amnesty.org/en/latest/news/2013/10/egypt-christians-scapegoated-after-dispersal-pro-morsi-sit-ins/; “Egypt: Bring to justice those behind deadliest church attack in years”, 11 December 2016, amnesty.org/en/latest/news/2016/12/egypt-bring-to-justice-those-behind-deadliest-church-attack-in-years-2/; “Egypt: Government must protect Coptic Christians targeted in string of deadly attacks in North Sinai”, 1 March 2017, amnesty.org/en/latest/news/2017/03/egypt-government-must-protect-coptic-christians-targeted-in-string-of-deadly-attacks-in-north-sinai/; Amnesty International, “Egypt: Authorities must address sectarian violence, not abuse emergency powers”, 10 April 2017, amnesty.org/en/latest/news/2017/04/egypt-authorities-must-address-sectarian-violence-not-abuse-emergency-powers/

²⁰¹ Amnesty International, “Egypt: Government must protect Coptic Christians targeted in string of deadly attacks in North Sinai”, (previously cited)

"Public activities" by the Bahá'í community are criminalized under discriminatory Law No. 263/1960 on the ban of Bahá'í forums. In its concluding observations on 28 November 2002, the UN Human Rights Committee, which reviews state parties' obligations under the International Covenant on Civil and Political Rights, condemned the ban on worship imposed on the Bahá'í community in Egypt.²⁰²

Members of religious minorities and Muslims not espousing state-sanctioned religious beliefs have been subjected to arbitrarily detention, prosecution and unjust imprisonment for "defamation of religion" and other bogus charges, while others are targeted simply for practicing their faith or defending the rights of religious minorities.

For instance, In November 2021, an ESSC sentenced lawyer **Ahmed Maher** to five years in prison for "defamation of religion" for his book on Islamic jurisprudence. In 2020, two Shi'a men were convicted of "promoting extremist ideologies with a view to disparaging or contempt of any divine religion" and sentenced to one-year imprisonment for practicing their faith.²⁰³ They were released after serving their sentences.

RECOMMENDATIONS

The NHRS recommends conducting further awareness campaigns on religious freedoms and sets as a "target result": "[enhanced] coordination between religious institutions in implementing plans to renew religious discourse, to promote tolerance, respect for religions, and to refute extremist and incorrect ideas."²⁰⁴

Amnesty International urges the Egyptian authorities to:

- **Halt the use of arbitrary detention, unjust prosecution and end impunity** for violence against religious minorities and those not adhering to state-sanctioned beliefs; and
- **amend all discriminatory laws and practices against religious minorities** to ensure full conformity with international law and standards.

9. ECONOMIC AND SOCIAL RIGHTS

The NHRS' claims regarding the government's track record on respecting the rights to health and adequate housing as well as labour rights stand in sharp contrast not only with the authorities' failure to progressively realize these rights, but also with their unrelenting attacks on those expressing their socio-economic grievances, including workers, healthcare professionals and residents of informal settlements.²⁰⁵

9.1 RIGHT TO HEALTH

NHRS CLAIMS

The NHRS commends the government's efforts on health including the adoption of the "universal health insurance law"; its initiatives to treat patients with Hepatitis C and raise awareness about HIV/AIDS; and the adoption of policies to "reduce pollution; enhance proper management of hazardous materials and wastes including safe disposal of waste; maintain eco-balance and

²⁰² UN Human Rights Committee, Concluding Observations: Egypt, 28 November 2002, CCPR/CO/76/EGY, tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/CO/76/EGY&Lang=En

²⁰³ Amnesty International, *Report 2020/21: The state of the world's human rights* (Index: POL 10/3202/2021), 7 April 2021, [amnesty.org/en/documents/pol10/3202/2021/e](https://www.amnesty.org/en/documents/pol10/3202/2021/e)

²⁰⁴ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p41

²⁰⁵ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p8

biodiversity”.²⁰⁶ The NHRS highlights the government's commitment to prioritize spending on health and hails its “efforts to combat the Covid-19” pandemic including the adoption of “all preventive and precautionary measures (...) to maintain public health, reduce morbidity and death rates.”²⁰⁷

It identifies as challenges to the realization of the right to health: “Insufficiency of health services coverage required nationwide particularly in the poorest areas; the need to improve the quality of health facilities and services; the number of doctors and nursing staff is not proportional to the number of patients at government hospitals; the completion of implementation of the universal health insurance system in all governorates.”²⁰⁸ It also identifies gaps related to pollution and climate change.

