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1 Scope of international obligations and cooperation with international human rights mechanisms and bodies

1.1 Scope of international obligations

Egypt has not acceded to the Rome Statute of the International Criminal Court (ICC), the Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), and the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR-OP2).¹

Furthermore, Egypt has not accepted the individual complaint mechanisms under the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT), as well as the First Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR-OP1).²

Recommendations

- Ratify the Rome Statute of the ICC, ICPPED, OPCAT and ICCPR-OP2;
- Accept the individual complaint mechanisms under UNCAT and ICCPR-OP1.

1.2 Cooperation with international human rights mechanisms and bodies

Despite supporting the recommendations to submit its overdue reports to the relevant Treaty Bodies,³ Egypt has not submitted its reports to the Committee against Torture (CAT) and the Human Rights Committee, both overdue since 2004.

Egypt has not extended a standing invitation to Special Procedures mandate holders, and it has not responded positively to pending visit requests made by several mandate holders.⁴

¹ During the second UPR cycle, Egypt did not support any of the 11 recommendations to ratify these international human rights conventions: 166.1 (Turkey); 166.2 (Rwanda); 166.3 (Portugal); 166.4 (Sierra Leone, Chile); 166.5 (Gabon); 166.6 (Chile, Estonia, Slovenia, Tunisia, Uruguay); 166.7 (Chile, Czech Republic, Sierra Leone, Switzerland, Togo, Tunisia); 166.8 (Austria); 166.9 (Portugal); 166.10 (Sierra Leone, Togo, Tunisia); 166.11 (Portugal).

² Egypt did not support the recommendation to withdraw its reservations to articles 21 and 22 UNCAT: 166.9 (Portugal).

³ Supported recommendations: 166.57 (Sierra Leone); 166.58 (Ghana).

⁴ Egypt received six recommendations to extend stand invitations and accept pending requests to visit the country, but it did not support any of such recommendations. See: 166.60 (Tunisia, Turkey); 166.61 (Ghana); 166.62 (Switzerland); 166.63 (Hungary); 166.64 (Latvia); 166.65 (Norway). In particular, Egypt has not accepted the pending requests made by the Special Rapporteurs on

Following the visit of the Special Rapporteur on the right to adequate housing in 2018, individuals who cooperated with the mandate holder were subjected to acts of intimidation and reprisals.⁵ Additionally, Egypt has appeared in the last two reports of the UN Secretary General on intimidation and reprisals for cooperation with the UN in the field of human rights.⁶

Lastly, the state has failed to release the majority of individuals whose detentions have been characterised as arbitrary by the Working Group on Arbitrary Detention (WGAD). Victims have only been released after completing their prison sentences, and many have later been subjected to further arbitrary deprivation of liberty by being obliged to spend every night at a police station (see *infra* section 3.2.2).

Recommendations

- Submit the outstanding reports to the CAT and Human Rights Committee;
- Extend a standing invitation to all Special Procedures mandate holders, respond positively to the pending visit requests and set dates for the visits;
- Stop reprisals against individuals who cooperate with UN mechanisms and investigate the acts of reprisals;
- Fully cooperate with the UN human rights mechanisms by responding to all the communications submitted by the mandate holders and by implementing WGAD Opinions characterising deprivations of liberty as arbitrary.

2 National human rights framework

Although Egypt pledged to establish and strengthen its national human rights institution during the last UPR cycle,⁷ its National Council for Human Rights (NCHR)⁸ does not abide by the Paris Principles.⁹ In fact, the NCHR lacks financial and functional independence from the executive,¹⁰ and its members are elected in a process that lacks transparency and affects their effective independence.¹¹

extrajudicial, summary or arbitrary executions, human rights and counter terrorism, independence of judges, torture, freedom of expression, freedom of assembly, and human rights defenders, as well as by the working groups on arbitrary detention, and involuntary or enforced disappearances.

