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under article 40 of the Covenant**

**Replies of Egypt to the list of issues in relation to its  
fifth periodic report\*\***

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## **Replies to the list of issues in relation to the fifth periodic report of Egypt submitted to the Human Rights Committee**

### **I. Introduction**

1. The Government of the Arab Republic of Egypt hereby submits its replies to the list of issues relating to the fifth periodic report submitted to the Human Rights Committee, in accordance with its commitment to the implementation of its treaty obligations, and its continuous and constructive cooperation with the treaty bodies. Following the submission of its last report, Egypt continued to fortify its institutional human rights framework through the operationalization of the Supreme Standing Committee for Human Rights from early 2020. The Committee's tasks consist in monitoring the country's implementation of its international obligations under relevant international agreements and protocols, proposing the necessary legislative measures and procedures, and supervising the action taken to ensure their implementation. The Committee operates as a sustainable national framework in cooperation with diverse international and regional human rights mechanisms.

2. Egypt launched its first five-year National Human Rights Strategy in September 2021, which reflects its firm national conviction of the need to adopt a comprehensive approach to the promotion of human rights and fundamental freedoms, particularly the principles of citizenship, equality, democracy and the rule of law.

3. The replies to the list of issues provide the necessary information and clarifications within the requisite word limit and supplement the information provided in previous national reports submitted to the Committee, which will be referred to in some paragraphs. Egypt will provide additional information and clarifications concerning legislation or judicial practices during the review of its report before the Committee.

4. Notwithstanding the previous reference to equality before the law and in response to the Committee's desire to focus on specific individual cases, the Egyptian Government reaffirms what was stated in its fifth periodic report concerning the independence of the national judiciary based on constitutional provisions and relevant legislation. All accused and arrested persons enjoy the rights and guarantees enshrined in those texts and in relevant international treaties, particularly the Covenant. It should be noted that criminal proceedings conducted against the aforementioned persons are the same as those conducted against other defendants, and that they enjoy all relevant guarantees as soon as the proceedings are instituted, in particular the right to seek the assistance of a lawyer, the unrestricted right to a defence and the right to communicate with their families.

### **II. Replies to the list of issues**

#### **A. Reply to paragraph 1 of the list of issues**

5. The Egyptian legal system contains a comprehensive framework for the protection of human rights, including guarantees of the availability and effectiveness of remedies in the event of a violation of any of the rights enshrined in the Covenant. The institutional structure contains numerous mechanisms aimed at the promotion and protection of human rights, including judicial mechanisms, the national human rights institution, special national councils, and human rights departments and divisions in various ministries and national authorities.

6. **The judiciary:** Article 94 of the Constitution stipulates that the rule of law shall constitute the basis for the State's governance. It adds that the State is subject to the law, and that the independence, immunity and impartiality of the judiciary are fundamental guarantees for the protection of rights and freedoms. Article 97 guarantees the right to litigation for all, including citizens and foreigners on an equal footing. It prohibits the granting of immunity from judicial oversight for any administrative act or decision. Extraordinary courts are also prohibited. Article 184 guarantees the independence of the judiciary. Interference in judicial affairs or proceedings constitutes a crime to which the statute of limitations may not be applied.

The judiciary is required to provide means of redress for all violations of existing rights or freedoms, regardless of the source. The judicial authorities are composed of the Supreme Constitutional Court, the judiciary, the Public Prosecution Service and the Council of State (the administrative judiciary).

7. **The Supreme Constitutional Court** is an independent judicial body responsible for exercising judicial control over the constitutionality of laws and regulations and for interpreting legal provisions. Its judgments are binding on all the country's authorities. It has issued many rulings concerning human rights and fundamental freedoms. It ruled, for example, that a number of legislative provisions were unconstitutional on account of violations, inconsistencies or restrictions on rights and freedoms. The Egyptian Government refers in this connection to the content of paragraphs 11, 21 and 147 of its fifth periodic report.

8. **The judiciary** has the authority to adjudicate all civil and criminal disputes in accordance with the law. The law regulates the degree, type and scope of jurisdiction of the courts, the extent to which judgments are subject to appeal, current means of recourse to the judiciary, procedures for examining claims, and guarantees for plaintiffs and defendants. Victims of crimes are permitted to request compensation, and persons who have suffered detriment from criminal offences are also entitled in some cases to bring a criminal action in person before the courts.