AMNESTY INTERNATIONAL'S FINDINGS

Since the Constitution was passed in 2014, the authorities have consistently fallen short of the minimum constitutionally-mandated allocation of 3% of the GDP to health. Only 1.4% of the GDP was allocated to health in the national budget for the 2022/2023 fiscal year²⁰⁹, representing a reduction from 1.8% allocated to health in the budget for the fiscal year 2015/2016, which allocated the highest percentage to health since 2014.²¹⁰

In response to the Covid-19 pandemic, the authorities have resorted to their usual repressive tactics to stamp out criticism of their mishandling of the pandemic or even questioning the government's official infection and death statistics.²¹¹ In 2020, Amnesty International documented how authorities have used vague and overly broad charges of “spreading false news” and terrorism to arbitrarily arrest and detain eight healthcare workers for up to 10 months, for denouncing unsafe working conditions and other shortcomings in the government's response to the pandemic.²¹² Authorities' reprisals against health workers raising concerns about the health system predate Covid-19. In September 2019, five doctors were arrested and then arbitrarily detained for periods reaching up to 18 months for launching the “Egypt's doctors are angry” online campaign which criticized doctors' poor remuneration and working conditions, and inadequate health facilities and called for reforming the healthcare system in Egypt.

Among the challenges outlined by the NHRS is the small number of doctors and nursing staff relative to the number of patients at government hospitals,²¹³ but it failed to consider the structural reasons, including poor remuneration and working conditions, leading more than 65% of doctors to work outside Egypt,²¹⁴ or acknowledge the authorities' clamp down on medical workers calling for reforms. On 9 March 2022, the Doctors' Syndicate announced the death of 677 doctors from Covid-19.²¹⁵ The Ministry of Health had been downplaying the death toll among doctors. For instance, it claimed in April 2021 that only 115 of the deceased doctors contracted the virus at work, with the remainder died following “community transmission”. At the time the Doctors' Syndicate estimated the death toll to be at least 500,²¹⁶ with credible information indicating that the discrepancy in numbers was driven by an attempt to absolve authorities of responsibility for falling short in protecting health workers' lives,

²⁰⁶ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p45-46

²⁰⁷ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p46

²⁰⁸ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p48

²⁰⁹ Mada Masr, *الموازنة الجديدة: الديون تبتلع أكثر من النصف. ودعم الغذاء ينخفض*, 8 May 2022: <https://bit.ly/3U6iX4b>

²¹⁰ For further details, refer to the EIPR analysis of the national budget for the fiscal year 2021/2022: <https://tinyurl.com/2p6spjv5>

²¹¹ Amnesty International, “Egypt: Prisons are now journalists' newsrooms”, 3 May 2020:

[amnesty.org/en/documents/mde12/2240/2020/en/](https://www.amnesty.org/en/documents/mde12/2240/2020/en/)

²¹² Amnesty International, “Egypt: Health care workers forced to make impossible choice between ‘death or jail’”, 18 June 2020,

[amnesty.org/en/latest/news/2020/06/egypt-health-care-workers-forced-to-make-impossible-choice-between-death-or-jail/](https://www.amnesty.org/en/latest/news/2020/06/egypt-health-care-workers-forced-to-make-impossible-choice-between-death-or-jail/)

²¹³ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p47

²¹⁴ These figures were provided by then Minister of Health Hala Zayed's during in an interview on ONE TV channel on 12 September 2021, which is available at www.youtube.com/watch?v=9iukR9_zQw4

²¹⁵ Al-Araby Al-Jadeed, *677 ارتفاع ضحايا كورونا من الأطباء المصريين إلى*, 12 March 2022: <https://bit.ly/3RDkDkk>

²¹⁶ EIPR, “After Corona victims exceeded 500 deaths among physicians: The state must declare a state of mourning for the defenders of our lives, and double efforts to protect medical teams and compensate for their sacrifices”, 3 May 2021, [eipr.org/en/press/2021/05/corona-victims-exceeded-500-deaths-among-physicians](https://www.eipr.org/en/press/2021/05/corona-victims-exceeded-500-deaths-among-physicians)

as well as to exclude their families from compensation provided to next-of-kin of doctors classified as having died after contracting the virus at work.

In an alarming move further introducing undue restrictions to the right to freedom of expression and access of information, in November 2021, the President ratified a law effectively criminalizing the publication of information on pandemics on vaguely worded grounds, such as “undermining public peace and interest” and “inciting panic”.

