



Home Office

# Country Policy and Information Note

## Egypt: Military Service

Version 2.1

March 2023

# Preface

## Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in the [Introduction](#) section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into 2 parts: (1) an assessment of COI and other evidence; and (2) COI. These are explained in more detail below.

## Assessment

This section analyses the evidence relevant to this note - that is information in the COI section; refugee/human rights laws and policies; and applicable caselaw - by describing this and its inter-relationships, and provides an assessment of, in general, whether one or more of the following applies:

- a person is reasonably likely to face a real risk of persecution or serious harm
- that the general humanitarian situation is so severe that there are substantial grounds for believing that there is a real risk of serious harm because conditions amount to inhuman or degrading treatment as within [paragraphs 339C and 339CA\(iii\) of the Immigration Rules](#) / Article 3 of the [European Convention on Human Rights \(ECHR\)](#)
- that the security situation is such that there are substantial grounds for believing there is a real risk of serious harm because there exists a serious and individual threat to a civilian's life or person by reason of indiscriminate violence in a situation of international or internal armed conflict as within [paragraphs 339C and 339CA\(iv\) of the Immigration Rules](#)
- a person is able to obtain protection from the state (or quasi state bodies)
- a person is reasonably able to relocate within a country or territory
- a claim is likely to justify granting asylum, humanitarian protection or other form of leave, and
- if a claim is refused, it is likely or unlikely to be certifiable as 'clearly unfounded' under [section 94 of the Nationality, Immigration and Asylum Act 2002](#).

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case's specific facts.

## Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation's (ACCORD), [Researching Country Origin Information – Training Manual](#), 2013. Namely, taking into account the COI's relevance, reliability, accuracy, balance, currency, transparency, and traceability.

The structure and content of the country information section follows a [terms of reference](#) which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the 'cut-off' date(s) in the country information section. Any event taking place or report/article published after these date(s) is not included.

All information is publicly accessible or can be made publicly available. Sources and the information they provide are carefully considered before inclusion. Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge, and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate and balanced, which is compared and contrasted where appropriate so that a comprehensive and up-to-date picture is provided of the issues relevant to this note at the time of publication.

The inclusion of a source is not, however, an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a footnote. Full details of all sources cited and consulted in compiling the note are listed alphabetically in the bibliography.

### **Feedback**

Our goal is to provide accurate, reliable and up-to-date COI and clear guidance. We welcome feedback on how to improve our products. If you would like to comment on this note, please email the [Country Policy and Information Team](#).

### **Independent Advisory Group on Country Information**

The [Independent Advisory Group on Country Information](#) (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

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# Assessment

Section updated on 25 October 2022

## 1. Introduction

### 1.1 Basis of claim

- 1.1.1 Fear of persecution or serious harm by the state because of:
- a. the treatment and/or conditions likely to be faced by the person during compulsory military service duties; or
  - b. the penalties likely to be faced by the person's refusal to undertake, or their desertion from, military service duties; or
  - c. military service would involve acts, with which the person may be associated, which are contrary to the basic rules of human conduct
- 1.1.2 For guidance on military service generally, decision makers must see the Asylum Instruction on [Military Service and Conscientious Objection for guidance on the general principles and relevant caselaw on considering claims based on evading or deserting from military service.](#)

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2.2 **Refugee convention reason**

2.2.1 Simply evading / deserting from military service does not in itself give rise to a Refugee Convention ground.

2.2.2 Some persons may claim that refusing to do military service, including as a conscientious objector, will be perceived by the state as an act of political opposition.

2.2.3 The [Asylum Instruction on Military Service and Conscientious Objection](#) and paragraph 22 of the House of Lords judgement in the case of [Sepet & Another v. SSHD \[2003\] UKHL 15](#) explain that it is necessary to carefully examine the reason for the persecution in the mind of the persecutor rather than the reason which the victim believes is why they are being persecuted.

2.2.4 The available country evidence indicates that Egyptian authorities would not consider evading or deserting military service an act of political opposition, unless done on political grounds. If a person is penalised on return, it is for the criminal offence of evading or deserting national service (see [Authorities' perception of evaders and conscientious objectors](#)).

2.2.5 Persons who have deserted or evaded military service including as conscientious objectors do not form a particular social group (PSG) within the meaning of the 1951 UN Refugee Convention. This is because though they may share the experience of having deserted or avoided military service they do not have a distinct identity which is perceived as being different by the surrounding society.

- 2.2.6 For further guidance on particular social groups, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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## 2.3 Exclusion

- 2.3.1 Decision makers must consider whether there are serious reasons for considering whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts and merits.
- 2.3.2 If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection (which has a wider range of exclusions than refugee status).
- 2.3.3 For guidance on exclusion and restricted leave, see the Asylum Instruction on [Exclusion under Articles 1F and 33\(2\) of the Refugee Convention](#), [Humanitarian Protection](#) and the instruction on [Restricted Leave](#).

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## 2.4 Risk of persecution / serious harm

### a. Requirement to undertake national/military service

- 2.4.1 The law states that men aged between 18 and 30 are required to undertake military service in the armed forces (including military businesses), police or prison service. A 2010 amendment to The National Military Service Act stipulated only men over 18 could perform military service. In practice, most men doing their military service were over 20. There is no alternative to military service (see [Alternatives to military service](#), General requirements and Age, recruitment, and length of service).
- 2.4.2 The following categories of men don't have to undertake military service and are therefore not at real risk of persecution or serious harm for evading conscription:
- men under the age of 18 or over the age of 30
  - men who have completed military service
  - students who are exempted
  - only son /sole breadwinner of deceased father or a father who is unable to earn a living
  - oldest son /brother of a citizen killed or injured in military operation

- f. son of an officer, soldier, or volunteer who died or was injured in military operation
- g. men with medical conditions
- h. dual nationals
- i. those who have already served in the army of a foreign state
- j. repeat criminal offenders and those arrested as Islamists
- k. students enrolled in colleges and military institutes who after graduation will become officers in the military, police and government departments

(See [Age of recruitment and length of service](#) and [Exemptions](#))

2.4.3 A man who is required to undertake compulsory national/military service will generally not face treatment amounting to persecution or serious for not undertaking it (see [Punishment for evaders below 30](#), [Punishment for leaving the country to evade military service](#) and [Practical impact of evading military service](#)). Each case must be considered on its own facts, with the onus on the man to demonstrate that he may face such a risk.

2.4.4 Most, but not all, men undergo some form of military service. Sources indicate, however, that a significant number of eligible men do not appear to undergo military service. The total male population aged 18 to 30 in 2021 was estimated to be more than 8 million, with anywhere between 957,941 and 1,596,559 turning 18 annually. During 2021 there were reportedly around 438,500 active armed forces of which anywhere between 200,000 and 320,000 were conscripts, a difference of up to over 1 million. Conscripts also constituted a considerable portion of the 300,000 Central Security Force (CSF) There is no information in the sources consulted on the number or proportion of conscripts in the police and prison services (see [Size of the military](#)).

2.4.5 Exemption from military service is possible based on age, family circumstances (only sons), medical conditions, and personal circumstances (those studying and certain categories of government workers). Exemptions can be both temporary and permanent. For example, students who are exempt from national service must complete it, but they might be able to defer it until they have finished their studies (see [Exemptions](#) and [Study](#)).

2.4.6 There is no exemption, however, for conscientious objection. While there have been a couple of reported cases of individuals who were conscientious objectors being exempted, these were without an official explanation of why they were exempted. There is no indication that the government has changed its general position on conscientious objection: that it is not a ground for an exemption (see [Conscientious objection](#)).

2.4.7 Some men may be excluded from military service. These include persons already serving officers in the armed forces, persons in certain professions, Islamists and repeat criminal offenders (see [Exclusion from military service](#)).

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## b. [Treatment and conditions in military service](#)

- 2.4.8 In general, conditions of military service are not so harsh as to amount to persecution or serious harm. However, each case will need to be considered on its facts, with the onus on the person to demonstrate that they face such a risk.
- 2.4.9 Roles and conditions for conscripts in the Egyptian military vary. They range from serving in a military post to more quasi-civilian posts, such as guarding embassies or working in military or private run factories, offices, hotels, or companies (see [Deployment and roles](#)). Some skilled graduates are deployed to work for private companies (see [Conscripts working in military-owned business](#)).
- 2.4.10 Where a person is deployed, and therefore the conditions they work under, can be influenced by any ‘connections’ – family links which can be used to influence those determining deployments – with individuals in authority. Conscripts who can afford to reportedly pay bribes might be assigned to units or locations they prefer (see [Bribes \(“rishwa”\) and connections \(“wasta”\)](#)).
- 2.4.11 Sources describe the pay of recruits as low and the work in the quasi-civilian posts as largely mundane. There are reports of recruits being exploited as cheap labour but there is no evidence in the sources consulted to indicate that recruits are systematically mistreated (see [Pay](#)).
- 2.4.12 Simply fearing combat is not sufficient grounds to grant protection. Some conscripts may be posted to a place where they may be exposed to military combat or a risk of being exposed to security-related incidents, for example the Sinai region (see [Combat roles](#)). Sources indicated that conscripts are poorly trained and equipped leading to high number of casualties among the minority deployed to Sinai for combat and other roles (see [Training and equipment](#)). However, the number of attacks and resulting number of fatalities in Sinai have been declining since 2016. The Global Terrorism Database and Armed Conflict Location & Event Project data indicated that attacks decreased from 330 in 2016 to 45 in 2021 and fatalities, both civilian and military, also fell from 729 in 2017 to 69 in 2021 (see [Combat roles](#)).
- 2.4.13 For further guidance on assessing risk, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#) and the [Asylum Instruction on Military Service and Conscientious Objection](#).

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c. Penalties for draft evasion or desertion

- 2.4.14 In general, a person who deserts or evades military service or refuses to perform military service on the basis of conscientious objection is unlikely to be subject to a punishment that amounts to serious harm or persecution (see [Punishment for evasion - overview](#) and [Punishment for desertion](#)). A man who refuses to undergo military service for religious, moral or other convictions must demonstrate that any punishment he would face would be disproportionate as a direct result of their deeply held convictions. Each case must be considered on its facts, with the onus on the man to demonstrate that they face a risk of serious harm or persecution.

- 2.4.15 The penalty for draft evasion under the military Conscription Law 127 of 1980 depends on the situation and on the age of the person (see [Punishment for evasion - overview](#))
- 2.4.16 If the draft evader is under 30 years of age and simply did not show up for the medical examination or did not submit documentation to confirm his military status upon turning 18, the penalty is an extra year of service (see [Punishment for evaders below 30](#)).
- 2.4.17 If the draft evader is 30 years or over and simply did not show up for the medical examination or did not submit documentation to confirm his military status the penalty up to 2 years imprisonment and/or a fine of 2,000 to 5,000 Egyptian pounds (EGP, approximately £90 – 224). In 2015 one source indicated that in most such cases there is a short hearing in a military court and impose a fine ranging from 2,200 to 2,300 EGP (approximately £99 - 103) but not a prison sentence (see [Punishment for evaders over 30](#)).
- 2.4.18 A draft evader who submitted fraudulent documents to avoid conscription, could face 3 to 7 years imprisonment under article 50 of the Military Conscription Law (see [Punishment for leaving the country to evade military service](#)).
- 2.4.19 Leaving the country to avoid military service is punished under Article 54 of the Conscription Law which addresses all other violations and imposes a penalty of no less than 2 years in prison or a fine between 2,000 and 5,000 Egyptian pounds EGP approximately 90 – 224 GBP) or both. Leaving the country to avoid military service can also be punished under stricter provisions in the Penal Code for civilians if the Military Prosecutor seeks the assistance of the General Prosecutor. If a draft evader leaves Egypt, returns, and is asked to contact the conscription office, then leaves again without doing so, he is considered a repeat evader and faces up to 7 years in prison under Article 50 of the Military Conscription Law. In such cases, the Military Prosecutor may also seek the assistance of the General Prosecutor, and the evader may be classified as ‘wanted’ a ‘stricter’ penalty may be imposed in accordance with the Penal Code (see [Punishment for leaving the country to evade military service](#)).
- 2.4.20 Sources indicated that conscientious objection is criminalised in Egypt. One source stated that the military can use many laws within the penal code, Law 127 on Conscription, or Law 25 of 1966 on military courts to criminalize those opposing the military service (see [Punishment for conscientious objectors](#)).
- 2.4.21 The punishment for desertion has no limitation period and a man who deserts the battlefield can, in theory, be punished by death. However, if the crime of desertion is not committed on the battlefield it is punishable by prison sentence, or a lesser punishment (the relevant provisions do not provide the length of the prison sentence or amount of fine to be paid for desertion) (see [Punishment for desertion](#)).
- 2.4.22 Sources indicate that the penalties for draft evasion are usually enforced. However, there are no statistics in the sources consulted on the number of draft evaders / deserters imprisoned or fined, or length of detention for refusing to undertake military service in practice. Amnesty International

reported that there are restrictions on civilians' right to freedom of expression and access to information regarding military activities, and reporting on the military is criminalised (see [Punishment for evasion - overview](#)).

- 2.4.23 Detention conditions generally are poor due to widespread overcrowding, lack of adequate access to medical care, proper sanitation and ventilation, food, and potable water. The sources also indicate that some detainees, particularly members of opposition or government critics, may be subjected to human rights violations, including torture or other harm. Treatment and conditions are likely to vary according to the reasons why a person is detained, the facility they are detained in and their personal circumstances (see [Practical impact of evading military service](#)). Amongst the sources consulted (see [Bibliography](#)) none suggest that draft evaders or deserters were specifically targeted for ill treatment.
- 2.4.24 Persons who have not completed military service and not obtained an exemption may not be able to travel or migrate, obtain a passport, and may find it difficult to obtain employment or complete their studies (see [Evasion and desertion in practice](#)).
- 2.4.25 The punishment for draft evasion and desertion varies depending on the circumstances in which the man avoided military service. While exact data on the number and type of punishments are not clear, there is no indication that a man is likely to face a disproportionate punishment or held in conditions that are inhuman or degrading for draft evasion or desertion during peacetime which amounts to serious harm or persecution. However, deserting from a battlefield would potentially attract a death sentence (see [Punishment for evasion - overview](#) and [Punishment for desertion](#)).

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#### d. Acts contrary to the basic rules of human conduct

- 2.4.26 In general, a conscript is not likely to be required to commit an act that is contrary to the basic rules of human conduct. However, whether or not a conscript is likely to be required to commit an act that is contrary to the basic rules of human conduct will need to be considered on a case by case with the onus on the claimant to demonstrate that are likely to be required to do so.
- 2.4.27 The Military Judiciary Act imposes the death penalty on members of the armed forces, including conscripts, for several offences involving the enemy, such as mistreating prisoners of war or those injured in battle, looting, loss, and vandalism, and abuse of power, implying that such acts are prohibited and illegal. The constitution and penal code also prohibit torture against detainees. However, Egyptian security forces, including the military, have been accused of human rights violations including torture and ill-treatment against detainees and of violating article 3 Common to the Geneva Convention and customary humanitarian law applicable to non-international armed conflict (see [Abuses by security forces](#)). Sources indicated that perpetrators of torture and other human rights violations almost universally enjoyed impunity (see [Torture and other abuses](#)).
- 2.4.28 Egyptian forces are engaged in fighting against Islamist insurgents in North Sinai. Some conscripts may be deployed in combat roles in North Sinai

however the large majority will not (see [Deployment and roles undertaking military service](#)). In 2018, there 88 battalions with 42,000 soldiers stationed in Sinai Peninsula up from 41 battalions and 25,000 men the previous year. The World Factbook 2022 observed that there were thousands of soldiers, police officers, and other security professionals stationed in the Sinai, and tribal militias supported the security forces (see [Conscripts and the Sinai](#)).

- 2.4.29 Some sources claimed that security forces engaged in human rights violations including torture against detainees (see [Abuses by security forces](#)) and that security forces and affiliated militias engaged in counter-insurgency operations in Sinai carried out activities such as torture, enforced disappearances, and deliberate targeting of civilians which amounted to violations of humanitarian law. However, one source indicated that Egyptian armed forces had shifted their counterinsurgency strategy and tactics which reduced indiscriminate attacks and the targeting of civilians (see [Violations of humanitarian law and article 3 common to the 1949 Geneva Conventions](#)).
- 2.4.30 For guidance on Article 1F see the [Asylum Instruction on Exclusion: Article 1F of the Refugee Convention](#), and guidance on assessing risk, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#) and the [Asylum Instruction on Military Service and Conscientious Objection](#).