9. **The Public Prosecution Service** is an integral component of the judiciary. It is responsible for investigations, the institution of proceedings and prosecution in criminal cases. It also plays a prominent role in protecting the rights and freedoms enshrined in the Covenant, including the prosecution of crimes in respect of which neither criminal nor civil proceedings are subject to a statute of limitations, in accordance with the Constitution. Each court has one or more prosecuting officers with specific geographical jurisdiction, and reporting is free of charges and fees. The Constitution and the Judicial Authority Act guarantee the equality of members of the Public Prosecution Service with judges in terms of rights and duties and of disciplinary accountability. All such matters are determined by the Supreme Judicial Council. The members of the Public Prosecution Service are immune from impeachment and are professionally subject to the sole authority of the Prosecutor General. The Supreme Constitutional Court ruled, in constitutional case No. 163 of judicial year 26, and the Court of Cassation ruled, in appeal No. 30639 of judicial year 72 and appeal No. 17448 of judicial year 72, that the conditions of impartiality, independence and objectivity of the Public Prosecution Service are guaranteed in a manner that meets the requirements set forth in the Committee's general comment No. 35. The Government draws attention in this connection to the content of paragraphs 46, 47, 49, 50, 69, 71 and 72 of its fifth periodic report. The digital transformation strategy launched by the Public Prosecution Service in October 2021 led to the development of mechanisms and tools for the receipt of information, including the "Unified online petition system of the Prosecutor General". The electronic service permits concerned parties to submit and monitor their complaints and reports remotely.

10. **The Council of State** is an independent judicial body with exclusive powers of adjudication in cases involving administrative disputes and disputes relating to the implementation of its rulings. It plays a crucial role in preserving rights and freedoms that are violated by administrative decisions issued by the executive authority. The relevant parties are entitled to request the judiciary to annul such decisions. The Council of State has branches in the main cities, and special departments have been established to consider disputes regarding rights and freedoms.

11. **The National Council for Human Rights** is a national institution for the promotion and protection of human rights. It was established by Act No 94 of 2003, which was amended by Act No. 75 of 2013 and Act No. 197 of 2017 with a view to aligning it with the Principles relating to the State of National Human Rights Institutions (the Paris Principles). The Council's multiple functions include, primarily: the duty to investigate allegations of human rights violations; to receive and examine complaints; to refer them, where appropriate, to the competent authorities and to monitor the outcome; to visit prisons and other places of detention, as well as therapeutic and correctional institutions; and to inform the Public Prosecution Service of any violation of the rights or freedoms that are guaranteed by the Constitution, the law and relevant international treaties. The Council has a special office for the receipt of complaints regarding human rights and has branches in a number of governorates.

12. The institutional structure includes **additional national councils**, including the National Council for Women, the National Council for Childhood and Motherhood, and the National Council for Persons with Disabilities. The Constitution guarantees the independence and impartiality of their members, and the right to report to the public authorities any violations relating to their fields of competence. There are complaint offices in each council that receive reports of violations of the human rights enshrined in the Covenant, refer them to the competent investigating authorities and provide legal assistance to those concerned.

13. **With regard to awareness-raising and education**, the Egyptian Government draws attention to the content of paragraph 75 of its fifth periodic report. In addition, the National Human Rights Strategy launched in September 2021 provides for training and capacity-building with a view to coordinating and developing national action in a manner consistent with international best practices. The Strategy is designed to achieve the following five basic results: dissemination of a human rights culture; mainstreaming of the human rights component at various levels of education; training of members of the police force; training of members of the judiciary and judicial bodies; and enhancement of human rights training and awareness-raising programmes for members of the civil service.

14. Various ministries and governmental agencies organize regular workshops and training courses for law enforcement officers, judges and civil servants, and issue guidebooks for their personnel. Training is also provided for the general public, and human rights concepts and principles are incorporated into various school and university curricula. The judicial authorities also organize panel discussions and training courses for their members. For instance, 18 training courses for members of the Public Prosecution Service on “Protection of human rights in the context of criminal justice” were organized during the period from April 2021 to June 2022 in cooperation with the United Nations Office on Drugs and Crime (UNODC).