The Covid-19 vaccine rollout, which was announced in January 2021, has been marred by authorities' lack of clear strategy and transparency leading to delays and backlogs in vaccinating health workers and other at-risk groups. The authorities have also failed to prioritize people who are systematically marginalized in their access to healthcare, including prisoners, refugees and migrants, or to tackle vaccine hesitancy through targeted awareness campaigns in remote rural and poor urban areas.²¹⁷ While the vaccination of prisoners was announced on 18 May 2021,²¹⁸ some prisoners held for political reasons continued to be deliberately excluded from the prison vaccine rollout. For instance, authorities refused requests by arbitrarily detained 71-year-old ailing opposition politician **Abdelmoniem Aboufotouh** to be vaccinated.²¹⁹ According to Amnesty International's research, at least 15 detainees died in custody after displaying Covid-19 symptoms amid reports of being denied adequate healthcare.

RECOMMENDATIONS

The NHRS sets as “targets results”: “Health services coverage is enhanced nationwide particularly in rural, remote and border areas; the quality of health facilities and services is improved; increasing the number of doctors and nursing staff working in the government health system; the universal health insurance system is applied in all governorates, as per planned six phases, and 100 percent of citizens are covered by the year 2030.”²²⁰ Additional “target results” related to the availability of medication, faster medical services, awareness raising on public health and mental health issues, protection of the environment, recycling and the reduction of impact of climate change.

Amnesty International calls on the Egyptian authorities to:

- **Meet the constitutionally-mandated allocation of 3% of GDP to health** in future national budgets, and meaningfully consult with independent civil society groups, including healthcare workers' syndicates, in implementing the government's health plans; and
- **Put an end to the arbitrary detention, unjust prosecution or other reprisals** of doctors and other healthcare workers for raising concerns about the healthcare system or campaigning for an improvement in their working conditions and remuneration.

9.2 RIGHT TO HOUSING

NHRS CLAIMS

The NHRS points to constitutional guarantees of the right to adequate housing, highlights the authorities' commitment to develop a national plan “to address the problem of slum areas”,²²¹ and praises the government's efforts on social housing and the 2020 “Housing Strategy in Egypt”. The

²¹⁷ Amnesty International, “Egypt: Haphazard and flawed Covid-19 vaccine rollout fails to prioritize most at-risk”, 29 June 2021: [amnesty.org/en/latest/news/2021/06/egypt-haphazard-and-flawed-covid-19-vaccine-rollout-fails-to-prioritize-most-at-risk/](https://www.amnesty.org/en/latest/news/2021/06/egypt-haphazard-and-flawed-covid-19-vaccine-rollout-fails-to-prioritize-most-at-risk/)

²¹⁸ Youm7, “لأول مرة. وزارة الداخلية تدشن حملة لتطعيم السجناء ضد فيروس كورونا”, 18 May 2021, <https://bit.ly/3x5hYaA>

²¹⁹ Refer to section 6.2 “Prison conditions, torture and enforced disappearances”

²²⁰ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p49

²²¹ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p63

NHRS notes that “residents [of slum areas] have the option to move to other areas, receive money as compensation, have temporary housing or receive money to get a house.”²²²

The NHRS identifies as challenges to the enjoyment of the right to adequate housing: “the cost of building housing units is relatively high; more efforts are needed to enable low-income people to obtain suitable housing units; lands suitable for building within the social housing project are rare, in some governorates, particularly Lower Egypt; many housing areas have never been covered by urban planning and lack basic services; some violations are committed by dwellers of social units.”²²³

AMNESTY INTERNATIONAL’S FINDINGS

In the course of its long-term monitoring of the human rights situation in Egypt, Amnesty International has documented the authorities’ ongoing pattern of forced evictions of residents of informal settlements as well as the security forces’ repeated use of unlawful force and mass arrests to crackdown on residents protesting against house demolitions and forced evictions. Its findings are in line with other credible reports by national human rights organizations and UN bodies. For instance, following her visit to Egypt in 2018, the UN Special Rapporteur on the right to adequate housing spoke out against forced evictions, house demolitions and reprisals against those demanding their right to housing.²²⁴

Since her visit, similar concerns have been documented by Amnesty International. For instance, security forces used tear gas to disperse a mostly peaceful protest in July 2020 by residents of Ma’awa el-Sayadeen, a neighbourhood in Alexandria, against the demolitions of their homes and arrested about 65 protesters. At least 39 men were detained pending investigations into charges of “participating in unauthorized protests” and “attacking public employees”. They were released five months later pending investigations.²²⁵

In June 2021, residents of Ezbet Nady al-Seid, another neighbourhood in Alexandria, protested plans to relocate them without adequate notification or consultation on alternative housing. In response, security forces dispersed them using tear gas, arrested at least 40 protesters and detained them at a riot police camp. They were released nine days later, but 13 were referred to trial on charges of “participating in unauthorized protests”, “thuggery” and “sabotaging a public facility” by an ESSC. They were acquitted six months later.