⁵ See: Mandates of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context and the Special Rapporteur on the situation of human rights defenders, *UA EGY* 16/2018, 2 November 2018, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=24164> (last access 7 March 2019).

⁶ Human Rights Council, *Cooperation with the United Nations, its representatives and mechanisms in the field of human rights**, A/HRC/39/41, 13 August 2018, paras. 38-9, Annex I paras. 32-9, and Annex II paras. 17-22; *Cooperation with the United Nations, its representatives and mechanisms in the field of human rights*, A/HRC/36/31, 29 March 2018, paras. 31-33, Annex I paras. 29-34.

⁷ Supported recommendations: 166.26 (Uzbekistan); 166.27 (Ghana); 166.28 (Iran).

⁸ Established by Law No. 94 of 2003, which was amended on 2 August 2017 by presidential decree enacting Law No. 197 of 2017.

⁹ We note with concern that, in 2018, the Sub-Committee on Accreditation of the Global Alliance of National Human Rights Institutions accredited the NCHR with status A, despite its numerous violations of the Paris Principles.

¹⁰ Article 12 of Law No. 197 of 2017.

¹¹ Article 2 *bis* (a) modified of the Law No. 197 of 2017.

As a result, the NCHR has failed to denounce the numerous human rights violations committed by the authorities in the reporting period and has denied the existence of torture, enforced disappearances and unfair trials in the country.¹²

Recommendation

- Amend Law No. 197 of 2017 establishing the NCHR in order to ensure the institution's compliance with the Paris Principles.

3 Implementation of international human rights obligations

3.1 Human rights and counter-terrorism

In the past UPR, Egypt accepted recommendations to respect human rights in its fight against terrorism.¹³ However, Egyptian laws provide a broad and vague definition of “terrorism”, which enables the authorities to list, prosecute and punish journalists, human rights defenders, peaceful protesters, political activists and members of the opposition for peacefully criticising the government.

Anti-Terrorism Law No. 95 of 2015¹⁴ criminalises a wide range of acts as “terrorist”,¹⁵ including any form of peaceful political opposition to the regime.¹⁶ This broad and vague definition allows the authorities to crack down on nonviolent activities under the pretext of countering terrorism. Moreover, Law No. 8 of 2015¹⁷ established a listing mechanism that lacks transparency and due process, without requiring the individuals and entities listed as terrorists to be notified nor allowing them to meaningfully challenge the listing before an independent judicial authority.

¹² For example, in response to a report published by Human Rights Watch in September 2017 on the widespread practice of torture in Egypt, the head of the NCHR declared that “there is no torture in Egypt prison”. Middle East Monitor, *Egypt slams torture report, questions HRW's funding*, 13 September 2017, <https://www.middleeastmonitor.com/20170913-egypt-slams-torture-report-questions-hrws-funding/> (last access on 12 March 2019).

¹³ Supported recommendations: 166.297 (Burkina Faso); 166.299 (France); 166.300 (Republic of Korea).

¹⁴ Anti-Terrorism Law No. 95 of 2015 went into effect on 15 August 2015.

¹⁵ Article 2, Law No. 95 of 2015: “A terrorist act shall refer to any use of force, violence, threat, or intimidation (...) for the purpose of disturbing public order, or endangering the safety, interests, or security of the community; harming individuals and terrorizing them; jeopardizing their lives, freedoms, public or private rights, or security, or other freedoms and rights guaranteed by the Constitution and the law; harms national unity, social peace, or national security or damages the environment, natural resources, antiquities, money, buildings, or public or private properties or occupies or seizes them; prevents or impedes public authorities, agencies or judicial bodies, government offices (...) in Egypt from carrying out their work or exercising all or some of their activities, or resists them or disables the enforcement of any of the provisions of the Constitution, laws, or regulations. A terrorist act shall likewise refer to any conduct committed with the intent to achieve, prepare, or instigate one of the purposes (...) if it is as such to harm communications, information, financial or banking systems, national economy, energy reserves, security stock of goods, food and water, or their integrity, or medical services in disasters and crises.”