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## 2.5 Protection

- 2.5.1 As the person's fear is of persecution/serious harm at the hands of the state, they will not be able to avail themselves of the protection of the authorities.
- 2.5.2 For further general guidance on assessing the availability of state protection, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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## 2.6 Internal relocation

- 2.6.1 As the person's fear is of persecution/serious harm at the hands of the state, they will not be able to relocate to escape that risk.
- 2.6.2 For further guidance on considering internal relocation and factors to be taken into account see the Asylum Instruction on [Assessing Credibility and Refugee Status](#).

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## 2.7 Certification

- 2.7.1 A claim made by the following persons is likely to be certified as clearly unfounded:
- Women (as they are not required to perform military service)
  - Men who are exempt or excluded from, or have completed, military service
  - Men over 30 years of age as they in practice cease to be eligible for military service

- 2.7.2 Where another claim based on a refusal to undertake military service is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.
- 2.7.3 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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# Country information

Section updated on 25 October 2022

## 3. Military

### 3.1 Size

#### 3.1.1 The CIA World Factbook updated May 2022 (World Factbook 2022) noted:

'Egyptian Armed Forces (EAF): Army (includes Republican Guard), Navy (includes Coast Guard), Air Force, Air Defense Command, Border Guard Forces; Interior Ministry: Public Security Sector Police, the Central Security Force, National Security Sector (2022)

'[N]ote 1: the Public Security Sector Police are responsible for law enforcement nationwide; the Central Security Force protects infrastructure and is responsible for crowd control; the National Security Sector is responsible for internal security threats and counterterrorism along with other security services

'[N]ote 2: in addition to its external defense duties, the EAF also has a mandate to assist police in protecting vital infrastructure during a state of emergency; military personnel were granted full arrest authority in 2011 but normally only use this authority during states of emergency and "periods of significant turmoil".<sup>1</sup>

#### 3.1.2 USSD 2021 annual report on human rights in Egypt (USSD 2022) noted:

'The Interior Ministry supervises law enforcement and internal security, including the Public Security Sector Police, the Central Security Force, the National Security Sector, and the Passports, Immigration, and Nationality Administration. The Public Security Sector Police are responsible for law enforcement nationwide. The Central Security Force protects infrastructure and is responsible for crowd control. The National Security Sector is responsible for internal security threats and counterterrorism along with other security services. The armed forces report to the minister of defense and are responsible for external defense, but they also have a mandate to assist police in protecting vital infrastructure during a state of emergency. On October 25, President Sisi announced he would not renew the state of emergency that expired on October 24 and had been in place almost continuously nationwide since 2017 after terrorist attacks on Coptic churches ... Defense forces operate in North Sinai as part of a broader national counterterrorism operation with general detention authority ... Civilian authorities maintained effective control over the security forces. Members of the security forces committed numerous abuses.<sup>2</sup>

#### 3.1.3 The World Factbook 2022 estimated EAF size at 450,000 active personnel consisting of 325,000 Army, 18,000 Navy, 30,000 Air Force and 75,000 Air Defense Command<sup>3</sup>. The annual Global Firepower Index review which provides data concerning 142 modern military powers and ranks them based

<sup>1</sup> CIA World Factbook, '[Egypt](#)' (section on military and security), last updated 19 October 2022

<sup>2</sup> USSD, '[2021 country report on human rights practices: Egypt](#)' (Executive summary), 12 April 2022

<sup>3</sup> CIA World Factbook, '[Egypt](#)' (section on military and security), last updated 19 October 2022

on their potential war-making capability in its 2022 report (GPF 2022) ranked Egypt 12<sup>th</sup> and further noted that Egypt had 450,000 active personnel, 300,000 paramilitary personnel and 480,000 reserves<sup>4</sup>.

- 3.1.4 The Bertelsmann Stiftung Transformation Index, 'Egypt Country Report 2022' (BTI 2022) in 2021, stated that the Egyptian military and security apparatus largely control the political sphere and had considerable power to shape policies and to place or remove individuals from office<sup>5</sup>. Freedom House, 'Freedom in the world report 2022' covering events in 2021 (FH 2022) similarly noted that '[s]ince the 2013 coup, the military and intelligence agencies dominate the political system, with most power and patronage flowing from Sisi and his domestic allies in the armed forces and security agencies ... Most of Egypt's provincial governors are former military or police commanders'<sup>6</sup>

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## 3.2 Conscripts

- 3.2.1 An article published by the Washington-based media site Al-Monitor stated that '...[a] lack of transparency in Egypt's state institutions makes it hard to obtain concrete figures on the number of conscripts enlisted each year, how many evade service and how many end up in prison.'<sup>7</sup>
- 3.2.2 The US Library of Congress study, 'Egypt: a country study' edited by Helen Chapin Metz (USLC, 1991) stated '[a]lthough 519,000 men reached the draft age of twenty each year, only about 80,000 of these men were conscripted to serve in the armed forces.'<sup>8</sup> The Conscience and Peace Tax International (CPTI 2021), an international peace movement whose aim is to obtain recognition of the right to conscientious objection to paying for armaments and war preparation and war conduct through taxes, noted in its submission on Egypt at the 134th Human Rights Committee that 957,941 males reached recruitment age annually<sup>9</sup>. According to GPF 2022 report, Egypt had a population of 106,4327,241 out of which 41.0% (43,639,269) was available for military service, 34.4% (36,614,411) was fit for service and 1.5% (1,596,559) reached military age annually.<sup>10</sup>
- 3.2.3 The Australian Department of Foreign Affairs and Trade in a June 2019 report (DFAT 2019) assessed 'that most (but by no means all) Egyptian males will undergo some form of national service.'<sup>11</sup>
- 3.2.4 Lifos, the Swedish Migration Agency's expert institution for legal and country of origin information, report, 'The state of the justice and security', of September 2015 (Lifos 2015) noted that '[t]he CSF is the largest paramilitary group, with a force of 350,000 Individuals ... The CSF recruits its personnel primarily from army conscripts with no former education.'<sup>12</sup> An article in the

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<sup>4</sup> GPF '[2022 Egypt military strength](#)', updated 9 April 2022

<sup>5</sup> BTI, '[Egypt country report 2022](#)' (political participation), no date

<sup>6</sup> FH, '[Freedom in the world 2022 – Egypt](#)', 28 February 2022

<sup>7</sup> Al-Monitor, '[Egypt's draft dodgers](#)', 22 July 2015

<sup>8</sup> USLC, '[Egypt a country study](#)' (page 320), 1991

<sup>9</sup> CPTI, '[Submission to the Human Rights Committee 134<sup>th</sup> Session ...](#)', Prepared in December 2021

<sup>10</sup> GPF '[2022 Egypt Military Strength](#)', updated 9 April 2022

<sup>11</sup> DFAT, '[Country Information Reports- Egypt](#)' (para 3.98), 17 June 2019

<sup>12</sup> Lifos, '[The state of the justice and security sector in Egypt](#)', (para 5.1.4), September 2015

Egypt Independent, the English-language publication of Al-Masry Al-Youm daily, the country's flagship independent paper based on interviews with former conscripts dated 11 November 2012 also noted that '[t]he CSF is composed of men called up for Egypt's obligatory military service but who — usually because of a lack of educational qualifications or vocational skills — fail to make the cut for the army.'<sup>13</sup>

- 3.2.5 The Malcolm H Kerr Carnegie Middle East Center paper 'The Egyptian military: A slumbering giant awakes' by Robert Springborg, a retired professor of national security affairs and research fellow at the Italian Institute of International Affairs and F. C. 'Pink' Williams, retired major general and former US defense attaché in Cairo, of 28 February 2019 (Springborg and Williams 2019) noted that 'of the total number of active duty and reserve personnel of some 850,000, poorly educated conscripts comprise the overwhelming majority.'<sup>14</sup> Similarly, the World Factbook 2022 observed that as of 2020, conscripts were estimated to comprise over half of the military and a considerable portion of the 300,000 CSF<sup>15</sup>. CPTI 2021 also noted that of Egypt's 438,500 active armed forces 320,000 were conscripts<sup>16</sup>.

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## 4. General requirements

### 4.1 Law

- 4.1.1 War Resisters' International, a global pacifist and antimilitarist network with over 90 affiliated groups in 40 countries, noted, '[a]ccording to article 58 of the constitution of Egypt, "defence of the homeland and its territory is a sacred duty and conscription is compulsory, in accordance with the law". Military service is regulated by the 1980 Military and National Service Act no. 127.'<sup>17</sup> <sup>18</sup> The Australian Department of Foreign Affairs and Trade (DFAT) report released in June 2019 (DFAT 2019) noted that 'Military service is regulated by the Law on the Military and National Service (Law 127/1980).'<sup>19</sup>
- 4.1.2 Article 86 of the 2014 (rev. 2019) Egyptian Constitution, published by Constitute, an organisation which provides access to the world's constitutions and translated by International IDEA [Institute for Democracy and Electoral Assistance] with updates by the Comparative Constitutions Project, stated, '[P]reservation of national security is a duty, and the commitment of all to uphold such is a national responsibility ensured by law. Defense of the nation and protecting its land is an honour and sacred duty. Military service is mandatory according to the law.'<sup>20</sup>

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<sup>13</sup> Egypt Independent, '[Brute force: Inside the Central Security Forces](#)' 11 November 2012

<sup>14</sup> Springborg, R and Williams, F C , '[The Egyptian military: A slumbering giant ...](#)', 28 February 2019

<sup>15</sup> CIA World Factbook, '[Egypt](#)', (section on military and security), last updated 19 October 2022

<sup>16</sup> CPTI, '[Submission to the Human Rights Committee: 134th Session for the...](#)', December 2021

<sup>17</sup> War Resisters' International, 'Country report and updates: Egypt', last revised 21 July 1998

<sup>18</sup> War Resisters' International, '[Egypt: first conscientious objector](#)', 8 November 2010

<sup>19</sup> DFAT, '[Country Information reports- Egypt](#)' (para 3.98), 17 June 2019

<sup>20</sup> Constitute, '[Project Constitutions - Egypt 2014 \(rev.2019\)](#)', April 2022

## 4.2 Age of recruitment and length of service

- 4.2.1 War Resister's International noted that under the 1980 Military and National Service Act no. 127 '... All men between 18 and 30 are liable for military service, which lasts for 3 years. Graduated students serve for a period of 18 months. After serving, conscripts belong to the reserves for 7 years.'<sup>21</sup>
- 4.2.2 The DFAT report 2019 stated, '[a]ll Egyptian males older than 18 are required to serve. Recruits face up to three years of mandatory service ...'<sup>22</sup>
- 4.2.3 Child Soldiers International, formerly the Coalition to Stop the Use of Child Soldiers, which was incepted in 1998 by individuals from Human Rights Watch, Amnesty International, Save the Children, and other NGO actors to press the UN to adopt a treaty outlawing the recruitment and use of children, and which ceased to operate in June 2019<sup>23</sup>, in its 'Child Soldiers Global Report 2008 – Egypt' (CSI 2008), noted that, 'major constitutional amendments in March 2007 did not affect military service, which, in accordance with Article 58 of the constitution and Article 1 of the 1980 Military and National Service Act, remained compulsory for men aged between 18 and 30. Standard military service lasted three years; lesser terms were stipulated for those with certain types of education, such as higher education graduates.'<sup>24</sup>
- 4.2.4 The World Factbook last updated 4 May 2022 (World Factbook 2022) noted that voluntary enlistment is possible from age 16 for men and women and compulsory for men aged 18-30 years. The length of service is between 14 and 36 months followed by a 9-year reserve obligation. Active service length depends on education with high school dropouts serving the full 36 month while college graduates served for lesser periods of time, depending on their education<sup>25</sup>.
- 4.2.5 The Egyptian representative informed the 1624th meeting, fifty-seventh session of the Committee for the Rights of the Child (CRC) on the question of Egypt's the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict' that, 'National Military Service Act, amended in 2010, stipulated that only persons over 18 could perform their military service. In practice, most persons doing their military service were over 20 ...'<sup>26</sup> CPIT did not find other independent sources to corroborate this claim in the sources consulted (see [Bibliography](#)).
- 4.2.6 However, a call up for new conscripts for April 2021 appear to have targeted those at least 19 years old. The Armed Forces News of 15 December 2020 reported:

'General Mohamed Zaki, the Commander-in-Chief of the Armed Forces, Minister of Defense and Military Production, approved the acceptance a new

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<sup>21</sup> War Resister's International '[Country reports and updates: Egypt](#)' last revised 21 July 1998

<sup>22</sup> DFAT, '[Country Information reports- Egypt](#)' (para 3.98), 17 June 2019

<sup>23</sup> CSI, '[Child Soldiers International Announcement](#)', 12 April 2019

<sup>24</sup> CSI, '[Child Soldiers Global Report 2008 – Egypt](#)', (National recruitment legislation ...), 20 May 2008

<sup>25</sup> CIA World Factbook, '[Egypt](#)' (section on military and security), last updated 19 October 2022

<sup>26</sup> CRC, '[Summary record of the 1624th meeting, held at the Palais...](#)' (para 63), 21 November 2011

batch of recruits for April 2021. The new recruits shall be received on the 26<sup>th</sup> DEC 2020, and according to the following conditions:

'First, Postgraduates:

- Born in the period from 1st January till 30th June, of all years up to the year 2000.
- Graduates of all government and private colleges and higher institutes who obtained their academic qualifications and approved their results during the period from 1st October 2020 till January 2021.
- Graduates of faculties of medicine ... who completed the internship year and their training period from the 1st of October 2020 till January 2021. As well, who were born between 1st, January and 30th, June of the year 2001, also, Graduates that did not apply for conscription the past years.

'... Second: Upper-Intermediate Degree Holders:

- Born in the period from 1st January till 30th June, of all years up to the year 2000 who obtained their upper-intermediate degree during the period from 1st October 2020 till January 2021. As well, those who were born in the period from 1st January till 30th June, of all years up to the year 2001, who obtained their upper-intermediate degree during the period from 1st February 2020 till the end of January 2021. In addition to those who did not apply for conscription the past years.

'... Third: Intermediate Degree Holders:

- Born in (April- May - June) of 2001 who obtained their intermediate degree during the 2019-2020 educational year. In addition to those who were born in (April- May - June) of 2000 or earlier who obtained their intermediate degree during the 2019-2020 educational year. Who did not apply for conscription the past years,

'... Fourth: No Educational Degrees:

- Born in (April – May – June) of 2001.
- Those who did not apply for conscription the past years.<sup>27</sup>

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### 4.3 Procedures for drafting conscription

#### 4.3.1 USLC 1991 observed:

'The government required all males to register for the draft when they reached age sixteen. The government delineated several administrative zones for conscription purposes. Each zone had a council of military officers, civil officials, and medical officers who selected draftees. Local mayors and village leaders also participated in the selection process. After the council granted exemptions and deferments, it chose conscripts by lot from the roster of remaining names. Individuals eligible to be inducted were on call for three years. After that period, they could no longer be drafted.'<sup>28</sup>

<sup>27</sup> AFN, '[The armed forces accepts new conscripts of April 2021](#)', 15 December 2020

<sup>28</sup> USLC, '[Egypt a country study](#)' (page 320), 1991

4.3.2 The Armed Forces News (AFN) of 15 December 2020 reported that new conscripts for April 2021 should go to the conscription and mobilization offices to register and then go to conduct a medical check in the conscription and mobilization areas. The new conscripts were required to take the following document: national ID, military and national service card (Form#6), original copy of the birth certificate or an official copy, an approved criminal sheet issued from the police station of residence, fingerprints (Form#1) issued from the conscription representative of the police station of residence (applies only for no educational degrees recruits), blood type, original copy of the educational degree, internship-training certificate for doctors, marriage certificate (if applicable), driver's license (if applicable), original dismissal letters for those who have been dismissed that specifies the date and reason of the dismissal decision (if applicable), and the appointment decision and letter for teaching assistants, teachers, or resident doctors (if applicable)<sup>29</sup>.

4.3.1 In email correspondence with CPIT on 22 July 2022 a senior Middle East and North Africa researcher at Human Rights Watch observed:

'The process to be drafted is very well structured and it has several phases. Normally, as a university graduate you go after your graduation to finalize some paperwork with the police station then there's a day when you go to a military base to hear whether you're exempted or drafted and for how long. If you're drafted there's a scheduled day when hundreds or thousands of soldiers-to-be go to the military base in Zayton East Cairo to be medically examined and then the same day or maybe some other day you see a few senior officers (Kash al-Hay'a) who ask you a few questions. During this process people are also handed forms they have to fill that ask about your background including questions like: Have you been politically active? Have you been convicted before? Do you have any weird beliefs (like being atheist)? do you have any relatives who are foreigners or dual nationals? ... etc. The medical examination also includes the infamous anal examination perceived to identify gay people. When they find out someone is gay, they get exempted on security grounds too.'<sup>30</sup>

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## 5. Exemptions

### 5.1 Overview

5.1.1 USLC1991 noted, 'although it was no longer possible for a prospective conscript to pay a fee in lieu of service, he could still apply for an exemption.'<sup>31</sup> The DFAT 2019 report observed that 'exemptions and deferrals are common' and these dependent on personal and family circumstances<sup>32</sup>.