According to lawyers and residents of these two aforementioned neighbourhoods in Alexandria, authorities did not provide affected residents with sufficient notice, written eviction orders or adequate alternative accommodation. Residents told Amnesty International that they only found out about the evictions, one to three months ahead of time, when members of an official committee visited their neighbourhoods to enumerate residents whose houses are to be demolished. Authorities did not consult residents of the two neighbourhoods on resettlement plans and several told Amnesty International that they were forced to sign a document confirming receipt of a new apartment in Bashayer el-Khair social housing units in Alexandria under threat of receiving no alternative housing or other compensation if they did not sign the document. Residents were not provided with copies of the documents they were forced to sign under duress and expressed concerns over security of tenure. According to a lawyer, residents of these neighbourhoods refrained from filing complaints against their forced evictions fearing reprisals as the Engineering Authority of the Armed Forces is the body

²²² SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p64, 65

²²³ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p65

²²⁴ UN Special Rapporteur on the right to adequate housing and UN Special Rapporteur on the situation of human rights defenders, “Egypt: UN experts alarmed by treatment of human rights defenders after visit”, 4 December 2018: [ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23971&LangID=E](https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23971&LangID=E)

²²⁵ Amnesty International, *Report 2020/21: The state of the world’s human rights* (Index: POL 10/3202/2021), 7 April 2021: [amnesty.org/en/documents/pol10/3202/2021/en](https://www.amnesty.org/en/documents/pol10/3202/2021/en)

responsible for providing them with alternative housing in Bashayer el-Khair, as well as contributing to the "development" of Ma'awa el-Sayadeen and Ezbet Nady al-Seid.²²⁶

Residents of Ma'awa el-Sayadeen who moved to Bashayer el-Khair following their forced evictions told Amnesty International that they were struggling to find work in the new housing units and raised concerns about limited healthcare services, schools and public transportation.

RECOMMENDATIONS

The NHRS recommends developing "unsafe areas", in reference to the typology of informal settlements initially established by the Informal Settlement Development Fund, an official body. It also sets as "target results" the supply of more social housing units to low-income persons, as well as the provision of basic services and facilities in the new housing communities and cities, including educational and healthcare services, roads and transport networks.

To put an end to forced evictions, Amnesty International calls on the Egyptian authorities to:

- **Put in place safeguards, in law and practice**, to ensure that development plans including the national plan to develop "unsafe areas" does not result in forced evictions;
- **Ensure that all affected individuals are engaged in a process of genuine consultation** in decisions and processes that impact their lives, and that evictions are only carried out as a last resort after all feasible alternatives have been explored and only when all protections required under international human rights law are in place, including the requirements on consultation, adequate notice and adequate compensation and alternative housing; and
- **Provide guarantees** that any resettlement or alternative housing provided complies with requirements under international law on adequacy of housing, including location, security of tenure, habitability and affordability.

9.3 LABOUR RIGHTS

NHRS CLAIMS

The NHRS states that workers' rights including the right to "form trade unions" and to "collective bargaining" are upheld in Egyptian laws and its Constitution and that arbitrary dismissals and wage-related discrimination are prohibited.²²⁷ It identifies as challenges to the realization of the right to work the "need to promote decent work standards, particularly safe and healthy work conditions, fair wages, mediation and arbitration mechanisms" and the "need to enhance vocational training efforts, to address workers' inadequate knowledge of their rights and duties, which compromises their rights."²²⁸ In relation to the right to form and join trade unions, the NHRS identifies as the main challenge the "need to enhance trade unions' capacity to hold collective bargaining, settle individual and collective disputes, and conclude collective labor agreements."²²⁹

Amnesty International's findings

Amnesty International's research and analysis show that the right to form and join trade unions is severely restricted in practice, while workers and labour rights activists calling for just and favourable

²²⁶ Al-Ahram, "رئيس الهيئة الهندسية للقوات المسلحة: تطوير 79 منطقة عشوائية بتكلفة 28 مليار جنيه في القاهرة والجيزة والإسكندرية", 13 July 2020, <https://bit.ly/3eA9lhR>

²²⁷ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p35; 53

²²⁸ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p54

²²⁹ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p35

conditions of work have been targeted through unfair dismissals, unjust prosecutions, arbitrary detention and other harassment.