¹⁶ Article 18, *ibidem*.

¹⁷ Law No. 8 of 2015 on “Regulating Lists of Terrorist Entities and Terrorists”, adopted on 17 February 2015 by presidential decree in the absence of a parliament.

Furthermore, measures taken in the context of the counter-terrorism operations conducted across the country and especially in the Sinai region¹⁸ have led to thousands of extrajudicial killings, enforced disappearances and arbitrary detentions.¹⁹

Recommendations

- Repeal Anti-Terrorism Law No. 95 of 2015 and Law No. 8 of 2015, and ensure that counter-terrorism laws have a clear definition of terrorism in line with international human rights standards;
- End the use of security measures to crack down on any form of peaceful dissent;
- Cease all violations committed in counter-terrorism operations in the Sinai and abide by international human rights law standards regarding the use of force.

3.2 Right to life, liberty and security of person

3.2.1 Death penalty and summary executions

Egypt rejected all recommendations to establish a moratorium on executions and abolish the death penalty in the last UPR cycle.²⁰

During the reporting period, the Egyptian authorities have dramatically increased the number of death sentences handed out, often issued to large numbers of individuals at once following grossly unfair mass trials. The number of executions has also increased and, in February 2019 alone, the authorities executed fifteen death sentences issued following unfair trials and based on forced confessions extracted under torture.²¹

3.2.2 Enforced disappearances

Security forces systematically arrest any individual deemed to be criticising the authorities – particularly journalists, human rights defenders,²² members of the opposition and other peaceful political activists – without providing any warrant nor reasons for the arrest.

Following the arrest, individuals are usually held *incommunicado* and often kept in secret and unacknowledged detention by the authorities for prolonged periods of time that can range from several weeks to several months, leading to their enforced disappearance. During these

¹⁸ We highlight that the non-international armed conflict in the Sinai mainly takes the form of counter-insurgency operations (e.g. checkpoints, raids and mass arrests, death sentences issued following unfair trials) rather than open hostilities. Therefore, we submit that the use of force shall be regulated by international human rights law under the law enforcement legal framework.

¹⁹ See: The Tahrir Institute for Middle East Policy, *Five Years of Egypt's War on Terror*, July 2018, <https://timep.org/esw/five-years-of-egypts-war-on-terror/> (last access 21 March 2019), especially at 11-12.

²⁰ Not supported: 166.2 (Rwanda); 166.3 (Portugal); 166.101 (Argentina); 166.102 (Romania); 166.103 (Spain); 166.104 (Turkey, Togo, France, Germany, and Hungary); 166.105 (Australia); 166.106 (Luxembourg); 166.107 (Italy); 166.108 (Switzerland); 166.109 (Uruguay); 166.110 (Montenegro); 166.111 (Portugal). The only recommendation Egypt supported was 166.100 (Paraguay) with regards to the abolition of the death penalty for those under 18 years old.

²¹ OHCHR, *Egypt: UN experts condemn executions of nine men after "confessions under torture"*, 25 February 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24204&LangID=E> (last access 14 March 2019); Amnesty International, *Egypt: Execution of nine men after an unfair trial a monumental disgrace*, 20 February 2019, <https://www.amnesty.org/en/latest/news/2019/02/egypt-execution-of-nine-men-after-an-unfair-trial-a-monumental-disgrace/> (last access 14 March 2019); *Egypt steps up executions as six people put to death within two weeks*, 13 February 2019, <https://www.amnesty.org/en/latest/news/2019/02/egypt-steps-up-executions-as-six-people-put-to-death-within-two-weeks/> (last access 14 March 2019).