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<sup>29</sup> AFN, '[The armed forces accepts new conscripts of April 2021](#)', 15 December 2020

<sup>30</sup> HRW Researcher, Email Correspondent with CPIT, 22 July 2022

<sup>31</sup> USLC, '[Egypt a country study](#)', (page 320), 1991

<sup>32</sup> DFAT, '[Country Information Report- Egypt](#)' (para 3.100), 17 June 2019

5.1.2 The Immigration and Refugee Bureau of Canada response to information request dated 25 October 2021 (IRB RIR October 2021), noted that Egypt's Ministry of Defence is responsible for issuing military service records:

'... Military documents indicating military service status, whether it is completion, exemption, exclusion, or payment of a penalty for absence, can be obtained in person at an Egyptian embassy or within Egypt at the local authority's office, and through a proxy or family member of the first degree located in Egypt, should the applicant reside abroad and the nearest embassy or consulate is not able to provide the required services; however, "it is unlikely that in practice that would be accepted because the authority in Egypt will likely rule that the applicant can present themselves at an embassy or consulate abroad that does provide these services"... military service documents cannot be obtained through a proxy at an embassy...'<sup>33</sup>

5.1.3 Ahram Online, an English language news website, reported on 27 December 2018 the launch of an online portal by the ministry of defence for conscription services where Egyptian males can apply for travel authorization and exemption certificates<sup>34</sup>.

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## 5.2 Age

5.2.1 A Middle East Eye (MEE), a London-based online news outlet covering events in the Middle East and North Africa, article from 21 October 2016 noted that under the Law on the Military and National Service (Law 127/1980) all Egyptian men between 18 and 30 years of age are obligated to undertake military service. However, men are no longer required to enlist in the military once they reach the age of 30<sup>35</sup>. The IRB RIR dated 17 August 2018 (IRB August 2018), based on a range of sources observed that many young Egyptians leave the country and then come back after they reach the age of 30, which is the cut off for conscription<sup>36</sup>. According to the DFAT 2019 report men are permanently exempt once they turn 30<sup>37</sup>.

5.2.2 On 4 November 2012, the online newspaper, The Daily News, reported:

'Four groups of military personnel representing the Ministry of Defence and Military Production departed overseas on Sunday to contact Egyptians living abroad with regards to fulfilment of their mandatory military service. The groups will travel to Europe, America, the Gulf, and other Arab states for two weeks ...

'The purpose [of the visit] ... is to locate young Egyptians living abroad who have not completed their mandatory military service and try to settle their status regarding military service. Those over 30 will be considered to have defaulted on their service and will be fined ....'<sup>38</sup>

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<sup>33</sup> IRB, '[Egypt: Passports, including their appearance and ...](#)' (para 3.3), 25 October 2021

<sup>34</sup> Ahram Online, '[Egypt military launches online portal ...](#)', 27 December 2018

<sup>35</sup> Middle East Eye, '["It is hell": Chronicles of military conscripts in Egypt](#)', 21 October 2016

<sup>36</sup> IRB, '[Egypt: Circumstances under which evading military service ...](#)' (para 2), 17 August 2018

<sup>37</sup> DFAT, '[Country Information Report- Egypt](#)', (para 3.100), 19 May 2017

<sup>38</sup> The Daily News, '[Military to settle service issues with Egyptians abroad](#)' 4 November 2012

- 5.2.3 In an article on 1 November 2012, Khaleej Times, a UAE English language daily newspaper, reported that Egyptian youth in the UAE who fail to appear for the mandatory military service can approach the Embassy of Egypt in Abu Dhabi from November 16 to 20 to amend their position and pay the set fine. The report quoted Col Mahmud Saad, Military Attaché of Egypt in Abu Dhabi who said, “[a]ll those above 30 years in age are eligible to apply. Instead of travelling to Egypt, they can appear before the military judicial commission in the Egyptian embassy, pay the set fine of Dh 2,163 [equivalent 511 GBP<sup>39</sup>] and amend their military position and be released ...”<sup>40</sup>
- 5.2.1 A news article on Ahram Online dated December 2017 stated, ‘Egyptian Armed Forces committee decided that men from the southern Halayeb, Shalateen, Abu Ramad and Wadi Al-Allaqi areas, who passed the age of 30 without performing mandatory military service, will be issued ‘final certificates of exemption for military service as part of the efforts by the Armed Forces to assist citizens of these border areas.’<sup>41</sup>
- 5.2.2 In 2018 the Armed Forces News (AFN), Egypt’s Ministry of Defense web portal, reported that the Minister of Defense and Military Production, had approved the travel of 11 military judicial committees to US, Italy, Kuwait, Germany, Saudi Arabia, England, Greece, France, UAE, Jordan and Bahrain to resolve the conscription statuses of the Egyptian youths abroad, and to issue certificates to terminate the conscription statuses of those who failed to perform military service and are over 30 years of age, and subject to a fine prescribed by law.<sup>42</sup>
- 5.2.3 The Egyptian Embassy in Washington website stated:  
 ‘... Temporary settlement of the conscription position of the case of failure to perform military service and exceeding the age of 30 (the age of abstention from conscription):  
 ‘The conscription position can be temporarily settled by paying the penalty for failure to perform military service to the Defense Office in Washington (\$ 588) and the citizen is issued a letter approving the issuance of a passport with full validity (7 years) for only two consecutive times, after which the final position of the conscription must be settled.’<sup>43</sup>

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### 5.3 Medical

- 5.3.1 The European Asylum Support Office (EASO), an agency of the European Union set up by Regulation (EU) 439/2010 of the European Parliament and of the Council to among other things provide country of origin information (COI) on key countries, relevant for the asylum decision-makers in the field of asylum <sup>44</sup> which was re-established as the European Union Agency for

<sup>39</sup> Xe, [‘Xe currency converter 01/09/2022](#)

<sup>40</sup> Khaleej Times [‘Egyptians in UAE can skip mandatory military service’](#), 1 November 2012

<sup>41</sup> Ahram Online, [‘Egypt minister of defence ratifies settlement of military ...’](#), 28 December 2017

<sup>42</sup> AFN, [‘Judicial Committees to Resolve Conscription Statuses of Egyptians Abroad’](#), 2 March 2018

<sup>43</sup> Embassy of Egypt Washington DC, [Military service](#), no date

<sup>44</sup> EASO, [‘European Asylum Support Office – About us’](#) no date

Asylum (EUAA)<sup>45</sup> in a query response dated 9 October 2015 (EASO October 2015) cited the German Federal Office for Migration and Refugees which noted that '[u]nder the National Military Service Act, anyone medically unfit for military service is permanently exempt.'<sup>46</sup> The same source cited Landinfo, the Norwegian Country of Origin Information Centre, which noted that medical reasons are among the legal grounds for final exemption from military service on the Egyptian Directorate of Conscription and Mobilisation's website. However, there was no specific information on which illnesses are deemed sufficient to grant final exemption nor on the documentation required<sup>47</sup>.

- 5.3.2 The website of the Egyptian Consulate General in Montreal also stated that Egyptian men can be exempted from military service on medical grounds, and conscripts can be permanently exempted from military service if they are medically unfit. This information was cited in the IRB RIR dated 20 July 20, 2018 (IRB July 2028)<sup>48</sup>. DFAT 2019 also noted that exemptions are possible for health reasons<sup>49</sup>. Sources indicated that medical examination was one of the stages for conscription.<sup>50</sup>
- 5.3.3 The EASO COI query -Egypt of 30 April 2018 observed, '[a] United Nations report dated 17 March 2010 enumerates the various grounds for exemption: ... Under the National Military Service Act, anyone medically unfit for military service is permanently exempt ...'<sup>51</sup>

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## 5.4 Family circumstances

- 5.4.1 USLC 1991 noted, 'an only remaining son whose brothers died in service ... and family breadwinners were all eligible for exemptions.'<sup>52</sup>
- 5.4.2 According to the Egyptian Ministry of Defence's website, as cited in the IRB July 2018 response, a conscript can be temporarily exempted from military service if he is:
- the only son of his living father
  - the sole supporter of his father who is unable to earn a living, as well as his brothers who are also unable to earn a living
  - the sole supporter of his widowed or [translation] "irrevocably divorced" mother, or if the latter's husband is unable to earn a living.<sup>53</sup>
- 5.4.3 The same report noted that a conscript can be permanently exempted of military service if he is:

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<sup>45</sup> EUAA '[EASO welcomes agreement establishing EU Agency for Asylum](#)' 29 June 2021

<sup>46</sup> EASO, '[Query on military service in Egypt](#)', 9 October 2015

<sup>47</sup> EASO, '[Query on Military service in Egypt](#)', 9 October 2015

<sup>48</sup> IRB, '[Egypt: Military service, including age of recruitment, ...](#)' (para 1.3), 20 July 2018

<sup>49</sup> DFAT, '[Country information report- Egypt](#)' (para 3.100), 17 June 2019

<sup>50</sup> The New Arab, '[Conscripts with connections get easy military service in Egypt](#)', 6 April 2015

<sup>51</sup> EASO, '[Egypt- Exemptions from military service](#)', 30 April 2018

<sup>52</sup> USLC, '[Egypt a country study](#)' (page 320), 1991

<sup>53</sup> IRB, '[Egypt: Military service, including age of recruitment, ...](#)' (para 1.3), 20 July 2018

- the only son of his deceased father or of a father who is unable to earn a living;
- eligible for recruitment, but is the oldest son or brother of a citizen killed or injured in military operation and then unable to earn a living;
- eligible for recruitment, but is the brother or son of an officer, soldier, or volunteer who died or was injured in military operation;
- is permanently unable to earn a living;
- 30 years old or older and is entitled to temporary exemption<sup>54</sup>.

#### 5.4.4 Likewise, DFAT 2019 observed:

‘Exemptions... can occur for family reasons, including: when an individual is an only son, is the only breadwinner, has brothers who have migrated and is supporting the family, has a brother already serving in the military, or has a father or brother who died while serving in the military. Other family reasons may also be considered. This exemption is renewed every three years for reassessment of the situation until the subject is 30 years old, at which time he receives a permanent exemption.’<sup>55</sup>

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## 5.5 Students

5.5.1 DFAT 2019 observed that ‘university students can be granted exemptions up to the age of 28 ...’<sup>56</sup> The Egyptian Consulate in London website also stated that students can apply for military exemption<sup>57</sup>.

5.5.2 The IRB reported in July 2018 stated:

‘The Ministry of Defense of Egypt states on its website that, in peace time, students can postpone their military service until they obtain their academic degree for which the postponement was granted ... The same source defines “students” as follows: [translation] Secondary school students or equivalent in the Republic up to the age of (22) years. Students up to the age of (25) years who are enrolled in colleges and will obtain a two-year college degree. Students up to the age of (28) years who are enrolled in the universities, faculties, and colleges of the Arab Republic of Egypt and equivalent in the Republic. Students studying abroad at different stages of education. ... If a student - not over the age of 29 years - exceeds in the final year of study the maximum conscription deferrals referred to, the deferral shall continue until the end of the academic year of colleges and faculties.’<sup>58</sup>

5.5.3 Similarly, a MEE article of 28 November 2016 observed that postponement of military service is possible for students for the duration of their studies<sup>59</sup>.

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<sup>54</sup> IRB, ‘[Egypt: Military service, including age of recruitment, ...](#)’ (para 1.3), 20 July 2018

<sup>55</sup> DFAT, ‘[Country information report- Egypt](#)’ (para 3.100), 17 June 2019

<sup>56</sup> DFAT, ‘[Country information report- Egypt](#)’ (para 3.100), 17 June 2019

<sup>57</sup> Egypt Consulate in the UK, ‘[Exemption from military service](#)’, no date

<sup>58</sup> IRB, ‘[Egypt: Military service, including age of recruitment, exemption ...](#)’ (para 1.2), 20 July 2018

<sup>59</sup> MEE, ‘[Egypt's army: The conscripts who refuse to serve](#)’, 28 November 2016

## 5.6 Dual nationals

- 5.6.1 The Consulate General of the Arab Republic of Egypt in the UK website stated that dual nationals can apply for exemption from military service<sup>60</sup>. The Egyptian Embassy in Washington D.C also noted that dual nationals including those who have acquired Egyptian nationality from the mother and those who have acquired foreign nationality can apply for exclusion from the performance of military service.<sup>61</sup> The MEE report of 28 November 2016 also stated that a ground for exemption is if the person 'has dual nationality.'<sup>62</sup>

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## 5.7 Excess number of conscripts

- 5.7.1 The DFAT 2019 report stated, 'the military may exempt individuals if it has an excess number of conscripts.'<sup>63</sup>
- 5.7.2 There current sources consulted ( see [Bibliography](#)) did not have information on what happened to conscripts who are exempted due to excess numbers. Nonetheless, USLC 1991 noted that '... [a]fter the council granted exemptions and deferments, it chose conscripts by lot from the roster of remaining names. Individuals eligible to be inducted were on call for three years. After that period, they could no longer be drafted.'<sup>64</sup>

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## 5.8 Certain professions

- 5.8.1 A 2017 report on Egypt's military by GlobalSecurity.org noted that 'men employed in permanent government positions, ... [and] men employed in essential industries ... were all eligible for exemptions.'<sup>65</sup> The same information is provided by USLC1991 which noted, '[m]en employed in permanent government positions ... [and] men employed in essential industries ... were all eligible for exemptions.'<sup>66</sup>
- 5.8.2 IRB July 2018 noted, '[o]n its website, the Egyptian Ministry of Defense lists four cases of exclusion from military services: [translation] ... Individuals appointed to the rank of Lieutenant in the Armed Forces or in a government body with a military system ...'<sup>67</sup>

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## 5.9 Conscientious objection

- 5.9.1 UNHCR 'Guidelines on international protection no 10: Claims to Refugee Status related to Military Service within the context of Article 1A (2) of the 1951 Convention and/or the 1967 Protocol relating to the Status of Refugees of 12 November 2014 (UNHCR 2014) stated:

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<sup>60</sup> Egypt Consulate in the UK, '[Exemption from military service](#)', no date

<sup>61</sup> Embassy of Egypt Washington DC, '[Military service](#)', no date

<sup>62</sup> MEE, '[Egypt's army: The conscripts who refuse to serve](#)', 28 November 2016

<sup>63</sup> DFAT, '[Country Information Report- Egypt](#)' (para 3.10), 17 June 2019

<sup>64</sup> USLC, '[Egypt a country study](#)' (page 320), 1991

<sup>65</sup> GlobalSecurity.org, '[Egypt - military personnel](#)', 3 April 2017

<sup>66</sup> USLC, '[Egypt: a country study](#)' (page 320), 1991

<sup>67</sup> IRB, '[Egypt: Military service, including age of recruitment, ...](#)', (para 1.3), 20 July 2018

‘Conscientious objection to military service refers to an objection to such service which “derives from principles and reasons of conscience, including profound convictions, arising from religious, moral, ethical, humanitarian or similar motives.” Such an objection is not confined to absolute conscientious objectors [pacifists], that is, those who object to all use of armed force or participation in all wars. It also encompasses those who believe that “the use of force is justified in some circumstances but not in others, and that therefore it is necessary to object in those other cases” [partial or selective objection to military service]. A conscientious objection may develop over time, and thus volunteers may at some stage also raise claims based on conscientious objection, whether absolute or partial.’<sup>68</sup>

5.9.2 The UN Human Rights Commission publication , ‘Conscientious objection to military service’ dated 2012 stated:

‘... In official reports to the Commission, a number of States regularly reported their objections to its resolutions on conscientious objection. For example, in a joint letter to the Commission on Human Rights dated 24 April 2002, 16 Member States [including Egypt] stated that they did “not recognize the universal applicability of conscientious objection to military service”.<sup>69</sup>

5.9.3 The ‘Report of the Secretary-General prepared pursuant to Commission resolution 1995/83 to the Commission’ to the Commission on Human Rights fifty-third session on the question of conscientious objection to military 16 January 1997 also noted that Egypt does not recognise conscientious objection.<sup>70</sup> The Conscience and Peace Tax International (CPTI) noted in its Submission to the Human Rights Committee: 134th session on Egypt regarding of Military service, conscientious objection and related issues stated, without explaining the source of its information, that ‘there is no legal provision for conscientious objection and no alternative service.’<sup>71</sup>

5.9.4 The IRB August 2018 report quoted representatives of European Bureau for Conscientious Objection (EBCO) and War Resisters’ International (WRI) who indicated that ‘Egypt does not have legislation regulating conscientious objection to military service.’<sup>72</sup> A Human Rights Watch (HRW) researcher cited by the IRB stated “[n]o respect or protection is granted for any objector”.<sup>73</sup>

5.9.5 The 2019 DFAT report observed:

‘Conscientious objection to military service is not a common phenomenon in Egypt. However, there is a small conscientious objector movement, launched by prominent conscientious objector, Maikel Nabil, who refused to be enlisted in 2009. Nabil was detained five times for publicly campaigning against compulsory military service and was imprisoned for two years for insulting the military. In June 2015, two conscientious objectors (including Nabil’s brother) were granted an exemption from service by the office of the defence minister. The exemption did not state a reason or recognise the two

<sup>68</sup> UNHCR, ‘[Guidelines on international protection no. 10](#)’ 12 November 2014

<sup>69</sup> OHCHR, ‘[Conscientious objection to military service](#)’ (page 17 note 24), 2012

<sup>70</sup> OHCHR, ‘[The question of conscientious objection to military service...](#)’ (section D), 16 January 1997

<sup>71</sup> CPTI, ‘[Submission to the Human Rights Committee: 134th Session ...](#)’, prepared December 2021

<sup>72</sup> IRB, ‘[Egypt: Circumstances under which evading military service ...](#)’ (para 2.1), 17 August 2018

<sup>73</sup> IRB, ‘[Egypt: Circumstances under which evading military service ...](#)’ (para 2.1), 17 August 2018

as conscientious objectors. It is unlikely that these exemptions represent any formal move towards recognition of conscientious objection.<sup>74</sup>(See [Punishment for evasion](#) and [Punishment of conscientious objectors](#)).