Law No. 12/2003 on labour and Law No. 142/2019 on trade unions undermine the right to establish and join independent trade unions and impose severe and unreasonable restrictions on the right to strike. Law No. 142/ 2019 introduced welcome amendments to the draconian Law No. 213/2017, including by reducing the minimum number of members required to form a trade union and removing the punishment of imprisonment for breaching the provisions of the law. Despite these amendments, the law's imposition of stringent membership requirements, particularly for general unions and confederations, and bureaucratic hurdles obstructing or delaying the formal recognition of independent trade unions continue to undermine workers' rights to form independent unions.

The International Labour Organization (ILO) Committee of Experts on the application of ILO Convention 87, noted in its general observations during its 108th session in 2019 that despite the 2019 amendments to the Egyptian trade unions law, "a number of long-standing discrepancies between the national legislation and the provisions of the Convention continued to persist" and recommended that "the minimum membership required at the enterprise level, as well as for those forming general unions and confederations, does not impede the right of workers to form and join free and independent trade union organizations of their own choosing."²³⁰

In practice, the Ministry of Manpower and its affiliated directorates continue to refuse to formally recognize independent trade unions, thereby restricting the right of workers to organise freely, gain legal recognition for their unions, carry out their legitimate activities and elect their executive bodies.

According to labour rights lawyers, the Ministry of Manpower and its affiliated directorates have been obstructing or delaying the registration of at least 13 trade unions from 12 governorates since 2017. Labour rights lawyers told Amnesty International that at least six independent trade unions, which were formally recognized by the Ministry of Manpower, were prevented from conducting elections or staging strikes. Similar concerns were also expressed by the ILO Committee of Experts in 2019, noting "the persistence of restrictions on the right of workers to join and establish trade union organizations, federations and confederations of their own choosing and ongoing government interference in the trade union elections and activities".²³¹

Security forces also interfere in elections of professional syndicates. For instance, Amnesty International learned that security forces summoned dozens of syndicate members, ahead of the board elections of the Doctors' Syndicate in October 2019 and October 2021. Similar intimidation was reported ahead of the board elections for the Dentists' Syndicate in March 2022. Security forces threatened those summoned with arbitrary arrests and/or reprisals against their relatives if they fail to withdraw their candidacies in the elections or if they support independent candidates. As result, the "independent coalition" of the Doctors' Syndicate publicly announced its boycott of the October 2021 elections citing "the circumstances affecting the essence of union work".²³²

The right to strike is subject to unreasonable restrictions under the labour law, as only workers of officially recognized unions can go on strike, and only after obtaining approval from relevant general unions affiliated to the Egyptian Trade Union Federation (ETUF), the state-controlled sole confederation of unions, which, in turn must provide the employer and the Ministry of Manpower's directorates written notice ten days ahead of the proposed strike. The law also prohibits workers' strikes in workplaces considered vital for protecting "national security", leaving the authorities with broad discretionary powers in determining which workplaces fall under this classification.

²³⁰ ILO, "Individual Case (CAS) - Discussion: 2019, Publication: 108th ILC session (2019)", 2019, ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:4000045

²³¹ ILO, "Individual Case (CAS) - Discussion: 2019, Publication: 108th ILC session (2019)", 2019, ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:4000045

²³² Independent Coalition 2019, Facebook post, 30 June 2021, facebook.com/739823809769614/posts/1265177663900890/ "Independent Coalition announcing its boycott of elections"

Since 2013, the authorities have subjected dozens of workers and trade unionists to unfair trials, including by military courts, arbitrary arrest, dismissal from work and other disciplinary measures solely for peacefully exercising their rights.²³³ For instance, in September 2020, security forces arrested at least 41 workers at a state-owned textile company in the city of Shebin al-Kom who were protesting for their outstanding salaries and benefits, and detained them for 10 days before releasing them without charge.²³⁴

Between September 2021 and May 2022, around 3,000 workers at the privately-owned Universal Group for Home Appliances have gone on strike and peacefully protested at the company's headquarters in the industrial zone in 6th of October city to demand pay of their overdue wages. Labour rights lawyers told Amnesty International that in response security forces arbitrarily arrested three workers on 28 September 2021 and detained them for two days pending investigations on terrorism-related charges solely for protesting and staging a strike. In February 2022, thousands of workers protested again against the company's failure to pay them overdue wages after a worker committed suicide. A labour rights lawyer said security forces surrounded the company and used police dogs and tear gas to disperse the sit-in inside the factory. At least 15 workers were hospitalized the day of the sit-in due to tear gas exposure. Security forces also arrested and briefly held three workers.