²² MENA Rights Group, *Human rights lawyer Hoda Abdul Moenem Aziz arbitrarily detained amidst wave of arrests in Egypt*, 9 January 2019, <https://menarights.org/en/caseprofile/human-rights-lawyer-hoda-abdul-moenem-aziz-arbitrarily-detained-amidst-wave-arrests> (last access 19 March 2019).

periods, victims are systematically subjected to torture and ill-treatment (see *infra* section 3.2.4) and their families are at risk of reprisals if they try to enquire about their fate and whereabouts.

3.2.3 Arbitrary deprivation of liberty and conditions of detention

Despite the recommendations received in the last cycle,²³ the Egyptian authorities continue to severely and systematically violate their obligations to not carry out arbitrary deprivations of liberty and to respect fair trial guarantees during court proceedings.²⁴

After being arbitrarily arrested without a warrant and held for prolonged periods of time in *incommunicado* detention that often takes the form of an enforced disappearance (see *supra* section 3.2.2), individuals reappear only when brought before a judicial authority that charges them – often with terrorism-related crimes. Pre-trial detention periods are renewed by the prosecution without the presence of a lawyer, even exceeding the two-year maximum period established by the Criminal Procedure Code.²⁵

Fair trial violations remain of particular concern and take the following forms: mass trials of civilians before civilian, military²⁶ and emergency state security courts²⁷ in proceedings that violate basic fair trial guarantees;²⁸ the sole reliance on confessions extracted under torture (see *infra* section 3.2.4); systematic violations of defence rights and the right to be presumed innocent; violations of the right to a public hearing.²⁹

Once released after completing their prison sentence, individuals are often required to spend every night – from 6 p.m. to 6 a.m. – at a police station for several years, in violation of the *ne bis in idem* principle. Such judicial control constitutes an additional form of arbitrary deprivation of liberty used as a tool to silence peaceful dissenting voices.

Furthermore, conditions of detention in Egyptian prisons are extremely poor: detainees are regularly held in overcrowded cells lacking basic hygiene standards, and medical treatment is often denied, leading to several deaths in custody in the reporting period.³⁰ Families' and lawyers' visits are arbitrarily and regularly banned or restricted as a means of punishment.

²³ Recommendations made during last cycle: Arbitrary detention - Supported: 166.127 (Costa Rica). Not supported: 166.128 (Israel); 166.138 (Slovakia); 166.139 (Netherlands). Conditions of detention – Supported: 166.118 (Denmark); 166.140 (Nicaragua). Fair trial – Supported: 166.177 (Belgium); 166.179 (France); 166.180 (Ireland); 166.183 (Canada); 166.184 (Mexico); 166.185 (Mexico). Not supported: 166.178 (Czech Republic); 166.181 (Luxembourg); 166.182 (Norway); 166.186 (Austria).

²⁴ In its latest opinions concerning Egypt, the WGAD has expressed its concern over the patterns of violations of articles 9 and 14 of ICCPR highlighting that such practice, when systematic or widespread, could be qualified as a crime against humanity. See: *Opinion 87/2018 (Egypt)*, para. 80; *Opinion 47/2018 (Egypt)*, para. 85; *Opinion 26/2018 (Egypt)*, para. 81; *Opinion 27/2018 (Egypt)*, para. 83; *Opinion 78/2017 (Egypt)*, para. 86.

²⁵ Article 143, Code of Criminal Procedure.

²⁶ Presidential Decree No. 136 of 2014 on the "Security and Protection of Public and Vital Facilities" expanded military courts' jurisdiction over civilians who perpetrated crimes against public facilities, utilities, and properties. See: Human Rights Watch, *Egypt: Unprecedented Expansion of Military Courts*, 17 November 2014, <https://www.hrw.org/news/2014/11/17/egypt-unprecedented-expansion-military-courts> (last access 20 March 2019).

²⁷ Decree No. 2165 of 2017 allows certain crimes to be tried by emergency state security courts. Such crimes include peaceful activities criminalised under domestic legislation, e.g. Law No. 107 of 2013.