- 5.9.1 The MEE report of 28 November 2016 noted that conscientious objectors can wait months, if not years, for the army's decision on their exemption, and that objectors are regularly summoned by the army and subjected to interrogations. According to the 2016 report, only 9 young men in Egypt are known to have refused mandatory military service in the last few years<sup>75</sup>.

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## 5.10 Exclusion from military service

- 5.10.1 According to the Egyptian Ministry of Defence website, as cited in the IRB August 2018, there are 4 grounds for exclusion from military service:

- individuals appointed to the rank of lieutenant in the Armed Forces or in a government body with a military system
- those who have already served in the army of a foreign state and have established normal residence
- students enrolled in colleges and military institutes where after graduation they will become officers in the Armed Forces, police, and government departments
- excluded individuals according to rules and terms issued by the Minister of Defence such as people who acquired a foreign nationality or repeat (criminal) offenders<sup>76</sup>.

- 5.10.2 The EASO COI report of 30 April 2018 and the DFAT 2019 report also stated that those arrested as Islamists will not be recruited as conscripts<sup>77 78</sup>. USLC 1991 defined Islamists 'as politically organized Muslims who seek to purge the country of its secular policies ...'<sup>79</sup>

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## 5.11 Alternatives to military service

- 5.11.1 War Resisters' International, citing other sources, last updated in 1998 stated, "[t]here is... no substitute service"<sup>80</sup>. The International Covenant on Civil and Political Rights (ICCPR) report, 'Views adopted by the Committee under article 5(4) of the Optional Protocol, concerning communication No 5(4) (CCPR/C/122/D/2015) dated 28 June 2018 noted that '... in Egypt there is no alternatives to compulsory military service.'<sup>81</sup>

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<sup>74</sup> DFAT, '[Country information report- Egypt](#)' (para 3.102), 17 June 2019

<sup>75</sup> MEE, '[Egypt's army: The conscripts who refuse to serve](#)', 28 November 2016

<sup>76</sup> IRB, '[Egypt: Circumstances under which evading military service ...](#)' (para 1.4), 17 August 2018

<sup>77</sup> EASO, '[COI Query: Information on exemption\(s\) from military service](#)', 30 April 2018

<sup>78</sup> DFAT, '[Country information report- Egypt](#)', (para 3.100), 17 June 2019

<sup>79</sup> USLC, '[Egypt: a country study](#)' (page 136), 1991

<sup>80</sup> War Resisters' International, '[Website](#)', 21 July 1998

<sup>81</sup> ICCPR, '[Views adopted by the Committee under article 5 \(4\) of the ...](#)' (para 2.1) 28 June 2018

## 6. Deployment and roles

### 6.1 Policing roles

6.1.1 Various sources noted that conscripts may be required to serve either in the police force or the prison-guard service.<sup>82 83 84</sup>

6.1.2 Lifos 2015 noted that CSF's primary responsibility is to protect infrastructure as well as key domestic and international officials. It also assists the National Police with capabilities such as traffic management and public order maintenance, such as riot control.<sup>85</sup> AL- Monitor also noted in its 22 July 2015 report that some conscripts are dispatched to police urban centres<sup>86</sup>.

6.1.3 Lifos (2015) observed:

'General working conditions remain difficult within the police force. Long working hours, up to 12 hours per shift, is not uncommon. Wages remain low, despite the 300 percent salary raise issued by the Morsi regime in 2013 ... Bribes – Rashwa - and other additional sources of income are, therefore, not uncommon.

With regard to the conscript soldiers within the CSF, the situation is the same, if not worse. Living conditions at the camps are both bleak and meagre. Soldiers are repeatedly subjected to humiliation and abuse by their superiors. Reportedly, soldiers are beaten and mistreated by officers. Soldiers who complain risk being charged with insubordination. Their missions outside often involve risk for violence, as when engaging in riot control; however, there is also boredom from standing in one place for hours on end.'<sup>87</sup>

6.1.4 The Egypt Independent in an article dated 11 November 2012 noted, '[o]f all army conscripts, CSF soldiers are drawn from the most disadvantaged social backgrounds. With no recourse to justice, they endure incessant humiliation and abuse in already bleak living conditions, as well as the risk of violence — and boredom — during missions outside camps that often involve standing in one place for hours on end.'<sup>88</sup>

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### 6.2 Combat roles

6.2.1 Since 2011, Egypt has been actively engaged in counterinsurgency and counter-terrorism operations in the North Sinai governorate against several militant groups, particularly the Islamic State of Iraq and ash-Sham – Sinai Province (IS-SP).<sup>89 90 91</sup>

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<sup>82</sup> USLC, '[Egypt a country study](#)' (page 319-320), 1991

<sup>83</sup> Al-Monitor, '[Egypt's draft dodgers](#)', 22 July 2015

<sup>84</sup> DFAT, '[Country Information Report- Egypt](#)' (para 3.98), 17 June 2019

<sup>85</sup> Lifos, '[The state of the justice and security sector ...](#)' (para 5.1 - 5.2), 10 September 2015

<sup>86</sup> Al-Monitor, '[Egypt's draft dodgers](#)', 22 July 2015

<sup>87</sup> Lifos, '[The state of the justice and security sector in Egypt](#)', 10 September 2015 (para 5.2)

<sup>88</sup> Egypt Independent, '[Brute force: Inside the Central Security Forces](#)', 11 November 2012

<sup>89</sup> CIA World Factbook [Egypt](#) (section on military and security), last updated 11 October 2022

<sup>90</sup> TI, '[The officers' republic – The Egyptian military and abuse of power](#)' (page 14), March 2018

<sup>91</sup> HRW, '[If you are afraid for Your Lives, Leave Sinai! ...](#)', 29 May 2019

- 6.2.1 DFAT 2019 noted that ‘some conscripts have been sent to the military front lines in North Sinai.’<sup>92</sup>The Times of Israel, an English-language online newspaper, in an article dated 1 March 2018 cited Egypt’s military chief of staff who indicated that 88 battalions with 42,000 soldiers were stationed in Sinai Peninsula up from 41 battalions and 25,000 men the previous year<sup>93</sup>. The World Factbook 2022 observed that there were thousands of soldiers, police officers, and other security professionals stationed in the Sinai, and tribal militias supported the security forces<sup>94</sup>.
- 6.2.2 ‘Political map of Egypt; the map ‘shows Egypt and surrounding countries with international borders, the national capital Cairo, governorate capitals, major cities, main roads, railroads, and major airports.’<sup>95</sup>



<sup>92</sup> DFAT, ‘[Country Information Report- Egypt](#)’, (para 3.98), 17 June 2019

<sup>93</sup> The Times of Israel, ‘[Egyptian army in Sinai Peninsula doubles in a year ...](#)’, 1 March 2018

<sup>94</sup> CIA World Factbook, ‘[Egypt](#)’ (section on military and security), Last updated 11 October 2022

<sup>95</sup> Nationsonline.org [Map of Egypt](#)’, no date

- 6.2.3 The paper ‘The Egyptian Military’s Terrorism Containment Campaign in North Sinai’, in the Carnegie Endowment for International Peace, by Allison McManus, senior fellow at the Center for Global Policy, a US think tank, dated 30 June 2020 (McManus 2020) observed:
- ‘The current strategy [containment strategy] has largely been successful in mitigating the threat from its peak in 2015 and has more or less kept the threat isolated to North Sinai. Militants’ capacity to conduct large scale assaults has clearly been degraded since their brief July 2015 success in overtaking the city center of Sheikh Zuweid; the EAF, according to official statements, claimed to have killed around a hundred fighters affiliated with the self-proclaimed Islamic State in ensuing clashes and airstrikes. Today, militant attacks have abated overall in Egypt: while 2015 and 2016 saw sustained political violence throughout the country, with intermittent sectarian or civilian-targeted attacks, only a few have been reported outside of North Sinai since January 2018.’<sup>96</sup>
- 6.2.4 Levy 2021, an associate research fellow at the Washington Institute for Near East Policy, a US think tank whose mission is to advance a balanced and realistic understanding of American interests in the Middle East and to promote the policies that secure them, (Levy 2021) observed based on data from the Global Terrorism Database and Armed Conflict Location & Event Project (ACLED), that attacks in Sinai had decreased from 330 in 2016 to 43 in 2018 before rising to 169 in 2020 and then falling to 45 as of October 2021. Fatalities, both civilian and military, also fell from 729 in 2017 to 69 in 2021.<sup>97</sup>
- 6.2.5 Similarly, the US Congress Research Service in report ‘Egypt: Background and U.S. Relations’ by Jeremy M Sharp dated 13 July 2022 (Sharp 2022) noted that ‘Egyptian counterterrorism efforts in Sinai appear to have reduced the frequency of terrorist attacks.’ The report cited former Assistant Secretary of State for Near Eastern Affairs David Schenker wrote in June 2022 that “‘The Egyptian military finally appears to be making progress in rolling back the group. Not only have there been fewer attacks, but Cairo’s funnelling of economic development funds to the peninsula has also generated some goodwill among the long-restive population.’”<sup>98</sup>.
- 6.2.6 However, the sources indicated that IS-IP remained a threat and continued to stage attacks albeit in a small scale. Levy 2021 noted that ‘[s]maller-scale assaults were still occurring as late as July 2020, when the group [Wilayat Sinai] occupied four villages. Displaced residents were unable to return until the military dislodged the jihadists that October.’<sup>99</sup> Similarly Sharp 2022 noted, ‘[t]hough the pace of IS-SP attacks have dropped, other experts believe that IS-SP remains a significant security threat, especially when pitted against poorly trained Egyptian conscript soldiers serving in the Sinai.’ The report noted that in May 2022, IS-SP launched two separate attacks against Egyptian forces killing 16 people.<sup>100</sup>

<sup>96</sup> McManus, ‘[The Egyptian military’s terrorism containment campaign ...](#)’ 30 June 2020

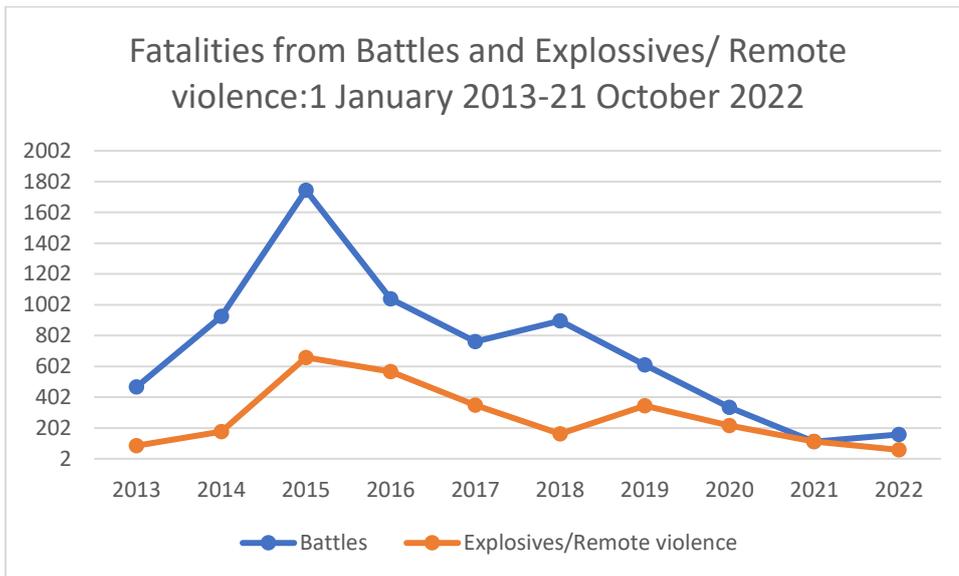
<sup>97</sup> Levy, ‘[Egypt’s counterinsurgency success in Sinai](#)’, 9 December 2021

<sup>98</sup> Sharp, J. M, ‘[Egypt: Background and U.S. relations](#)’, CRS, (page 11) 13 July 2022

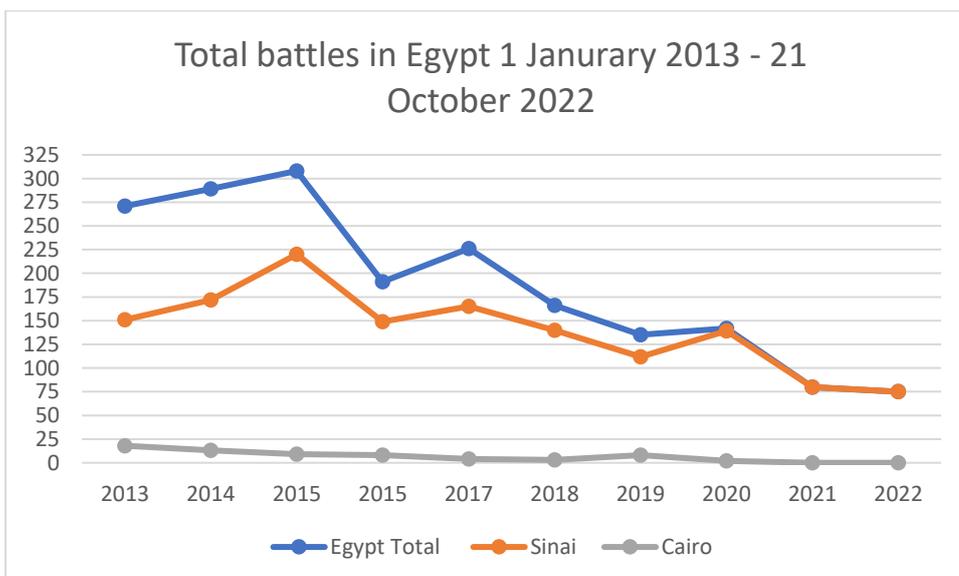
<sup>99</sup> Levy, ‘[Egypt’s counterinsurgency success in Sinai](#)’, 9 December 2021

<sup>100</sup> Sharp, J. M, ‘[Egypt: Background and U.S. Relations](#)’, CRS, (page 11)13 July 2022

6.2.7 The graph below shows number of fatalities from battles and explosives /remote violence in the whole of Egypt and Sinai (latest date is 12 August 2022). Data from ACLED dashboard<sup>101</sup>.