15. **With regard to the ratification of the two Optional Protocols to the Covenant**, the Egyptian Government regularly considers its position regarding legal instruments in light of its national priorities, and reviews its position regarding international instruments to which it has not yet acceded or to which it has entered reservations with a view to ensuring consistency and harmony between the country’s international obligations at various levels. It should nonetheless be emphasized that every State enjoys sovereignty and independence when it comes to defining its position regarding accession to international treaties in light of their provisions. The Egyptian position regarding the two Optional Protocols has no impact on the rights and freedoms guaranteed and protected under the Covenant, which are reflected in the country’s Constitution and legislation.

## **B. Reply to paragraphs 2–4 of the list of issues**

16. The Government draws attention to the fact that the declaration of a state of emergency does not constitute, in and of itself, a violation of human rights when there is a legitimate need for such a declaration. The ruling authorities have permitted the adoption of exceptional measures in a non-arbitrary manner, in accordance with article 4 of the Covenant and in line with general comment No. 29. The Government underscores that the state of emergency that was declared during the period in question complied with the rules laid down in article 154 of the Constitution and was based on the requisite legal procedures. It was declared in response to crises that posed a threat to people’s lives and it was implemented within the narrowest limits. The Government draws attention in this connection to the content of paragraphs 13 to 20 of its fifth periodic report and the content of paragraphs 115 to 121 of its response to joint communication EGY 4/2020, dated 28 February 2020, received from special procedures mandate-holders of the Human Rights Council concerning a number of laws and their practical application. These paragraphs should be viewed as constituting an integral part of the current response.

17. The Government wishes to add that, following the global outbreak of the coronavirus disease (COVID-19) pandemic, most countries declared a state of emergency in order to confront the pandemic and the risks that it posed at various levels. They also adopted many preventive measures to protect their citizens. At the national level, the amendments to the Emergency Act granted the administrative authorities the power to impose a full or partial

suspension on studies and employment, to prohibit public meetings, processions, demonstrations, celebrations and other gatherings, to impose quarantines on persons entering the country from abroad, to prohibit the export of certain products, to determine the prices of products in some cases and to place restrictions on their circulation, in accordance with paragraphs 7, 8, 14, 15, 16 and 17 of article 3 of the above-mentioned Act. On the other hand, the amendments to the Act granted certain privileges to citizens, such as postponement of payment for certain services, extension of the deadlines for filing tax returns, payment of taxes by instalments or extending the deadlines, specification of procedures for the collection of financial and in-kind donations to address the emergency situation, provision of financial or in-kind assistance to individuals and families, provision of the requisite support for therapeutic research, provision of financial or in-kind support for vulnerable economic sectors, monitoring of the work of scientific and research laboratories, and assignment to field hospitals, in accordance with paragraphs 9, 10, 11, 12, 18, 19, 20, 21, 22, 23 and 24 of article 3 of the above-mentioned Act.

18. In light of the foregoing and given that the objective of the above-mentioned measures was to establish a legislative structure that is capable of confronting pandemics, Act No. 152 of 2021 concerning procedures for confronting epidemics and pandemics was promulgated. Article 1 of the Act authorizes the Prime Minister, on securing the approval of the Council of Ministers, to issue a decision in the event of the outbreak of an epidemic or pandemic concerning the measures that should be taken to preserve public health and safety. The measures include additions to the amended Emergency Act, given that such measures were not applicable pursuant to the previous provisions of the Act after the end of the state of emergency. With a view to ensuring the effectiveness of the decision, article 1 requires that it should be submitted to the House of Representatives in its capacity as the elected legislative authority within seven days of the date of its adoption, so that the House may decide on its appropriateness and set a renewable period for its implementation that shall not exceed one year.

19. Furthermore, with a view to ensuring its consistency with the measures prescribed in the Emergency Act, article 4 of the above-mentioned Act was amended, in line with articles 200 and 204 of the Constitution, with a view to galvanizing the role of the armed forces in protecting the country, upholding its security and preserving the foundations of the State. These goals can only be achieved if the armed forces are granted the prerogatives of law enforcement officers so that they can participate in enforcement of the law in the context of legal action taken against violators of the measures applicable in the event of a state of emergency, which are subject to the judicial oversight of the Public Prosecution Service.

20. **The amendments to the Criminal Code were designed solely to protect the State's defence secrets** as well as information concerning the armed forces, their functions or their current or previous personnel without the written authorization of the Ministry of Defence. The prescribed penalty is that imposed for a minor offence and the resulting sentence is very lenient compared to the gravity of the act. A more severe penalty is prescribed solely for major offences with a view to protecting the State's defence secrets.