²⁸ OHCHR, *Egypt: UN experts call for Human Rights Council response to "appalling" verdicts against protesters*, 17 September 2018, <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23572&LangID=E> (last access 20 March 2019); *Egyptian death sentences result from unfair trial, should be reversed – Bachelet*, 9 September 2018, <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23517&LangID=E> (last access 20 March 2019).

²⁹ See: International Commission of Jurists, *Egypt's Judiciary: A Tool of Repression*, September 2016, at 30-69. Furthermore, hearings are held within the police academy buildings which are not accessible to the media and the defendants' relatives, and in which the accused are kept in soundproof glass cages. See for example: WGAD, *Opinion No. 87/2018 (Egypt)*, para 22.

³⁰ See for example: Human Rights Watch, *"We Are in Tombs" – Abuses in Egypt's Scorpion Prison*, 28 September 2016, <https://www.hrw.org/report/2016/09/28/we-are-tombs/abuses-egypts-scorpion-prison> (last access 19 March 2019). On recent

3.2.4 Torture and ill-treatment

Despite supporting all the recommendations made on the issue during the last cycle,³¹ Egypt has failed to bring the definition of torture under its domestic laws into line with international standards and to put an end to this practice in the country.³²

In 2017, at the end of its inquiry procedure under article 20 UNCAT, the CAT declared that “torture is a systematic practice in Egypt” and that it “appears to occur particularly frequently following arbitrary arrests and is often carried out to obtain a confession or to punish and threaten political dissenters”.³³ The authorities rejected specific recommendations made by the CAT by refusing “to immediately end the use of *incommunicado* detention; create an independent authority to investigate allegations of torture, enforced disappearance and ill-treatment; restrict the jurisdiction of the military courts to offences of an exclusively military nature; and enforce the prohibition against “virginity tests” and end the practice of forensic anal examinations for those accused of crimes”.³⁴ Still, claims of torture are systematically ignored by courts, with judges not ordering any investigations into the allegations and admitting confessions extracted under torture as the sole evidence against the accused.

Recommendations

- Establish a moratorium on executions with the aim of abolishing the death penalty;
- Amend domestic laws and policies on arrest and detention to ensure they abide by the prohibition of arbitrary deprivation of liberty under international law;
- Immediately cease the practices of enforced disappearance, prolonged pre-trial detention, mass trials, and post-release judicial control;
- Repeal decrees expanding military and state security emergency courts’ jurisdiction over civilians;
- Ensure humane conditions of detention, and respect the right to medical care of detainees;
- Ensure due process and fair trial rights, and the rejection by courts of forced confessions;
- Amend domestic legislation to bring the definition of torture into line with article 1 UNCAT;
- Immediately end the practice of torture and ill-treatment in detention, ensure that claims of torture are investigated and those responsible are prosecuted and punished.

deaths in custody, see: Middle East Monitor, *Medical negligence in Egypt’s prisons kills 7 in a month*, 30 January 2019, <https://www.middleeastmonitor.com/20190130-medical-negligence-in-egypts-prisons-kills-7-in-a-month/> (last access 19 March 2018).

³¹ Supported: 166.112 (Slovenia); 166.113 (Australia); 166.114 (Nigeria); 166.115 (State of Palestine); 166.117 (Switzerland); 166.118 (Denmark); 166.119 (Spain); 166.122 (Botswana); 166.123 (France); 166.124 (Uruguay). Not supported: 166.116 (Switzerland).

³² See, for example: Human Rights Watch, “*We Do Unreasonable Things Here*” – *Torture and National Security in al-Sisi’s Egypt*, 5 September 2017, <https://www.hrw.org/report/2017/09/05/we-do-unreasonable-things-here/torture-and-national-security-al-sisis-egypt#> (last access 18 March 2019).

³³ UN General Assembly, *Report of the Committee against Torture*, Supplement No. 44 A/72/44, 2017 Seventy-second Session, para. 69.