6.2.8 Graph below shows number of battles in Egypt and Sinai based on data from ACLED dashboard.<sup>102</sup>



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### 6.3 Training and equipment

6.3.1 Al-Monitor report of 22 July 2015 observed, '[e]ach year, Egypt enlists hundreds of thousands of young men to serve in the military, but critics say they are not trained well ...'<sup>103</sup> Springborg and Williams 2019 stated '[c]onscripts continue to be treated as cannon fodder — as indicated by their relatively high casualty rate in the Sinai.'<sup>104</sup> MEE reported on 1 February

<sup>101</sup> ACLED, '[Dashboard](#)', 21 October 2022

<sup>102</sup> ACLED, '[Dashboard](#)', 21 October 2022

<sup>103</sup> Al-Monitor, '[Egypt's draft dodgers](#)' 22 July 2015

<sup>104</sup> Springborg, '[The Egyptian Military: A Slumbering Giant Awakes](#)', 28 February 2019

2019 ‘while IS militants are trained in guerrilla and desert warfare and house-to-house combat, with possible military experience in Gaza, Syria, Afghanistan, Iraq and Libya, the bulk of Egypt’s fighting forces are conscripts who have spent only 45 days in boot camp to learn how to be soldiers.’<sup>105</sup> The MEE article quoted a special forces police officer who stated, ‘the 45-day boot camp for conscripts, paired with a lack of sufficient equipment, had left many of the young men serving in the peninsula more of a liability than an effective fighting force.’<sup>106</sup>

- 6.3.1 The article ‘Egypt’s armed forces today: A comparison with Israel’ in Middle East Center for reporting and Analysis (MECRA) which stated on its website that it aims to bridge the gap between field reporting and analysis in the region through working with policymakers, scholars, local experts and journalists, by David Mitty, a retired U.S. Army Special Forces colonel and Foreign Area Officer and an adjunct professor at Norwich University’s Online Security Studies Program, (Mitty 2020) noted that ‘[c]onscripts receive only 45 days of training, are mistreated by officers, and are ill-trained infantrymen at best.’<sup>107</sup>

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## 6.4 Pay

- 6.4.1 A July 2015 news article by Al-Monitor noted that conscripts receive a nominal wage of 250 Egyptian pounds (\$35) a month [approximately £30<sup>108</sup>] a month<sup>109</sup>. TI 2018 stated that the conscripts remarkably low monthly salaries were raised to between \$34 and \$35 in 2013 [£29 and £30<sup>110</sup>]<sup>111</sup>. The DFAT 2019 report also noted that recruit earned a nominal monthly wage of EGP250 (AUD37) [approximately £30].<sup>112</sup>
- 6.4.2 Yezid Sayigh, a senior fellow at the Malcolm H. Kerr Carnegie Middle East Center, noted in ‘Owners of the Republic: An Anatomy of Egypt’s Military Economy’ dated 2019 (Sayigh 2019) also noted that ‘[a]ctive, reserve, retired, and honorary EAF personnel as well as conscripts and civilian employees of the defense sector may use discount vouchers to buy domestically produced and imported goods—the latter already subsidized by virtue of being exempt from customs duties.’<sup>113</sup>

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## 6.5 Conscripts working in military-owned business

- 6.5.1 According to World Factbook 2022, ‘the military has a large stake in the civilian economy, including running banks, businesses, and shipping lines, producing consumer and industrial goods, importing commodities, and

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<sup>105</sup> MEE, ‘[Sinai is our Vietnam: Horror stories Egyptian soldiers tell...](#)’, 1 February 2019

<sup>106</sup> MEE, ‘[Sinai is our Vietnam: Horror stories Egyptian soldiers tell ...](#)’, 1 February 2019

<sup>107</sup> Witty, ‘[Egypt’s armed forces today: A comparison with Israel](#)’, 26 September 2020

<sup>108</sup> Xe ‘[Currency Converter](#)’, 5 September 2022

<sup>109</sup> Al-Monitor, ‘[Egypt’s draft dodgers](#)’, 22 July 2015

<sup>110</sup> Xe ‘[Currency Converter](#)’, 5 September 2022

<sup>111</sup> TI, ‘[The officers’ republic – The Egyptian military and abuse of power](#)’ (page 11), March 2018

<sup>112</sup> DFAT, ‘[Country information report- Egypt](#)’ (para 3.98), 17 June 2019,

<sup>113</sup> Sayigh, ‘[Owners of the republic: An anatomy of Egypt’s military economy](#)’ (page121), 2019

building and managing infrastructure projects, such as bridges, roads, hospitals, and housing.<sup>114</sup>

- 6.5.2 The Carnegie Endowment for International Peace (CEIP) report 'The Generals' Secret: Egypt's Ambivalent Market' of February 2012 by Zeinab Abul-Magd, an associate Professor of Middle Eastern History at Oberlin College, observed that '[t]here are three major military bodies engaged in civil production: the Ministry of Military Production, the Arab Organization for Industrialization, and the National Service Products Organization ...'<sup>115</sup>
- 6.5.3 USLC 1991 noted, conscripts may be required to serve in one of the military economic service units<sup>116</sup>. AL-Monitor noted in its 22 July 2015 report that [t]he more fortunate [conscripts] can pull strings to find shelter amid the relative safety of the military's pasta factories and petrol stations.<sup>117</sup>
- 6.5.4 Transparency International report, 'The Officer's Republic: The Egyptian Military and Abuse of Power' dated March 2018 (TI 2018) observed:
- 'An exemption from the ban of forced labour has enabled the military to continue to use conscript labour in the service of military-owned business ... The practice started in the 1980s and largely involved unskilled conscripts working in agriculture and food production. It has however expanded and become more sophisticated ...
- 'Since the expansion of military business into large industries, draftees who hold higher technical degrees have been similarly used in factories, hotels, gas stations, hospitals, trading companies and more ...'<sup>118</sup>
- 6.5.5 Sayigh 2019 noted:
- 'EAF conscripts are used as cheap labor in virtually all sectors of the military economy. The practice started in 1986 when then minister of defense ... announced that 30,000 conscripts would be organized into so-called development battalions to contribute to the national economy. Over thirty years later, these battalions (now known as civilian construction brigades) are still employed to implement publicly funded projects, especially in construction, agriculture, and land reclamation, whether undertaken by public or private contractors. MOD [Ministry of Defense], MOMP [Ministry of Military Production], and AOI [Arab Organization for Industrialization] companies also employ conscripts who are in their final six months of service, and sometimes for considerably longer, and interviews confirm that skilled conscripts are routinely loaned to private sector companies.'<sup>119</sup>
- 6.5.6 Sayigh 2019 further noted that: '[b]y January 2015 [NSPO] claimed 20,000 employees, of whom 5,000 were from the EAF according to [the] company director general, ... although another source claimed it employed 7,500 EAF enlisted personnel and conscripts.'<sup>120</sup>

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<sup>114</sup> CIA World Factbook, 'Egypt' (section on military and security), Last updated 11 October 2022

<sup>115</sup> Abul-Magd, Z., 'The Generals' secret: Egypt's ambivalent market', (CEIP), 9 February 2012

<sup>116</sup> USLC, 'Egypt a country study' (page 319-320), 1991

<sup>117</sup> Al-Monitor, 'Egypt's draft dodgers', 22 July 2015

<sup>118</sup> TI, 'The officers' republic – The Egyptian military and abuse of power' (page 11), March 2018

<sup>119</sup> Sayigh, 'Owners of the republic: An anatomy of Egypt's military economy' (page 35), 2019

<sup>120</sup> Sayigh, 'Owners of the Republic: An anatomy of Egypt's military economy' (page 96), 2019

- 6.5.7 FH 2022 also noted that '[m]ilitary conscripts are exploited as cheap labor to work on military - or state-affiliated development projects.'<sup>121</sup>

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## 6.6 Bribes ('rishwa') and connections ('wasta')

- 6.6.1 Defence Post, an independent security and defense news publication, noted in a report dated April 2018 that 'in service Egyptian conscripts are often forced to bribe superiors to avoid mistreatment or to pay extra for rations and certain equipment.'<sup>122</sup> DFAT 2019 also noted that 'individuals with significant connections are likely to have an easier experience than those without them.'<sup>123</sup>

- 6.6.2 On the same issue Sayigh 2019 noted:

'Major General Michael Collings, who served as senior U.S. defense representative and chief of the Office of Military Cooperation in Cairo from 2006 to 2008, later told the New York Times that corruption was endemic in the senior EAF officer corps ... The pattern extends all the way down the chain of command: conscripts who can afford to reportedly pay bribes to be assigned to units or locations they prefer—up to EP15,000 [approximately £668<sup>124</sup>]in 2015 (then \$2,000).'<sup>125</sup>

- 6.6.3 David M Witty, a retired U.S. Army Special Forces colonel, Foreign Area Officer with experience in the Middle East, currently with North Carolina's Advanced Computer Learning Company (ACLC) and adjunct professor at Norwich University's Online Security Studies Program' observed in 'Egypt's armed forces today: A comparison with Israel' of September 2020 that 'conscript methods are flawed, corrupt, and involve the exploitation of personal connections and bribes to avoid tough assignments. Conscript by the enlisted ranks is viewed as "unfortunate," and university graduates do everything possible to avoid it'.<sup>126</sup>

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## 7. Evasion and desertion of military service

### 7.1 Overview

- 7.1.1 UNHCR, 'Guidelines on international protection No. 10' of 12 November 2014 stated:

'Draft evasion occurs when a person does not register for, or does not respond to, a call up or recruitment for compulsory military service. The evasive action may be as a result of the evader fleeing abroad, or may involve, inter alia, returning call up papers to the military authorities. In the latter case, the person may sometimes be described as a draft resister rather than a draft evader... Draft evasion may also be pre-emptive in the

<sup>121</sup> FH, '[Freedom in the World 2022 – Egypt](#)' (section G), 28 February 2022

<sup>122</sup> Defence Post, '[The rule of khaki: How Egypt's military dominates the economy](#)', 23 April 2019

<sup>123</sup> DFAT, '[Country information report- Egypt](#)' (para 3.10), 17 June 2019

<sup>124</sup> Xe '[Xe Currency Converter](#)', 13 September 2022

<sup>125</sup> Sayigh, '[Owners of the republic: An anatomy of Egypt's military economy](#)' (page 315), 2019

<sup>126</sup> Witty, David M., '[Egypt's armed forces today: A comparison with Israel](#)', 26 September 2020

sense that action may be taken in anticipation of the actual demand to register or report for duty. Draft evasion only arises where there is mandatory enrolment in military service [“the draft”]. Draft evasion may be for reasons of conscience or for other reasons.’<sup>127</sup>

7.1.2 Regarding desertion, the UNHCR, ‘Guidelines on international protection No. 10’ stated:

‘The Desertion involves abandoning one’s duty or post without permission or resisting the call up for military duties. Depending on national laws, even someone of draft age who has completed his or her national service and has been demobilized but is still regarded as being subject to national service, may be regarded as a deserter under certain circumstances. Desertion can occur in relation to the police force, gendarmerie or equivalent security services, and is also the term used to apply to deserters from non-State armed groups. Desertion may be for reasons of conscience or for other reasons.’<sup>128</sup>

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7.2 Authorities’ perception of evaders and conscientious objectors

7.2.1 The IRB August 2018 report quoted a representative of The Egyptian Organization for Human Rights (EOHR) and Jean Jaurès, a lecturer in public law at the University of Toulouse, who noted that, ‘Egyptian authorities do not consider evading military service or being a conscientious objector a form of political opposition.’ According to the EOHR representative “someone who refuses to perform [their] military service” will face consequences as imposed by Egyptian law”.<sup>129</sup>

7.2.2 The IRB August 2018 report also quoted a HRW researcher who stated that the default position of the Egyptian authorities is that avoiding military service would be considered “an offence and punished as stated by [the] law.”<sup>130</sup> The same report quoted a representative of the “No to Compulsory Military Service Movement” (NoMilService), an Egyptian non-governmental organisation that was co-founded in 2009 by Nobel Peace Prize nominee and Egyptian conscientious objector Maikel Nabil, who stated, “because Egyptians of all political affiliations - even those who support the government - tend to avoid conscription, Egyptian authorities consider avoiding conscription an act of political opposition only if it is done on political grounds.”<sup>131</sup>

7.2.3 A HRW researcher quoted in the IRB August 2018 report indicated that Egyptian authorities would consider the actions of conscientious objectors to be political dissidence.<sup>132</sup> The IRB August 2018 report also quoted a NoMilService representative who stated:

“The Egyptian army considers conscientious objection an existential threat. Conscripts in Egypt are forced to pledge their allegiance to the president of

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<sup>127</sup> UNHCR, ‘[Guidelines on international protection No. 10](#)’, 12 November 2014

<sup>128</sup> UNHCR ‘[Guidelines on international protection No. 10](#)’, 12 November 2014

<sup>129</sup> IRB, ‘[Egypt: Circumstances under which evading military service ...](#)’, 17 August 2018

<sup>130</sup> IRB, ‘[Egypt: Circumstances under which evading military service ...](#)’, 17 August 2018

<sup>131</sup> IRB, ‘[Egypt: Circumstances under which evading military service ...](#)’, 17 August 2018

<sup>132</sup> IRB, ‘[Egypt: Circumstances under which evading military service ...](#)’, 17 August 2018

Egypt and the political regime and refusing to serve in the army is effectively refusing to pledge one's allegiance to the president and the regime. Conscientious objection is not seen as an act of conscience or belief, but an act of challenging the regime, its laws, its authority, and its legitimacy."<sup>133</sup> (see [Conscientious objection](#)).

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### 7.3 Societal perception of evasion/ conscientious objection

- 7.3.1 The IRB August 2018 report quoted a representative from the European Bureau for Conscientious Objection (EBCO), who stated that "conscientious objection is treated as a taboo in Egyptian society; consequently, the little group of Egyptian conscientious objectors prosecuted by the military administration does not find any support, even from national human rights groups."<sup>134</sup>
- 7.3.2 HRW Researcher specialising Egypt contacted by CPIT by email on 22 July 2022 (HRW response July 2022) stated on the question of how society perceive evaders that, "[t]he society would be more neutral towards evaders because many people perceive mandatory conscription as a negative experience that delays career pathways and practical and family life (e.g., getting married). When a man proposes to a woman, one of the first question the woman's family will ask is whether the man finished his service"<sup>135</sup>.
- 7.3.3 A MEE 2016 article reported that:  
'Talking about conscription is a taboo subject in Egypt. Those who have served are reticent to discuss their experiences, fearing a backlash from the army. Even human rights groups in the country are wary of giving statements in case they are punished by the courts (rights groups based in Egypt refused to discuss the matter with MEE). And for the local media, reporting on the issue is a red line they refuse to cross.'<sup>136</sup>
- 7.3.4 Amnesty International (AI) in its May 2022 report noted that there are restrictions on civilians' right to freedom of expression and access to information when reporting on the military forces' activities. The report noted that in October 2021, Egyptian authorities introduced legislative amendments that criminalized reporting on the military.<sup>137</sup>

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### 7.4 Military courts

- 7.4.1 The military court (MC) system is stipulated under Article 204 of the Egyptian constitution, amended in 2014 which provides:  
'The Military Court is an independent judicial body exclusively competent to adjudicate on all crimes pertaining to the Armed Forces, the officers and personnel thereof, and their equivalents, and on the crimes committed by the

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<sup>133</sup> IRB, ['Egypt: Circumstances under which evading military service ...'](#), 17 August 2018

<sup>134</sup> IRB, ['Egypt: Circumstances under which evading military service ...'](#), 17 August 2018

<sup>135</sup> HRW Researcher, ['Email correspondence with CPIT'](#), 22 July 2022

<sup>136</sup> MEE, ['Egypt's army: The conscripts who refuse to serve'](#), 28 November 2016

<sup>137</sup> AI, ['Egypt: COP27 should not overshadow human rights crisis in the country'](#), 23 May 2022

personnel of the General Intelligence while and by reason of performing their duties.