Contrary to the NHRS's claims that arbitrary dismissals are prohibited, in August 2021, the President ratified a new law allowing for the unfair, automatic dismissal of public sector employees included on the "list of terrorists" solely on the basis of secret NSA investigations and without any due process.²³⁵ This followed official statements calling for the dismissal of railway workers perceived to be affiliated to the outlawed Muslim Brotherhood group,²³⁶ blamed for frequent fatal train accidents.

Courts dismissed appeals by workers subjected to unfair dismissals solely for exercising their rights to peaceful assembly and expression. For instance, in an alarming precedent, in April 2019, the Court of Cassation ruled against an employee at the state-owned Alexandria Petroleum Company, who sued his former employer for dismissing him without any compensation for participating in a protest in 2014. In December 2017, a court ruled in favour of the plaintiff, who argued that he had been acquitted on appeal of all charges of "participating in a gathering" and "displaying force". The Court of Cassation overturned the ruling and based its decision on the grounds that the worker has "betrayed his homeland" and "committed an honour crime" by being accused of protest-related charges.²³⁷

In September 2021, another court in Alexandria ruled against **Mohamed Saad Khiralla**, a public sector worker, dismissed without compensation for "publicly expressing his political opinions" claiming that the employer acted lawfully, according to the case file reviewed by Amnesty International.

Amnesty International also gathered credible reports about repeated government inaction in addressing unfair dismissals and other abuses of workers' rights by private-sector companies. For instance, instead of taking action to provide redress to workers of LORD International, a private sector company, who faced reprisals for their involvement in a strike, the Ministry of Manpower dismissed workers' official complaints and pressured them to end what officials described as their "illegal strike". Following a week-long strike of around 2,000 workers in mid-2021 to demand higher wages and job security, LORD's management launched a campaign of punitive measures which saw 64 workers unfairly dismissed, 10 vocal long-term employees forced to resign, and 83 others suspended

²³³ Amnesty International, "Egypt: On Labour Day – relentless assault on labour rights", 30 April 2017, [amnesty.org/download/Documents/MDE1261542017ENGLISH.PDF](https://www.amnesty.org/download/Documents/MDE1261542017ENGLISH.PDF)

²³⁴ Amnesty International, *Report 2020/21: The state of the world's human rights* (previously cited)

²³⁵ Refer to section 6.1 "Arbitrary detention and unfair trial"

²³⁶ Al-Shorouq, "تشريعية النواب توافق ميدنيا على مشروع بتعديل قانون الفصل غير التأديبي", 6 June

2021, [shorouknews.com/news/view.aspx?cdate=06062021&id=15814320-3e2d-475d-af68-9b36b130b771](https://www.shorouknews.com/news/view.aspx?cdate=06062021&id=15814320-3e2d-475d-af68-9b36b130b771); Al-Shorouq, "رئيس السكة " , 22 June 2021, [shorouknews.com/news/view.aspx?cdate=22062021&id=4bfd499-1e57-4f11-9aee-7a9bca68f44c](https://www.shorouknews.com/news/view.aspx?cdate=22062021&id=4bfd499-1e57-4f11-9aee-7a9bca68f44c)

²³⁷ Manshurat, "A new judicial principle considers gathering offenses offensive to honor and supports the dismissal of an employee who is legally convicted of committing them", 2 June 2020, [manshurat.org/node/66839](https://www.manshurat.org/node/66839)

and subjected to wage cuts, coercive interrogations and threats.²³⁸ Prior to launching the strike, some 100 workers complained to the Ministry of Manpower about the company's failure to implement the new private sector wage, while others complained about their unfair dismissals following the strike. Several workers told Amnesty International that officials failed to respond or effectively support them. One worker said that ministry officials told him they could not interfere in his dismissal and advised to find an amicable solution with his company.²³⁹ Similarly, the authorities failed to protect the rights of workers at the privately-owned Universal Company (see above), following reprisals by the company for their industrial actions and for seeking the intervention of the Ministry of Manpower. Between 10 and 29 May 2022, 65 workers who were particularly vocal during the strike, including all the board members of the Universal's Union Committee, were unfairly dismissed by the company. Amnesty International reviewed screenshots of SMS messages sent to workers to notify them of their dismissals "for inciting workers to strike" and copies of statements distributed by the company's Human Resources department on 16 May 2022 announcing that "workers who incited to strike through words or action" will be dismissed. The dismissals took place two days after the Universal Union Committee submitted complaints, reviewed by Amnesty International, to the Minister of Manpower and the president of the NHCR on 8 May 2022.²⁴⁰