³⁴ *Ibidem*, para. 71.

3.3 Administration of justice, including impunity and the rule of law

3.3.1 Independence of the judiciary

In spite of the several recommendations Egypt accepted in the last UPR³⁵ and in violation of its 2014 Constitution,³⁶ the Egyptian judicial system lacks independence from the executive.

The conduct of prosecutors and judges in the country indicates a lack of impartiality and independence, which results in a severe and consistent pattern of violations of fair trial guarantees prior to and during courts proceedings (see *supra* section 3.2.3).³⁷ Judges defending their independence and exercising their right to freedom of expression have been deemed to “oppose” the government and prosecuted on this basis.³⁸

3.3.2 Impunity

Notwithstanding the recommendations made in the last review to investigate and ensure accountability for violations committed by military and security forces,³⁹ in 2018 Egypt enacted a law⁴⁰ that gives the president the power to grant military officers of his choice a lifelong immunity for any violations they have committed in the exercise of their functions.

As stated by the High Commissioner for Human Rights, this law “effectively bestow[s] immunity from prosecution on security force personnel [...] promotes impunity, and undermines the faith of the Egyptian people in the Government’s capacity to deliver justice for all.”⁴¹

In this climate of pervasive impunity, no investigation nor prosecution has been carried out to date for the serious human rights violations committed in recent years, such as the killing of more than a thousand of protesters in 2013 in Raba’a Square.⁴²

Recommendations

- Ensure that judges and lawyers exercise their functions with complete independence and in line with international standards of due process, and are protected from any form of reprisals;
- Repeal the 2018 Law Governing the Treatment of Certain Senior Commanders of the Armed Forces;
- Conduct effective, thorough, independent, impartial and transparent investigations into all violations committed by military and security forces, and ensure that those

³⁵ Supported: 166.177 (Belgium); 166.179 (France); 166.180 (Ireland); 166.183 (Canada); 166.185 (Mexico).

³⁶ Articles 94, 184-186, 2014 Constitution.

³⁷ Above note 29. See also: Daily News Egypt, *The ‘executions judge’ Nagy Shehata*, 16 February 2015, <https://dailynewsegypt.com/2015/02/16/executions-judge-nagy-shehata/> (last access 21 March 2019).

³⁸ *Ibidem*, at 70 – 74.

³⁹ Supported: 166.120 (United States of America); 166.121 (Belgium); 166.126 (Chile); 166.188 (Uruguay); 166.189 (Belgium); 166.190 (Argentina). Not supported: 166.187 (Lithuania); 166.191 (Lesotho); 166.192 (Iceland).

⁴⁰ The Law Governing the Treatment of Certain Senior Commanders of the Armed Forces went into effect on 25 July 2018.

⁴¹ OHCHR, *Egyptian death sentences result from unfair trial, should be reversed – Bachelet*, 9 September 2018, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23517&LangID=E> (last access 21 March 2019).

⁴² Human Rights Watch, *Egypt: No Justice for Rab’a Victims 5 Years On*, 13 August 2018, <https://www.hrw.org/video-photos/video/2018/08/13/egypt-no-justice-raba-victims-5-years> (last access on 21 March 2019).

responsible are prosecuted and punished and the victims and their families are provided with an effective remedy.

3.4 Fundamental freedoms

3.4.1 Freedom of expression

Despite the recommendations received in 2014,⁴³ during the reporting period, peaceful critics – including numerous journalists, human rights defenders, and political activists – were forcibly disappeared, arbitrarily detained, charged with terrorism-related crimes and harshly sentenced.