'No civilian shall face trial before the Military Court, except for crimes that constitute a direct assault against military facilities or camps of the Armed Forces, or their equivalents, against military zones or border zones determined as military zones, against the Armed Forces' equipment, vehicles, weapons, ammunition, documents, military secrets, or its public funds, or against military factories; crimes pertaining to military service; or crimes that constitute a direct assault against the officers or personnel of the Armed Forces by reason of performing their duties.'<sup>138</sup>

- 7.4.2 Article 204 of the Egyptian constitution, amended in 2014 stated, '[m]embers of the Military Court shall be independent and shall be immune to dismissal. They shall have all the guarantees, rights and duties stipulated for the members of other judicial bodies.'<sup>139</sup>
- 7.4.3 Despite the legal guarantees regarding the independence of the military courts, various reports indicated that military courts were neither independent nor accorded defendants a fair trial.
- 7.4.4 The DFAT 2019 report stated, 'Egypt's military courts operate under the authority of the Defence Ministry rather than civilian judicial authorities. Military courts typically deny defendants' rights accorded by civilian courts, including the right to be informed of the charges against them; to access a lawyer; and to be brought promptly before a judge following arrest ...'<sup>140</sup>
- 7.4.5 In May 2022, Amnesty International reported that "Thousands of others are imprisoned following convictions in grossly unfair trials, including in front of emergency and military courts and terrorism-circuits of criminal courts ..."<sup>141</sup>
- 7.4.6 Freedom House 2022, Lawyers for Lawyers 2022, and USSD 2022 also noted that military courts are not open to the public, have wide discretion to curtail defendants' rights on public security grounds and regularly did so and often tried defendants in a matter of hours, frequently in groups, and sometimes without access to an attorney.<sup>142 143 144</sup>

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## 7.5 Punishment for evasion - overview

- 7.5.1 The International Covenant on Civil and Political Rights in its report, 'Views adopted by the Committee under article 5 (4) of the Optional Protocol, concerning communication No. 2595/2015' dated 24 September 2018 referenced a memorandum by the Danish Ministry of Foreign Affairs dated 26 August 2014 (ICCPR September 2018), which stated that '... the penalty

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<sup>138</sup> Embassy of Egypt Washington DC, '[Progressive Constitution](#)', (Branch III), no date

<sup>139</sup> Embassy of Egypt Washington DC, '[Progressive Constitution](#)', (Branch III), no date

<sup>140</sup> DFAT, '[Country Information Report- Egypt](#)' (para 5.55), 17 June 2019

<sup>141</sup> AI, '[Egypt: COP27 should not overshadow human rights crisis in the country](#)', 23 May 2022

<sup>142</sup> FH '[Freedom in the World 2022 – Egypt](#)' 28 February 2022

<sup>143</sup> Lawyers for Lawyers, '[Joint Statement on the Situation in Egypt ...](#)', 14 June 2022

<sup>144</sup> USSD, '[Country report on human rights practices: Egypt](#)' (section 1E), 12 April 2022

for draft evasion under the Military Conscription Law No. 127 of 1980 depends on the situation and the age of the person ...<sup>145</sup>

- 7.5.2 ICCPR in another report, Views adopted by the Committee under article 5 (4) of the Optional Protocol, concerning communication No. 2612/2015 dated 1 December referencing the Danish Ministry of Foreign Affairs dated 26 August 2014 (ICCPR December 2017 stated:

‘The State party maintains that, according to the memorandum, the punishment for evading compulsory military service in Egypt depends on the situation and the relevant person’s age ... It also appears from the memorandum that, in practice, persons who have not registered for compulsory military service and are not otherwise wanted by the military will receive considerably more lenient sentences than persons who are wanted by the military or persons who have forged documents.’<sup>146</sup>

- 7.5.1 The IRB August 2018 report quoted a HRW researcher who stated that, ‘treatment of military service evaders or conscientious objectors by authorities varies according to the individual’s profile, indicating that the individual’s “personal statements, behavior and history of current/past political activism or affiliations would all play a role in how he would be treated.”<sup>147</sup>

- 7.5.2 The IRB August 2018 report also quoted NoMilService representative who stated:

‘[P]ersonal circumstances can make the army’s responses harsher and more aggressive. Individuals from minorities and marginalized groups get punished [more harshly] if they oppose conscription. This applies to homosexuals, religious minorities (Christians, Shia Muslims, Baha’is, atheists, etc.), ethnic minorities (Nubians, Bedouin, dual nationals, etc.), and political opposition. Avoiding or refusing conscription by an individual from any of these groups leads to a harsher response from the army and is ignored by the mainstream media (and the public) because of the common discrimination against these groups in Egypt.’<sup>148</sup>

- 7.5.3 The DFAT 2019 report stated, ‘those seeking to avoid military service face a high likelihood of arrest and detention.’<sup>149</sup> ICCPR referencing a memorandum by the Danish Ministry of Foreign Affairs dated 26 August 2014 also noted that ‘the penalty for draft evasion is normally enforced.’<sup>150</sup>

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## 7.6 Punishment for evaders over 30

- 7.6.1 The EASO COI report of 2015 cited the German Federal Office for Migration and Refugees which stated:

‘... The Military and National Service Act number 127 of 1980, article 49 states that any person exceeding 30 years or 31 years (according to the

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<sup>145</sup> ICCPR, [Views adopted by the Committee under article 5 \(4\) of ...](#) (para 2.6), 24 September 2018

<sup>146</sup> ICCPR, [Views adopted by the Committee under article 5 \(4\) of ...](#) (para 4.7), 1 December 2017

<sup>147</sup> IRB, [Egypt Circumstances under which evading military service ...](#), 17 August 2018

<sup>148</sup> IRB, [Egypt Circumstances under which evading military service ...](#), 17 August 2018

<sup>149</sup> DFAT, [Country information report- Egypt](#), (para 3.103), 17 June 2019

<sup>150</sup> ICPR, [Views adopted by the Committee under article 5 \(4\) of ...](#), (para 2.8), 1 December 2017

case situation) and had deliberately skipped the examination process or the military recruitment shall be subject to imprisonment for up to two years or a penalty of not less than 500 Egyptian pounds [£23<sup>151</sup>] and not more than 1,000 Egyptian pounds [ £45<sup>152</sup>]... or both. Under article 35 of the same Law when the person obligated to the Military and National Service turns 42, the determined period for the right of prosecution will be dropped. ...<sup>153</sup>

7.6.2 ICCPR December 2017 citing a memorandum by the Danish Ministry of Foreign Affairs provided to the Immigration Service on the penalties for draft evasion in Egypt, dated 26 August 2014 noted: ‘...persons older than 30 years of age who have not registered for compulsory military service but are not otherwise reported as wanted by the military will be sentenced under article 49 of the Military Conscription Law and, in most cases, if they are found guilty, the punishment will be a fine of 2,000 to 5,000 Egyptian pounds, but not imprisonment.’<sup>154</sup>

7.6.1 ICPR September 2018 citing a memorandum by the Danish Ministry of Foreign Affairs provided to the Immigration Service on the penalties for draft evasion in Egypt, dated 26 August 2014 further noted:

‘If the draft evader is 30 years of age and simply failed to appear for the medical examination or did not submit documentation to confirm his military status upon turning 18, the penalty is no less than a two-year sentence of imprisonment and/or a fine of 2,000 to 5,000 Egyptian pounds (approximately \$100–300) [ approximately £ 90-226<sup>155</sup>]. According to the Military Prosecutor’s Office, the common practice in such cases is to hold a quick hearing in a military court and impose a fine ranging from 2,200 to 2,300 Egyptian pounds (approximately \$125) [approximately £99 - £103<sup>156</sup>] but not a prison sentence ...’<sup>157</sup>

7.6.1 However, the IRB July 2018 report citing the Egyptian Ministry of Defense’s website noted that ‘Article 49 of Law No. 127 of 1980 stipulates that any person over the age of 30 evading examination or conscription shall be punished by imprisonment and a fine not less than 3,000 Egyptian pounds [£136<sup>158</sup>] ... and not more than 10,000 pounds [£452<sup>159</sup>]... or either of these two punishments.’<sup>160</sup>

7.6.2 A senior Middle East and North Africa researcher at HRW (HRW Researcher 22 July 2022) in email correspondence with CPIT dated 22 July 2022 stated:

“Conscription evaders who reach age of 30 (the maximum age to start the conscription by law) usually approach the military prosecution themselves to resolve their conscription status. The procedure is that a lawyer goes to the military prosecution and a military court reviews the case and they are

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<sup>151</sup> Xe [Currency Converter](#) 7 September 2022

<sup>152</sup> Xe [Currency Converter](#) 7 September 2022

<sup>153</sup> EASO, ‘[Military service in Egypt](#)’, 9 October 2015

<sup>154</sup> ICPR, ‘[Views adopted by the Committee under article 5 \(4\) of ...](#)’, (para 4.7), 1 December 2017

<sup>155</sup> Xe [Currency Converter](#) 7 September 2022

<sup>156</sup> [Xe Currency converter](#) 31 August 2022

<sup>157</sup> ICCPR, ‘[Views adopted by the Committee under article 5 \(4\) of ...](#)’ (para 2.6), 24 September 2018

<sup>158</sup> Xe [Currency Converter](#) 7 September 2022

<sup>159</sup> Xe [Currency Converter](#) 7 September 2022

<sup>160</sup> IRB, ‘[Egypt: Military service, including age of recruitment, exemptions ....](#)’, 20 July 2018

usually fined (between 3,000 and 10,000 pounds), even though the military law gives the military court the authority to imprison them for up to one year. But most cases are resolved with a fine.’<sup>161</sup>

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## 7.7 Punishment for evaders below 30

7.7.1 ICPR September 2018 citing a memorandum by the Danish Ministry of Foreign Affairs provided to the Immigration Service on the penalties for draft evasion in Egypt, dated 26 August 2014 observed that ‘if the draft evader is under 30 years of age and simply failed to appear for the medical examination or did not submit documentation to confirm his military status upon turning 18, the penalty is one extra year of service ... If the draft evader submitted fraudulent documents in order to avoid conscription, the penalty imposed under article 50 of the Military Conscription Law is three to seven years’ imprisonment.’<sup>162</sup>

7.7.2 The IRB August 2018 report also stated that evaders below 30 years are forced to perform an extended military service as punishment<sup>163</sup>. CPTI 2021 also noted that ‘refusal to perform military service is punishable by a year’s imprisonment and a fine, and potentially by an extension of the required military service by one year for graduates and three years for others.’<sup>164</sup>

7.7.3 On whether authorities actively pursued evaders for prosecution, a HRW Researcher in correspondence with CPIT of 22 July 2022 stated:

‘Law 127 of 1980 on conscription gives the Defense Ministry a very tight grip on conscription and enrolment. For example, all universities have to keep records of their students and send them to the defense ministry to show those students are still enrolled in programs eligible for postponement of the service. Universities cannot keep any student who surpassed 29 years without doing his service, at that age students have to go to the military and afterwards finish their university degree.

‘... Authorities actively pursue for prosecution those who joined (or began the paperwork for being enrolled) in the military service and then did not show up or did not complete their service, rather than actively pursuing all evaders who avoided the service at all. Article 46 says the Interior Ministry is responsible for arresting and bringing to the Defense Ministry all those who violate or evade conscription.’<sup>165</sup>

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## 7.8 Fraudulent documents

7.8.1 ICCPR 2018 referencing a memorandum by the Danish Ministry of Foreign Affairs provided to the Immigration Service on the penalties for draft evasion in Egypt, dated 26 August 2014 noted, ‘[i]f the draft evader submitted fraudulent documents in order to avoid conscription, the penalty imposed

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<sup>161</sup> HRW Researcher, Email Correspondence with CPIT’ 22 July 2022.

<sup>162</sup> ICCPR, ‘[Views adopted by the Committee under article 5 \(4\) of ...](#)’ (para 2.6), 24 September 2018

<sup>163</sup> IRB, ‘[Circumstances under which evading military service ...](#)’, 17 August 2018

<sup>164</sup> CPTI, ‘[Submission to the Human Rights Committee, 134th Session](#)’, December 2021

<sup>165</sup> HRW Researcher, ‘[Email correspondence with CPIT](#)’, 22 July 2022

under article 50 of the Military Conscription Law is three to seven years' imprisonment.<sup>166</sup>

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## 7.9 Punishment for leaving the country to evade military service

7.9.1 ICCPR September 2018 referencing a memorandum by the Danish Ministry of Foreign Affairs provided to the Immigration Service on the penalties for draft evasion in Egypt, dated 26 August 2014 noted:

'There is no specific penalty prescribed in the Military Conscription Law for avoiding conscription by leaving the country. According to the Military Prosecutor's Office, this could fall either under article 50, with a penalty of three to seven years' imprisonment, or under article 54, which pertains to "other violations" and prescribes a penalty of a minimum of two years' imprisonment and/or a fine of 200 to 500 Egyptian pounds (approximately \$10–30). However, depending on the case, the defendant could also be subject to stricter provisions set out in the Penal Code for civilians if the Military Prosecutor seeks the assistance of the General Prosecutor.'<sup>167</sup>

7.9.2 ICCPR December 2017 referencing a memorandum by the Danish Ministry of Foreign Affairs provided to the Immigration Service on the penalties for draft evasion in Egypt, dated 26 August 2014 noted:

'Article 54 of the Law addresses all other violations and imposes a penalty of no less than two years in prison or a fine between 2,000 and 5,000 Egyptian pounds [£ 90-226<sup>168</sup>] or both penalties. Since it was not possible to leave the country without submitting the relevant military documents, avoiding conscription in that manner would fall under "other violations" and would be punishable under article 54 of the Law or under stricter provisions in the Penal Code for civilians if the Military Prosecutor seeks the assistance of the General Prosecutor. If a draft evader left the country without presenting his military service documentation, he would be placed on the "wanted list" of the Egyptian authorities. He would then be subject to articles 50 or 54 of the Law or to stricter penalties under the Penal Code if the Military Prosecutor sought the assistance of the General Prosecutor.'<sup>169</sup>

7.9.3 Regarding whether evaders returning from abroad are arrested on arrival the HRW Researcher in correspondence with CPIT of 22 July 2022 stated:

'That remains a possibility as the police has the authority to arrest and turn in to the military anyone who fails to show a valid proof of their military service (or exemption). But mostly trouble happens during departure, not arrival. Those people will not be able to leave the country again and will be required to turn themselves in to the military prosecution to resolve their conscription status. If they are over 30, they will probably just face a fine. If they are under 30, they will probably face prison sentence (after which they still need to finish their military service).'<sup>170</sup>

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<sup>166</sup> ICCPR, '[Views adopted by the Committee under article 5 \(4\) of ...](#)' (para 2.6), 24 September 2018

<sup>167</sup> ICCPR, '[Views adopted by the Committee under article 5 \(4\) of ...](#)' (para 2.6), 24 September 2018

<sup>168</sup> Xe '[Currency Converter](#)', 7 September 2022

<sup>169</sup> ICPR, '[Views adopted by the Committee under article 5 \(4\) of ...](#)', (para 2.8), 1 December 2017

<sup>170</sup> HRW Researcher, '[E-mail correspondence with CPIT](#)', 22 July 2022

## 7.10 Repeated evaders

- 7.10.1 ICPR September 2018 referencing a memorandum by the Danish Ministry of Foreign Affairs provided to the Immigration Service on the penalties for draft evasion in Egypt, dated 26 August 2014 noted:

According to the Military Prosecutor's Office, in cases of repeated draft evasion, the evader is punished under article 50 of the Military Conscription Law by no less than seven years' imprisonment. However, the Military Prosecutor could seek the assistance of the General Prosecutor, in which case the draft evader would be classified as "wanted" by the authorities and a "stricter" penalty could be applied in accordance with the Penal Code. According to the Military Prosecutor's Office, the penalty for draft evasion is normally enforced.<sup>171</sup>

- 7.10.2 ICCPR December 2017 referencing a memorandum by the Danish Ministry of Foreign Affairs provided to the Immigration Service on the penalties for draft evasion in Egypt, dated 26 August 2014 noted:

'According to the Military Prosecutor's Office, if a draft evader left Egypt, re-entered the country and was requested to contact the conscription office, then left the country again without doing so, he would be considered a repeat draft evader and subject to no less than seven years' imprisonment under article 50 of the Military Conscription Law. However, the Military Prosecutor could seek the assistance of the General Prosecutor in such cases, and the draft evader would be classified as "wanted" by the authorities and a "stricter" penalty could be applied in accordance with the Penal Code. The penalty for draft evasion is normally enforced.'<sup>172</sup>

## 7.11 Punishment for conscientious objectors

- 7.11.1 War Resisters' International 'Country report and updates: Egypt' last revision 21 July 1998 noted, without specific reference to conscientious objection, that '[r]efusal to perform military service is punishable by a year's imprisonment and a fine. Also they may be punished by a prolongation of their military service for one year in the case of graduated students and for three years in other cases.'<sup>173</sup>

- 7.11.2 The IRB August 2018 report quoted a HRW researcher who stated, '... conscientious objectors would face great risks of imprisonment and perhaps torture [because] military officers feared that such an act may spread among bigger numbers of soldiers/conscripts and therefore would lean towards harsher punishments for any objector.'<sup>174</sup>

- 7.11.3 In correspondence with CPIT a senior Middle East and North Africa Researcher at HRW stated in July 2022:

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<sup>171</sup> ICCPR, '[Views adopted by the Committee under article 5 \(4\) of ...](#)' (para 2.6), 24 September 2018

<sup>172</sup> ICPR, '[Views adopted by the Committee under article 5 \(4\) of ...](#)', (para 2.8), 1 December 2017

<sup>173</sup> War Resisters' International, '[Country report and updates: Egypt](#)' Last revision 21 July 1998

<sup>174</sup> IRB, '[Egypt: Circumstances under which evading military service ...](#)', 17 August 2018

‘Conscientious objection is criminalized in Egypt. The military can use many laws within the penal code, Law 127 on Conscription on Law 25 of 1966 on military courts to criminalize those opposing the military service. For example, Law 127, Article 50 punishes with 3 to 7 years in prison anyone who tries or assists others in trying to evade the service through “deception”. Deception here is not defined. Law 25 of 1966 provides for death penalty or lesser punishment for anyone inciting “chaos / Fetna (civil disobedience for example is frequently interpreted as inciting Fetna)” but they [authorities] are more likely to apply article 147 of that law that punishes with prison for up to 3 years anyone undermining “the military spirit” and “obedience and respect to commanders’<sup>175</sup>

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## 7.12 Punishment for desertion