Following the Covid-19 outbreak, Amnesty International documented the authorities' failure to provide workers who lost their livelihoods as a result of the economic impact of Covid-19 with sufficient social protection measures, including unemployment benefits. Between March and April 2020, tens of thousands of private sector workers were dismissed, forced to accept reduced wages, work without protective equipment or take open-ended unpaid leave.²⁴¹

Concerns remain over the implementation of the current minimum wage for private sector workers. In response to a January 2022 presidential directive to increase the minimum monthly wage to 2,700 EGP (172 USD) for private-sector workers, the National Council for Wages confirmed that the decision will be implemented on 1 July 2022.²⁴² However, the government has not been transparent about its decisions on whether it had granted around 6,000 private sector companies' exemptions from paying the minimum wage of 2,400 EGP (153 USD), which came into force on 1 January 2022. The requests for exemptions were made on the basis of Article 2 of the Ministry of Planning and Economic Development's decision No. 57/2021, which exempts companies from the minimum wage provided they present evidence of their inability to pay, but fails to outline the criteria for making the exceptions and to compensate workers who will not get paid the minimum wage from exempt companies.²⁴³ Since the decision came into force, dozens of workers, labour rights activists and lawyers repeatedly told Amnesty International that private sector companies are failing to comply by the minimum wage requirement.

Proposed legislative changes risk to further undermine labour rights. In February 2022, the Senate approved a new draft labour law²⁴⁴ which facilitates unfair dismissals without adequate compensation. The draft law enables employers to dismiss workers on the grounds of gross misconduct, including for joining an "illegal strike", without referring to a labour court as required by the current law.

²³⁸ Amnesty International, "Egypt: Authorities fail to protect striking workers from reprisals", 25 November 2021:

[amnesty.org/en/latest/news/2021/11/egypt-authorities-fail-to-protect-striking-workers-from-reprisals/](https://www.amnesty.org/en/latest/news/2021/11/egypt-authorities-fail-to-protect-striking-workers-from-reprisals/)

²³⁹ Amnesty International shared its findings and concerns with LORD Company in a letter on 26 October 2021, but received no response.

²⁴⁰ Amnesty International shared its findings and concerns with Universal Company in a letter on 30 August 2022, but received no response.

²⁴¹ Amnesty International, "Egypt: Private-sector garment workers forced to choose between health and livelihoods", 8 April 2020:

[amnesty.org/en/latest/news/2020/04/egypt-private-sector-garment-workers-forced-to-choose-between-health-and-livelihoods/](https://www.amnesty.org/en/latest/news/2020/04/egypt-private-sector-garment-workers-forced-to-choose-between-health-and-livelihoods/)

²⁴² Al-Borsa News, "القومي للأجور: زيادة الحد الأدنى للأجور إلى 2700 جنيه أول يوليو المقبل", 18 January 2022, alborsaanews.com/2022/01/18/1500529

²⁴³ Al-Watan, "القومي للأجور: 5895 شركة قدموا طلبات للاستثناء من تطبيق الحد الأدنى", 19 January 2022, [elwatannews.com/news/details/5911546](https://www.elwatannews.com/news/details/5911546)

²⁴⁴ Ahram Online, Egypt's Senate gives final approval to new Labour Law, 14 February 2022: <https://bit.ly/3BdAnn6>

RECOMMENDATIONS

The NHRS' "target results" include "strengthening employment policies", integrating the informal sector, "vocational training for staff and employees and raising their awareness of their rights and duties", "[consolidating] decent work standards... particularly safe and healthy work conditions, fair wages, mediation and arbitration mechanisms and settlement of collective work disputes in a manner that enhances workers' rights", and " [considering] legalizing domestic workers' status."²⁴⁵

On trade unions, the NHRS recommends enhancing: "capacities of trade unions and syndicate committees in collective bargaining, settlement of individual and collective disputes, and concluding collective labor agreements".²⁴⁶

Amnesty International calls on the Egyptian authorities to:

- **Uphold workers' rights to organise, form free and independent unions and strike** including by amending Law No. 12/2003 on labour and Law No.213/2017 on trade unions to ensure their full compliance with international law and standards and ending all restrictions that impede the right of workers to form and join independent trade unions of their choosing; ending all government interference in trade union and syndicate elections and activities; protecting workers from unfair dismissals for exercising their rights to freedom of expression, peaceful assembly and association; and ensuring the implementation of the new minimum wage by private-sector companies.