A set of repressive laws enables the authorities' crackdown on freedom of expression and the media. In particular, Law No. 180 of 2018⁴⁴ gives the executive broad powers to censor and prevent the publication of content deemed to be prohibited on the basis of vague criteria. It further establishes a strict licensing process that affects the work of independent media. Law No. 92 of 2016⁴⁵ established three bodies – whose members are largely nominated by the president – mandated to strictly regulate and monitor Egypt's media and press. The law was amended in 2018 with provisions that “provide the authorities with overbroad powers to censor information” and allow “for restrictions on the basis of overbroad language”, according to the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.⁴⁶

Furthermore, while hundreds of websites have been blocked in the country since May 2017, including those of media outlets and human rights organisations,⁴⁷ the 2018 Cybercrime Law further expanded the authorities' power to censor or block websites that publish content not in line with their views.⁴⁸

3.4.2 Freedom of peaceful assembly and association

During the last UPR, numerous states recommended that Egypt bring its legislative framework regulating NGOs into line with international standards.⁴⁹

⁴³ Supported: 166.208 (Australia); 166.209 (Brazil); 166.210 (Luxembourg); 166.212 (Tunisia); 166.213 (France); 166.214 (Germany); 166.218 (Luxembourg); 166.219 (Norway); 166.221 (Mexico); 166.236 (United Kingdom of Great Britain and Northern Ireland); 166.245 (Finland); 166.251 (Czech Republic). Not supported: 166.206 (Czech Republic); 166.207 (Estonia); 166.211 (Lithuania); 166.215 (United States of America); 166.216 (Austria); 166.217 (Norway); 166.223 (United States of America); 166.225 (Sweden); 166.226 (Turkey).

⁴⁴ Law No. 180 of 2018 Regulating the Press, Media, and the Supreme Council for Media Regulation entered into force on 27 August 2018.

⁴⁵ Law No. 92 of 2016 on the Institutional Regulation of the Press and the Media was passed on 26 December 2016. It established the Higher Council of Media Regulation, the National Press Authority, and the National Media Authority.

⁴⁶ Mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, *OL EGY 13/2018*, 9 August 2018, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=24029> (last access 20 March 2019).

⁴⁷ OHCHR, *Egypt extends its assault on freedom of expression by blocking dozens of websites – UN experts warn*, 30 August 2017, <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22008&LangID=E> (last access 20 March 2019)

⁴⁸ IFEX, *Egypt's new cybercrime law legalizes Internet censorship*, 24 August 2018, <https://www.ifex.org/egypt/2018/08/24/cybercrime-law/> (last access 25 March 2019).

⁴⁹ Supported: 166.210 (Luxembourg); 166.212 (Tunisia); 166.220 (Romania); 166.221 (Mexico); 166.232 (Slovakia); 166.234 (Italy); 166.236 (United Kingdom of Great Britain and Northern Ireland); 166.239 (Costa Rica); 166.240 (Croatia); 166.241 (Iceland); 166.244 (Republic of Korea); 166.245 (Finland); 166.246 (France); 166.248 (Canada); 166.250 (Japan). Not supported: 166.215 (United States of America); 166.223 (United States of America); 166.225 (Sweden); 166.231 (Norway); 166.233 (Spain); 166.235 (Czech Republic); 166.237 (Austria); 166.238 (Chile); 166.242 (Ireland); 166.243 (Denmark); 166.247 (Germany); 166.249 (Norway).

However, Law No. 70 of 2017⁵⁰ imposed severe restrictions on civil society space. For example, the law prescribes strict registration and funding approval processes; limits the type of work allowed for NGOs to “the fields of development and social welfare”; establishes a National Agency for the Regulation of Foreign Non-Governmental Organisations composed of members of the executive mandated to grant permission to foreign NGOs to work inside Egypt; and provides a set of punishments for violations of its provisions.⁵¹

As stated by the former UN High Commissioner for Human Rights, the law “effectively hands administration of NGOs to the Government”.⁵² As a result, several independent NGOs have been banned, and many local and international NGOs have been forced to cease their activities or relocate to other countries.