7.12.1 The EASO COI response of 9 October 2015 referencing the Network of Arab Lawyers – Riyadh noted the following:

- Desertion (hurub) is addressed to in the Military Regulations’ Law (Qanun al-ahkam al-‘askariyya) (Law number 101 of 1957) and orders as follows:
- § 65 Cases of desertion and strife have no limitation period. (...)
- § 125 The accused loses, when he is given a verdict by a military court, his pay for every day he deserted, was absent [without leave] or was in detention, and for the days his freedom is taken away through the verdict. (...)
- § 154 Any person is subject to prosecution under this law if he perpetrates any of the following crimes while he is in service on the battlefield (waqt khidmat al-maydan): 1) Desertion or attempt at desertion from the service of the armed forces. 2) A person who enables or attempts to enable someone to desert while he is in service on the battlefield is subject to prosecution under this law. The penalty for this crime in accordance with this law is death, or a lesser punishment. If the crime is not committed on the battlefield, the punishment is prison, or a lesser punishment.
- § 155 Any person is subject to prosecution under this law if he perpetrates any of the following crimes: 1) Helping a person subject to prosecution under this law to desert from the service of the armed forces. 2) Knowledge of the desertion of a person subject to prosecution under this law, or knowledge of his intention to desert, without immediately informing his leader or for not taking all precautions in his power in order to apprehend the deserter/ attempted deserter. The punishment is prison, or a lesser punishment.
- § 156 The punishment is prison, or a lesser punishment, for any person who leaves his place of service, his weapon or his military duty without having received permission in accordance with the law.
- § 157 Any person is subject to prosecution under this law if he perpetrates any of the following crimes: 1) Feigning illness in order to

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<sup>175</sup> HRW Researcher, [‘E-mail correspondence with CPIT’](#), 22 July 2022

shorten his service. 2) Intentionally putting oneself in a bad condition, temporarily or permanently, in order to avoid military duties. The punishment is prison, or a lesser punishment (...).<sup>176</sup>

- 7.12.2 The International Commission against the Death Penalty (ICDP) in its 2013 report stated, '[r]eports indicate that under martial law a number of military offences not resulting in death may be capital offences, including abuse of power, assisting the enemy, dereliction of duty, desertion, ill-treatment of the wounded, insubordination and looting.'<sup>177</sup>

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### 7.13 Detention and prison conditions generally

- 7.13.1 USSD 2022 report stated that '[p]rison conditions were harsh and life threatening due to widespread overcrowding and lack of adequate access to medical care, proper sanitation and ventilation, food, and potable water.' The report further based on a report by a local human rights organisation which conducted research between February and November 2020 from the experiences of 67 individuals in 16 prisons in seven governorates, that conditions in prisons and detention centres included medical negligence, solitary confinement, and the denial of visits, telephone calls, academic studies, and the provision of outside food, or some kinds of foods, to prisoners and detainees<sup>178</sup>.
- 7.13.2 HRW 2022 noted: '[t]he dire conditions in Egyptian prisons and detention centers remained shielded from independent oversight. Authorities routinely deprived sick prisoners from access to adequate health care. According to the Committee for Justice, an independent organization, 57 prisoners, most of them jailed on political grounds, died in custody in the first eight months of 2021.'<sup>179</sup>
- 7.13.3 The Committee for Justice (CFJ), an independent association for the defense of human rights based in Geneva, Switzerland, stated in a report dated 'December 2019 that 958 detainees died between 30 June 2013 and 30 November 2019. According to the report:
- 'The majority of deaths were recorded for individuals detained on criminal charges, 678 cases (70.77%), while deaths among detainees charged under political cases amounted to 280 incidents (29.23%).
- '... With regards to the different types of violation that allegedly caused these deaths, denial of medical care came first with 677 victims (70.67%); followed by torture (136 victims, 14.2%), suicide (65 victims, 6.78%), overcrowding and poor detention conditions (55 victims, 5.74%), and, finally, other causes (25 victims, 2.61%).
- 'When disaggregated by type of the place of detention where deaths occurred, police stations come first with 635 deaths (66.28%), followed by prisons (313 deaths, 32.67%). We documented 10 casualties (1.04%) in undefined places of detention.

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<sup>176</sup> EASO, '[Military service in Egypt](#)', 9 October 2015

<sup>177</sup> ICDP, '[The death penalty and the most serious crimes ...](#)', January 2013

<sup>178</sup> USSD, '[Country reports on human rights practices: Egypt](#)' (section 1c), 12 April 2022

<sup>179</sup> HRW, '[World report 2022: Egypt](#)' (section on prison conditions and deaths ...), 13 January 2022

‘...[T]hree violations - torture, denial of medical care, and/or poor detention conditions – were the main cause of documented deaths during the report’s period.’<sup>180</sup>

7.13.4 The CFJ Annual report dated May 2022 covering events in 2021 noted:

‘During 2021, CFJ was able to document 7,369 human rights violations in 66 official and unofficial places of detention, distributed among 19 governorates throughout the country and including many patterns of violations. These are topped by arbitrary deprivation of freedom with 4,885 violations, followed by enforced disappearance by 1668 violations, poor conditions of detention, torture, and deaths in detention facilities, with 598, 156, 62 violations respectively.’<sup>181</sup>

7.13.5 However, the DFAT 2019 report stated, ‘... It is unclear how many people have been imprisoned in Egypt for evading military service and that anecdotal evidence suggested those imprisoned for not completing military service are not targeted or treated differently relative to other prisoners.’<sup>182</sup>

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Section updated on 25 October 2022

## 8. Practical impact of evading military service

### 8.1 Passports

8.1.1 The DFAT 2019 report noted that to apply for an adult passport, ‘Male adults (except those born prior to March 1941) additionally require proof of completion of military service, a military service exemption certificate, an expired passport with a recorded exemption from military service ...’<sup>183</sup>

8.1.2 CPTI 2021 also noted, ‘[m]en of conscription age may not obtain passports without proof that they have completed their military service or been exempted – this applies equally to those who are already outside the country.’<sup>184</sup> Egypt Independent, the English-language publication of Al-Masry Al-Youm daily, an independent newspaper paper, reported on dated 6 July 2021 that for male applicants, production of ‘[d]ocument on military recruitment’ is required<sup>185</sup>.

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### 8.2 Travel

8.2.1 ICCPR December 2017 and ICCPR September 2018 referencing a Danish Ministry of Foreign Affairs memorandum on punishment of draft evaders in Egypt of 26 August 2014, noted, ‘it was not possible for draft evaders to leave the country legally, since no male over the age of 18 would be issued a passport or permitted to leave the country without a certificate from the

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<sup>180</sup> CFJ, [‘With no accountability: Death inside Egyptian places of detention’](#) (page 6), December 2019

<sup>181</sup> CFJ, [‘Egyptian prisons: Rehabilitation centres or graves for human rights’](#) (page 14), 9 May 2022

<sup>182</sup> DFAT, [‘Country information report- Egypt’](#) (para 3.101), 17 June 2019

<sup>183</sup> DFAT, [‘Country information report- Egypt’](#) (para 5.50), 17 June 2019

<sup>184</sup> CPTI, [‘Submission to the Human Rights Committee, 134<sup>th</sup> Session’](#), December 2021

<sup>185</sup> Egypt Independent, [‘Egypt announces regulations for issuance ...’](#) 6 July 2021)

military granting permission to leave the country while drafted or granting an exemption from military service.’<sup>186 187</sup>

- 8.2.2 DFAT 2019 report stated, ‘... [n]ational identity cards indicate completion of military service, and eligible men who have not completed their service (or gained an exemption) are reportedly not permitted to travel abroad or emigrate.’<sup>188</sup> On exit and entry procedures the DFAT 2019 report stated:

‘The Passport Control Department of the Interior Ministry is responsible for conducting exit checks, which are strictly enforced. When leaving Egypt, Egyptians must present a valid passport and a valid visa for their destination country, if required. Egyptian males are required to show evidence of their military service status (including proof of exemption, if relevant). Such proof could be an exemption certificate; an expired passport noting exemption from military service; or a permission to travel issued by the Conscription Department.’<sup>189</sup>

- 8.2.3 USSD 2022 noted the following on foreign travel, ‘[t]he constitution states, “No citizen may be prevented from leaving the State territory.” Nonetheless, men who have not completed compulsory military service and have not obtained an exemption may not travel abroad or emigrate. National identification cards indicated completion of military service.’<sup>190</sup>

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### 8.3 Employment

- 8.3.1 IRB July 2018 report quoted Qantara.de report dated 21 November 2018 which stated that to work before completing the military service, one needs to obtain a work permit from the army every two weeks.<sup>191</sup> The IRB August 2018 report quoted a EBCO representative who stated that conscientious objectors in Egypt are prevented from entering regular employment<sup>192</sup> The DFAT 2019 report also noted, ‘[i]f a male over the age of 18 years seeks employment without having completed military service, he generally has to produce an exemption certificate from the Ministry of Defence to his employer.’<sup>193</sup>

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### 8.4 Study

- 8.4.1 According to a September 2014 article in the Huffington Post, the conscription law makes having the conscription completion document a precondition for studying at any Egyptian university<sup>194</sup>. Similarly, an article in Al-Monitor of 15 July 2015 noted that, ‘students are permitted to study until

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<sup>186</sup> ICPR, ‘[Views adopted by the Committee under article 5 \(4\) of ...](#)’, (para 4.8), 1 December 2017

<sup>187</sup> ICCPR, ‘[Views adopted by the Committee under article 5 \(4\) of ...](#)’ (para 2.6), 24 September 2018

<sup>188</sup> DFAT, ‘[Country Information Report- Egypt](#)’ (para 3.98), 17 June 2019

<sup>189</sup> DFAT, ‘[Country Information Report- Egypt](#)’ (para 5.33), 17 June 2019

<sup>190</sup> USSD ‘[Country report on human rights practices: Egypt](#)’ (section 2d), 12 April 2022

<sup>191</sup> IRB, ‘[Egypt: Military service including age of recruitment ...](#)’ (para 2.1), 20 July 2018

<sup>192</sup> IRB, ‘[Egypt Circumstances under which evading military service ...](#)’, 17 August 2018

<sup>193</sup> DFAT, ‘[Country information report- Egypt](#)’, (para 3.98), 17 June 2019

<sup>194</sup> Huffington Post, ‘[How Egypt's conscription generates unemployment ...](#)’, 15 September 2014

the age of 29, after which they can be forcibly ejected to undertake service.<sup>195</sup>

- 8.4.2 In 2016 MEE reported on the case of Amir Eid one of just nine young men in Egypt known to have refused compulsory military service in the past few years:

‘He graduated from Cairo University’s faculty of engineering two years ago – and hoped to receive one of the very few army exemptions which allow students to continue post-graduate studies abroad (many do not then return till they are 30). When he applied for military service in May 2015 as required, he cited personal reasons for not wanting to join the army. The officials suspended his recruiting process and a lengthy investigation then followed. [...] It was only on 1 October of this year – after an 18-month wait, during which Eid was not allowed to work, study or travel - that the decision came down: he would still have to start his military service in a fortnight.’<sup>196</sup>

- 8.4.3 The website of the American University in Cairo (AUC) provides information on the identification of the Military Service Status. It stated, ‘According to the Egyptian Military Service Law No. 127 enacted in 1980, all Egyptian male students must identify their Military Service status within 30 days of their 19th birthday.’<sup>197</sup>

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Section updated on 25 October 2022

## 9. Abuses by security forces

### 9.1 Violations of humanitarian law and article 3 common to the 1949 Geneva Conventions

- 9.1.1 The Rule of Law in Armed Conflicts (RULAC), a project of the Geneva Academy of International Humanitarian Law and Human Rights is an online portal which identifies and classifies situations of armed conflict, provides information on the parties to these conflicts, and applicable international law,<sup>198</sup> noted in its 29 January 2022 update that Egypt is involved in a non-international armed conflict against Wilayat Sinai. As such, parties to the conflict are bound by Article 3 common to the 1949 Geneva Conventions, which prohibits murder, mutilation, torture, cruel, inhuman, and degrading treatment, hostage taking and unfair trials, as well as customary international humanitarian law applicable to non-international armed conflict<sup>199</sup>.
- 9.1.2 TI 2018 observed that the Egyptian military carried extra-judicial executions and torture and used “slash and burn” or “scorched earth” tactics against the insurgents which devastated the civilian population of the affected areas in Sinai<sup>200</sup>.
- 9.1.3 Similarly, HRW May 2019 noted that the military may have conducted unlawful air and ground attacks that killed numerous civilians, used civilian

<sup>195</sup> Al-Monitor, ‘[Egypt’s draft dodgers](#)’ 22 July 2015

<sup>196</sup> MEE, ‘[Egypt’s army: The conscripts who refuse to serve](#)’ 28 November 2016

<sup>197</sup> AUC, [Military and visa](#), no date

<sup>198</sup> RULAC, ‘[About RULAC](#)’, last updated 5 July 2021

<sup>199</sup> RULAC, ‘[Non-international armed conflict in Egypt](#)’, last updated 14 August 2022

<sup>200</sup> TI, ‘[The officer’s republic: The Egyptian military and abuse of power](#)’ (page 14), 2018

properties for military purposes, and recruited, armed, and directed local militias which also engaged in serious rights violations, such as torture and arbitrary arrests. The report noted that some of the abuses carried out by government forces and the militants are war crimes, and their widespread and systematic nature could amount to crimes against humanity. The report noted that Egyptian authorities repeatedly denied any wrongdoing while conducting military operations in Sinai<sup>201</sup>.

9.1.4 HRW World Report dated January 2022 noted that '[d]espite an apparent decrease in violent attacks by armed militants, the army demolished hundreds of homes and razed most of the farmland in the governorate ... The massive demolitions, including over 12,300 buildings, likely amount to war crimes, absent in many cases evidence of an "absolute" military necessity.'<sup>202</sup>

9.1.5 In a report dated August 2022 HRW observed:

'The Egyptian armed forces and army-aligned militias battling an Islamic State (ISIS) affiliate in Egypt's North Sinai appear to have committed new extrajudicial executions of suspected militants during recent fighting, Human Rights Watch said today. Videos and photographs circulated primarily on social media groups representing army-affiliated militias in July and August 2022 show three extrajudicial executions of shackled or wounded men in custody that violate international humanitarian law and would amount to war crimes. "Army-affiliated militias in Egypt's North Sinai have been circulating videos apparently to brag about executing shackled men in captivity," said Adam Coogle, deputy Middle East and North Africa director at Human Rights Watch. "The pervasive lack of accountability for largely lawless military operations in North Sinai over the past decade have fostered such atrocities." ... The videos appear to be recent but Human Rights Watch could not verify the exact timing and sites of the killings ... Human Rights Watch also reviewed and analyzed dozens of photographs and videos published by the same militia groups and other self-proclaimed members of such groups on Facebook, Instagram, Telegram, Twitter, and TikTok ... In many of these videos, militia groups appear to be accompanied by one or several army vehicles or helicopters and uniformed soldiers and officers. Some footage was accompanied by the statement: "permission granted for publishing." Some photographs show corpses, supposedly of ISIS fighters, with militiamen posing next to the corpses ...'<sup>203</sup>

9.1.6 However, David Schenker, a senior fellow at the Washington Institute for Near East Policy, in 'Egypt's Remilitarized Sinai is a future powder keg' observed:

'... The Egyptian military finally appears to be making progress in rolling back the group [Islamic State – Sinai Province]. Not only have there been fewer attacks, but Cairo's funneling of economic development funds to the peninsula has also generated some goodwill among the long-restive

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<sup>201</sup> HRW, '[if you are afraid for your leaves, leave Sinai!](#)', 28 May 2019

<sup>202</sup> HRW, '[World report 2022: Egypt](#)', (Police and security forces abuses), 13 January 2022

<sup>203</sup> HRW, '[Egypt: New videos of North Sinai executions](#)', 30 August 2022

population. In March 2021, a coalition of Bedouin tribesmen, armed civilians, and Egyptian military killed the region's Islamic State leader.

Egypt's apparent success has been, in part result of Cairo's shift away from heavy handed military approach replete with collateral damage and civilian casualties to a nimbler counterinsurgency strategy with a heavy emphasis on checkpoints and curfews ...<sup>204</sup>

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## 9.2 Torture and other abuses

9.2.1 HRW noted in its February 2019 report that, '[t]he Egyptian authorities' approach to counter-terrorism relies on systematic and widespread use of prolonged arbitrary detentions, enforced disappearances, and torture and ill-treatment including by rape, in addition to scores of possible cases of extrajudicial executions of detainees, and hundreds of unlawful killings of peaceful protesters.'<sup>205</sup>

9.2.2 In its May 2019 report HRW observed that Egyptian military and police conducted systematic and widespread arbitrary arrests, enforced disappearances, and extrajudicial killings. The report noted:

'Based on direct interviews with six former detainees and 20 interviews with relatives and acquaintances of detainees, Human Rights Watch documented 50 cases of in which the authorities arbitrarily arrested individuals, of whom 39 were likely forcibly disappeared in North Sinai—including four children and three women. The police arrested most of them from their homes or in mass arrest raids. The army carried out most of the arrests, but the police carried out nine of them, all between 2014 and April 2018. Eight families said that pro-government militia members also participated in the arrest of their relatives. Egyptian media and human rights organizations have frequently reported that hundreds of other North Sinai residents have been arrested and possibly forcibly disappeared over the past several years.