10. CONCLUSION

The NHRS reflects a lack of political will to acknowledge, let alone take meaningful steps to address, rampant human rights violations committed with impunity. The NHRS overemphasises legal and constitutional guarantees for the protection of human rights, overlooking their lack of conformity with international human rights law or how they are flouted in practice. It lays the blame of the minimal human rights concerns it acknowledges on security considerations, social-economic difficulties and right-holders themselves for lack of awareness of their rights. The document is essentially a one-stop shop to learn about human rights topics which the Egyptian authorities accept to discuss and what little improvements they admit are needed.

Since its launch, pro-government media outlets and their contributors or guests, much like state officials, have widely praised the NHRS and its prompt implementation by relevant state institutions, in line with presidential directives.²⁴⁷ Often using identical language, such outlets have portrayed the NHRS as a continuation of previous achievements in the field of human rights and fundamental freedoms, and as "a roadmap upholding the dignity of the citizen"²⁴⁸ and "consolidating the founding principles of the new republic"²⁴⁹ during the era of President Abdel Fattah al-Sisi.

Behind closed doors, including in meetings with representatives of other governments, the Egyptian authorities have referred to the NHRS to deflect criticism of their human rights record and have sought to redefine Egypt's international obligations by tailoring human rights reforms within the limits set by the NHRS. By claiming that the NHRS serves as a nationally adopted roadmap, setting priorities until September 2026, the government has been insisting on using NHRS as a framework for

²⁴⁵ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p55

²⁴⁶ SSCHR, *NHRS - The Republic of Egypt 2021-2026* (previously cited), p36

²⁴⁷ Youm7, "رئيس الوزراء: توجيهات رئاسية بمتابعة تنفيذ الاستراتيجية الوطنية لحقوق الإنسان", 24 February 2022, <https://bit.ly/3qjBSLk>

²⁴⁸ Al-Masry Al-Youm, "وزير الخارجية: «استراتيجية حقوق الإنسان» تجسد خارطة طريق جادة لإعلاء كرامة المواطن", 11 September 2021, almasryalyoum.com/news/details/2414903

²⁴⁹ Al-Ahram, "استراتيجية مصر لحقوق الإنسان تعبر الحدود. أطلقها الرئيس السيسي لإعلاء لكرامة المواطن المصري", 30 September 2021, gate.ahram.org.eg/News/2971630.aspx

discussions on human rights, rather than grounding these in its obligations under international human rights law or recommendations made to Egypt at its last UPR review in November 2019. Over the past year, Amnesty International representatives have attended meetings where Egyptian government officials, including from the Ministry of Foreign Affairs, members of the SSCHR and the NCHR presented the NHRS as a major human rights achievement, arguing that it reflects the authorities' commitment and political will to implement reforms. Government officials from other countries and international NGOs have reported the use of similar language during their meetings with Egyptian officials.

While some “target results” in the NHRS could lead to improvements if implemented, the NHRS is above all an attempt to cover-up the Egyptian authorities' shameful record on human rights rather than offer concrete commitments to improve it. If the Egyptian authorities are genuine in tackling the human rights crisis in the country and breaking the cycle of impunity, they must go beyond the modest recommendations presented in their NHRS and take steps to implement those presented by Amnesty International (See recommendations in chapters 4 to 9 of this briefing).

The international community must also play a crucial role by increasing the pressure on the Egyptian authorities to end the human rights crisis and signalling that the status quo will no longer be tolerated, including by supporting efforts to establish a monitoring and reporting mechanism on the human rights situation in Egypt at the UN Human Rights Council.

Recommendations to UN member states:

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

Amnesty International is a movement of 10 million people which mobilizes the humanity in everyone and campaigns for change so we can all enjoy our human rights. Our vision is of a world where those in power keep their promises, respect international law and are held to account. We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and individual donations. We believe that acting in solidarity and compassion with people everywhere can change our societies for the better.

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