With regards to freedom of peaceful assembly, despite the recommendations made by several states,⁵³ Egypt has failed to amend its legislative framework to comply with international standards, and has continued to prevent and restrict peaceful protests in the country.

Peaceful protesters have been charged with broad and vague offences, such as “belonging to a banned group” and “disturbing public order”, and punished with harsh prison sentences under Law No. 107 of 2013. This law further establishes a strict notification system, and allows the security forces to use force in the dispersal of protests not in line with international standards, which enabled a brutal crackdown on protests in the reporting period.⁵⁴ Lastly, Presidential Decree No. 136 of 2014 gave military courts jurisdiction to try civilians who engaged in protests.

Recommendations

- Immediately cease reprisals against peaceful dissidents and release all those arbitrarily detained for their peaceful opposition to the authorities;
- Put an end to undue restrictions, monitoring and censorship of the media and internet content as well as the blocking of websites, including those of NGOs, and repeal Law No. 180, Law No. 92, the 2018 Cybercrime Law, Law No. 70, and Law No. 107;
- Respect the right to peaceful assembly by putting in place a non-burdensome notification system, and enable peaceful assemblies in law and practice;

⁵⁰ Law No. 70 of 2017 Governing the Work of Associations and Other Foundations Working in the Field of Civil Work entered into force on 24 May 2017, replacing Law No. 84 of 2002. Although a new draft of the law was announced in November 2018, the reviewing process is being prolonged and the announced amendments fail to effectively and fully put the law in line with international human rights standards. See: Reuters, *Egypt's Sisi orders review of law curbing NGOs*, 6 November 2018, <https://www.reuters.com/article/us-egypt-rights/egypts-sisi-orders-review-of-law-curbing-ngos-idUSKCN1NB2M0> (last access 27 March 2019); Egypt Today, *Draft law on NGOs to be finalized in March: official*, 16 January 2019, <http://www.egypttoday.com/Article/2/63490/Draft-law-on-NGOs-to-be-finalized-in-March-official> (last access 27 March 2019); Egypt Independent, *Committee to draw NGO law amendments is coming: Egypt's Social Solidarity Minister*, 9 February 2019, <https://www.egyptindependent.com/committee-to-draw-ngo-law-amendments-is-coming-egypts-social-solidarity-minister/> (last access 27 March 2019).

⁵¹ For example, article 87 of the law prescribes one to five years of imprisonment and a fine for, *inter alia*, whoever establishes an NGO whose activities fall outside the strict limits imposed by the authorities, or whoever helps or works for a foreign NGO in Egypt without prior authorisation.

⁵² OHCHR, *Repressive new NGO law deeply damaging for human rights in Egypt – Zeid*, 1 June 2017, <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=21678> (last access 14 March 2019).

⁵³ Supported: 166.210 (Luxembourg); 166.213 (France); 166.220 (Romania); 166.230 (Netherlands); 166.245 (Finland); 166.251 (Czech Republic). Not supported: 166.207 (Estonia); 166.211 (Lithuania); 166.222 (Slovakia, Canada); 166.223 (United States of America); 166.224 (Australia); 166.225 (Sweden); 166.226 (Turkey); 166.227 (Austria); 166.228 (Italy); 166.229 (Germany); 166.231 (Norway).

⁵⁴ OHCHR, *Egypt: Worsening crackdown on protest, a further setback to human rights – UN experts*, 9 May 2016, <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=19933&LangID=E> (last access 20 March 2019).

- Ensure that domestic laws and policies regarding the use of force in dispersing demonstrations comply with the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

MENA Rights Group is a Geneva-based legal advocacy NGO working on the protection and promotion of fundamental rights and freedoms in the Middle East and North Africa region. Adopting a holistic approach by acting at both the individual and structural level, our work centres around providing legal counselling to victims of human rights violations by using primarily international law mechanisms. In addition, we assess the human rights situation on the ground and bring issues to the attention of relevant stakeholders to call for legal and policy reform.