'Six former detainees and acquaintances of four other detainees described to Human Rights Watch how they were abused and tortured while being detained in isolation from the outside world. Torture included flogging and electric shocks. Witnesses and relatives of detainees interviewed for this report described how they or their imprisoned relatives were held in dire conditions where they suffered from a lack of access to sufficient food and clean water, adequate clothing, and healthcare, and did not receive any judicial review of their detention status.

The military detains most of those arrested in North Sinai at three main sites: Battalion 101, located in al-Arish; Camp al-Zohor, a converted youth and sports center in Sheikh Zuwayed; and al-Azoly, a military prison inside al-Galaa Military Base which is the headquarters of the Second Field Army in the Suez Canal city of Ismailia. Those arrested by the Interior Ministry were usually held in the National Security Agency's headquarters in al-Arish.'<sup>206</sup>

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<sup>204</sup> Schenker, D., '[Egypt's remilitarized Sinai Is a future powder keg](#)' (Foreign Policy), 3 June 2022

<sup>205</sup> HRW, '[Renewal of the mandate of Special Rapporteur on promotion and ...](#)' 22 February 2019

<sup>206</sup> HRW, '[If you are afraid for your lives, leave Sinai! ...](#)', 28 May 2019

- 9.2.3 A UN Human Rights Council report dated 2 September 2019 stated:  
‘The Committee against Torture concluded that torture was a systematic practice in Egypt. The same Committee stated that torture appeared to occur particularly frequently following arbitrary arrests and was often applied to obtain a confession or to punish and threaten political dissenters. The Committee determined that torture was perpetrated by police officers, military officers, National Security officers and prison guards, but that prosecutors, judges and prison officials also facilitated torture by failing to curb practices of torture, arbitrary detention, and ill-treatment, or to act on complaints. Perpetrators of torture almost universally enjoyed impunity.’<sup>207</sup>
- 9.2.4 Amnesty International report dated September 2022 noted that ‘[a] plethora of repressive laws - many of which were introduced or amended since 2013 including the counterterrorism, protest, media and NGO laws - effectively [...] enshrine impunity for security and military forces ...’<sup>208</sup>

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<sup>207</sup> UN Human Rights Council, ‘[Compilation on Egypt ...](#)’ (para 16), 2 September 2019

<sup>208</sup> AI, ‘[Egypt: “Disconnected from reality”: Egypt’s National Human Rights ...](#)’, 21 September 2022

## Annex A – Exemptions from military service Translation

Arabic	English
حالات الإعفاء من الخدمة العسكرية	<b>Exemption from national service</b>
<p>لإعفاء النهائي</p> <ul style="list-style-type: none"> <li>• عدم اللياقة الطبية لأداء الخدمة العسكرية والوطنية.</li> <li>• الإبن الوحيد لأبيه المتوفى أو الغير قادر على الكسب نهائياً.</li> <li>• أكبر المستحقين للتجنيد من إخوة أو أبناء المواطن الذي إستشهد أو أصيب بإصابة تعجزه نهائياً عن الكسب بسبب العمليات الحربية.</li> <li>• أكبر المستحقين للتجنيد من إخوة أو أبناء الضابط أو المجدد أو المتطوع الذي يتوفى بسبب الخدمة أعجزته نهائياً عن الكسب.</li> <li>• الذي تجاوز سن الثلاثين وهو مستحق الإعفاء المؤقت.</li> </ul>	<p><b>Final exemption:</b></p> <ul style="list-style-type: none"> <li>• Not medically fit for Military service.</li> <li>• Only son to a deceased father or one who is unable to earn.</li> <li>• Eldest eligible sibling or son of a citizen who was martyred or incapacitated permanently and is unable to earn due to combat.</li> <li>• Eldest eligible sibling or son of an officer or non-commissioned officer or volunteer who died in service or became ill or an invalid in service resulting in his inability to earn.</li> <li>• Over thirty years of age with one of the temporary exemption reasons.</li> </ul>
<p>الإعفاء المؤقت</p> <ul style="list-style-type: none"> <li>• الإبن الوحيد لأبيه الحى ويعد فى حكمه من كان له إخوة غير قادرين على الكسب طبيياً بصفة دائمة.</li> <li>• العائل الوحيد لأبيه الغير قادر على الكسب وكذا العائل لأخيه أو أخوته الغير قادرين على الكسب.</li> <li>• العائل الوحيد لأمه الأرملة أو المطلقة طلاقاً بانناً أو كان زوجها غير قادر على الكسب.</li> <li>• أكبر المستحقين للتجنيد من أخوة الضابط أو المجدد أو المواطن الذى فقد بسبب العمليات الحربية ويعامل الغائب فى العمليات الحربية معاملة المفقود إلى أن يتضح موقفه.</li> </ul>	<p><b>Temporary exemption:</b></p> <ul style="list-style-type: none"> <li>• Only son for a living father, whose siblings are unable to earn.</li> <li>• Sole supporter of a father who is unable to earn and sole supporter of his siblings who are unable to earn.</li> <li>• Sole supporter of a widowed or divorced mother or if her husband is unable to earn</li> <li>• Eldest eligible sibling or son of an officer or enlisted or volunteer or citizen lost due to combat. This exemption is annulled upon return or proof of life. Any absentee in combat will be treated as missing until his situation is confirmed.</li> </ul>
<p>المستندات المطلوبة فى الحالات السابقة</p> <ul style="list-style-type: none"> <li>• بيان قيد عائلى لبطاقة الوالد من السجل المدنى المستخرج منه بطاقته العائلية.</li> </ul>	<p><b>Required documents for the previous cases</b></p>

<ul style="list-style-type: none"> <li>• المستند الدال على سبب الإعفاء (شهادة ميلاد الأخ القاصر – شهادة من المدرسة أو الكلية).</li> <li>• كشف عائلي يحصل عليه الشاب من منطقة التجنيد التابع لها.</li> <li>• قسمة الزواج للوالدين.</li> <li>• قسمة طلاق الوالدة طلاقاً بائناً أو حكم محكمة بالتطليق وقيد عائلياً لزوج الأم.</li> <li>• إثبات تجنيد للأخ المجدد .</li> <li>• شهادة ميلاد الإخوة والأخوات الأشقاء وغير الأشقاء.</li> <li>• شهادة أو قرار عدم القدرة لمن حصل عليه من الأسرة.</li> <li>• شهادات وفاة المتوفيين.</li> <li>- في حالة غياب الأب ولم يعرف مكانه يطلب حكم غيبة للأب .</li> <li>• البطاقة العائلية للوالد .</li> <li>• في حالة تعذر الحصول على بيان قيد عائلي للأسرة يكتفى بإعلام الوراثة للوالد إذا كان متوفى يتم توثيق هذه المستندات بمكتب التوثيق بمناطق التجنيد والتعبئة أو بمجمع خدمة المواطنين بإدارة التجنيد والتعبئة بواسطة شاب التجنيد وأحد أقربائه عند التوثيق للتوقيع على صحة بيانات كشف العائلة وما ورد من مستندات إذا كان سنة أقل من 21 سنة : <ul style="list-style-type: none"> <li>o لا يعتد بالزوج العرفي .</li> <li>o لا يعتد بالطلاق الرجعي.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Family record for the father's card from the civil register, from which the family card is extracted.</li> <li>• Exemption document (minor sibling birth certificate – certificate from school or college).</li> <li>• Family record obtained by the youth from the recruitment centre</li> <li>• Parent's marriage contract</li> <li>• Mother's divorce letter or a court ruling for divorce and a family record of the mother's husband.</li> <li>• Enlistment record for enlisted brother</li> <li>• Sibling &amp; step sibling birth certificates.</li> <li>• Certificate of invalidity for member of family</li> <li>• Certificate of death In the absence of father, where his location is unknown, a ruling of absenteeism shall be required.</li> <li>• Father family card.</li> <li>• In the event a family record cannot be obtained, the heirs would be notified if the father is deceased. These documents shall be documented in the recruitment centre or the citizen service centre in the recruitment &amp; enlistment administration by the draftee or a relative to sign to the accuracy of the family record and other documents is the draftee is under 21 years. <ul style="list-style-type: none"> <li>o Unregistered marriage is not recognised.</li> <li>o Retro divorce is not recognised</li> </ul> </li> </ul>
<p>حقوق الملكية © ٢٠١٨ وزارة الدفاع - هيئة التنظيم والإدارة - إدارة التجنيد والتعبئة</p>	<p>Copyright 2018 Ministry of Defence – Organisation &amp; Administration – Recruitment &amp; Enlistment.</p>

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## Annex B - Email correspondence with HRW researcher

**From:** Redacted  
**Sent:** 21 July 2022 10:25  
**To:** redacted  
**Subject:** RE: Egypt Military service

Hi redacted,  
Sorry for my delay.  
We haven't done much work on issues around conscription in Egypt. However, these issues are quite well known for every family in Egypt given the mandatory nature of conscription for decades. I spent one year in the army myself. Here's most of what we know. Please send me the final quotes that you want to use for some double-checking as this is not an issue we regularly cover.

### 1. Do authorities actively pursue military service evaders for prosecution?

The mandatory age for conscription in Egypt is 18. Those enrolled in high schools and university education can apply for postponing their service which is automatically granted. Once you finish your first-level university degree, you can't further postpone it (master's degree or beyond are not acknowledged as grounds to postpone service). If you fail to show up, every single day of delay is punishable by law. The law says those who fail to show up will be punished by adding one more year to their service but failure to show for longer times can also result in military prosecution.

Law 127 of 1980 on conscription gives the Defense Ministry a very tight grip on conscription and enrolment. For example, all universities have to keep records of their students and send them to the defense ministry to show those students are still enrolled in programs eligible for postponement of the service. Universities cannot keep any student who surpassed 29 years without doing his service, at that age students have to go to the military and afterwards finish their university degree.

That's said: Authorities actively pursue for prosecution those who joined (or began the paper work for being enrolled) in the military service and then did not show up or did not complete their service, rather than actively pursuing all evaders who avoided the service at all. Article 46 says the Interior Ministry is responsible for arresting and bringing to the Defense Ministry all those who violate or evade conscription.

Conscription evaders who reach age of 30 (the maximum age to start the conscription by law) usually approach the military prosecution themselves to resolve their conscription status. The procedure is that a lawyer goes to the military prosecution and a military court reviews the case and they are usually fined (between 3,000 and 10,000 pounds), even though the military law gives the military court the authority to imprison them for up to one year. But most cases are resolved with a fine. That's said, in order to "hide" oneself from the authorities until one reaches 30 years old is quite a strenuous situation. That's because showing an official document that one did their service or was

exempted from doing it is a requirement for virtually everything in Egypt, e.g. to issue a passport, or to travel outside the country, and or to join a government job and also frequently to join a job in the private sector, employers would ask the candidates to provide the certificates that they finished or got exempted from the military service.

2. Do authorities keep a records of military service evaders?

It is very likely that military authorities keep records of those who joined the service then did not complete it. For evaders, it is hard to tell if there are up to date records. By any means it is not hard for authorities to learn if someone served or evaded or did not complete, because as mentioned above, at many significant events in one's life, men in Egypt are required to provide a certificate from the military showing they were exempted or that they successfully finished their service. Additionally, as mentioned above, the military keeps tight control over records of students at all education facilities and the law obliges education facilities to report the military status of their students.

3. For those prosecuted and imprisoned, do the authorities treat the differently from the rest of prisoners?

They are tried before military courts which are part of the Defense Ministry. They are usually imprisoned in military prisons. Access to military courts and due process in military trials are severely undermined by their nature. It's also a violation of international law to try a civilian before a military court (before becoming part of the military) for simply refusing to join the military or going later than mandated.

4. Are military service evaders imprisoned in normal (public) or special military prisons?

They are imprisoned mostly in military prisons.

5. Are evaders or those who did not complete military service returning from abroad arrested on arrival?

That remains a possibility as the police has the authority to arrest and turn in to the military anyone who fails to show a valid proof of their military service (or exemption). But mostly trouble happens during departure, not arrival. Those people will not be able to leave the country again and will be required to turn themselves in to the military prosecution to resolve their conscription status. If they are over 30, they will probably just face a fine. If they are under 30, they will probably face prison sentence (after which they still need to finish their military service).

6. How do authorities/wider society generally treat military service evaders?

As mentioned above, the certificate proving that a man did his service or got exempted is one of the most fundamental documents needed to "live" normally in the country. I.e. one can't get a passport, and can't travel abroad, and can't get many jobs or pursue and education without such document. So,

it severely impacts your life if you evade the military until you reach 30. The society would be more neutral towards evaders because most people perceive mandatory conscription as a negative experience that delays career pathways and practical and family life (e.g. getting married). When a man proposes to a woman, one of the first question the woman's family will ask is whether the man finished his service.

7. Are military service evaders subjected to torture and or other inhumane treatment for the act of evasion?

We have not worked on such cases to be able to give a certain answer. What we know is that there are abuses in military prisons and prison conditions in Egypt in general are abhorrent. If someone, for some reason, gets interrogated by the military intelligence, which often is responsible for interrogating evaders in certain case, the possibility of ill-treatment can rise significantly.

8. Do authorities considers evading military service and/or conscientious objection a political act of opposing Egyptian law does not acknowledge or mention the term conscientious objection. In fact, such act is a felony and is punished by imprisonment. A famous case of a conscientious objector a few years ago was reportedly ill-treated, tortured and received 3years in a military trial in 2011. <https://www.amnesty.org/es/wp-content/uploads/2021/07/mde120482011en.pdf> because he posted blogs encouraging conscientious objection.

Best,  
**Redacted**

**From:** redacted [CPIT]  
**Sent:** Wednesday, July 13, 2022 6:12 PM  
**To:** redacted  
**Subject:** Egypt Military service

Dear **redacted**

By way of introduction, I'm the North Africa lead at the Country Policy and Information Team (CPIT). CPIT writes Home Office guidance which is used by colleagues to make decisions on asylum claims. The guidance – Country Policy and Information Notes (CPINs) – are publicly available and are published on gov.uk.

UNHCR's **redacted** kindly suggested your name to me in the hope that you can assist me some work I am currently involved with on Egypt. I am currently writing an assessment on military serve/ conscription in Egypt to provide an objective and up to date information for asylum decision makers. I have scoured available open sources online and have short on some important aspects which I wanted to cover. Specifically, I would like information of your considered opinion on the following issues and your permission to quote it. If required, I will keep your identify anonymous in the report and only identify the

organisation. Do you have any information or could you comment on the following broad issues:

1. Do authorities actively pursue military service evaders for prosecution?
2. Do authorities keep a records of military service evaders?
3. For those prosecuted and imprisoned, do the authorities treat the differently from the rest of prisoners?
4. Are military service evaders imprisoned in normal (public) or special military prisons?
5. Are evaders or those who did not complete military service returning from abroad arrested on arrival?
6. How do authorities/wider society generally treat military service evaders?
7. Are military service evaders subjected to torture and or other inhumane treatment for the act of evasion?
8. Do authorities considers evading military service and/or conscientious objection a political act of opposing

Please feel free to comment on any other issue you feel is pertinent that I have not included.

I am happy to arrange a face to face/telephone/video interview if preferred.

Thank you in advance for your anticipated help.

Sincerely,

**Redacted**

Country Policy & Information Team

International Strategy, Engagement and Devolution

Science, Technology, Analysis, Research and Strategy (STARS)

Home Office

Email: **redacted**

Phone: **redacted**

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# Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the [country information section](#). The Home Office's Country Policy and Information Team uses some standardised ToR, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- Legal context
  - Legislation Constitution
  - Size of military
- Conscription
  - Eligibility – age, gender
  - Length of service
  - Procedures
- Exemptions
  - Grounds for exemption including age, study, medical, nationality
  - Conscientious objection
  - Exclusion from service
- Undertaking military service
  - Deployment and roles
  - Conditions of service and treatment of conscripts
- Evasion, desertion and conscientious objection
  - Legislation – penalties and convictions
  - Legal consequences
  - Prison conditions
- Practical consequences for evasion and desertion of military service
  - Travel/passport
  - Education
  - Employment
- Treatment
- Conditions of service
- Abuses by security forces
  - War crimes
  - Crimes against humanity

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# Version control

## Clearance

Below is information on when this note was cleared:

- version **2.1**
- valid from **March 2023**

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### **Official – sensitive: Start of section**

The information on this page has been removed as it is restricted for internal Home Office use.

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### **Official – sensitive: End of section**

## Changes from last version of this note

Update of country assessment and country information.

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