21. **The amendment of the Act on Securing and Protecting Public and Vital Facilities** is designed to enhance the protection of citizens' right of access to basic services provided by public and vital facilities, such as electricity transmission towers, stations and networks, gas lines, oilfields, railway lines, road networks and bridges, inasmuch as they are deliberately targeted by terrorist groups and in view of the impact of the interruption of such services on the security and safety of society. The armed forces assist the police in securing and protecting these vital facilities, and the amendment provides for the referral of all cases of assault to the military courts. **With a view to ensuring that the referral of civilians to the military courts remains within the narrowest limits and occurs solely in cases of the utmost need, the Supreme Constitutional Court has ruled in many cases, most recently in Case No. 63 of judicial year 41, at a session held on 8 May 2021, that such jurisdiction shall depend on fulfilment of the following three conditions:** that the act constitutes a direct assault on any of the above-mentioned facilities; that the assault occurs when the armed forces are responsible, de facto rather than de jure, for securing and protecting such public facilities, utilities and property; that the act is punishable in this manner pursuant to the provisions of the Criminal Code or the laws regulating such public facilities, utilities or property.

22. With regard to the measures taken to combat terrorism and the compliance with the Covenant of the definition of terrorism contained in the Counter-Terrorism Act, the Egyptian Government draws attention to paragraphs 17 to 20 of the fifth periodic report and paragraphs 5 to 112 and 147 to 200 of its above-mentioned response to joint communication EGY 4/2020, dated 28 February 2020, which constitute, in its view, an integral part of its reply concerning this issue.

23. The Counter-Terrorism Act was amended, pursuant to Act No. 149 of 2021, to include an article permitting the imposition of a criminal penalty for an infringement of temporary measures and decisions aimed at confronting the threat of terrorist crimes or environmental disasters, since such infringements had not entailed criminal liability despite their serious nature. The amendments also provided for an increase in the fine imposed for violations of the legal provisions prohibiting the filming, recording or broadcasting of legal proceedings concerning terrorist crimes without obtaining the permission of the president of the court.

24. Finally, we wish to underscore that the antiterrorism courts referred to in the query are mere circuit courts that specialize in hearing cases involving specific categories of crimes, just like other criminal courts. Their judges are selected by the general assembly of the Court of Appeal, and they are subject to all the safeguards enshrined in the Judicial Authority Act, including rebuttal and litigation. The procedures stipulated in the Code of Criminal Procedure must be followed in the courts, including the guaranteed right of accused persons to a fair and equitable public trial before an impartial, independent and irremovable judge, their right to contact their families and lawyers, the presumption of innocence, and the right of defence, in person or by counsel. Such courts exist only in the governorates of Cairo and Giza, and the number of courts has been reduced from nine to four. They enhance the principle of judicial specialization through their positive impact in terms of accuracy and guarantees of a fair criminal trial.

25. The courts in question are not categorized as special courts or, a priori, as exceptional courts established for a specific purpose. According to the Court of Cassation, they are the result of administrative procedures aimed at distributing duties among courts pursuant to the Judicial Authority Act. Criminal cases and civil cases are also assigned to different courts.

#### **D. Reply to paragraph 5 of the list of issues**

26. The implementation of the National Anti-Corruption Strategy 2014–2018 resulted in a number of achievements including, in particular, the promulgation of the Civil Service Act and the Investment Act, and the amendment of the Criminal Code by Act No. 5 of 2018 with a view to criminalizing the bribery of foreign public officials and officials of international organizations. The results recorded for the first year of implementation of the National Anti-Corruption Strategy 2019–2022 indicated that there had been a success rate of 85 per cent. The nine objectives of the Strategy included many administrative measures to promote the fight against corruption, in particular greater reliance on statistical studies and general indicators, and the launching of two versions of the local Corruption Perception Index in 2019 and 2020. Preparations are under way for the launching of the National Anti-Corruption Strategy 2023–2030.

27. The Public Prosecution Service has adopted many measures aimed at combating corruption and recovering assets and property looted within the country and abroad. The measures have included orders to prevent the disposal or management of suspects' assets, the commissioning of auxiliary body investigations of the property of suspects within the country and abroad, and the submission of requests for legal assistance to the authorities of foreign countries in order to investigate, freeze, confiscate and return all assets. A total of 55 requests for legal aid have been sent abroad since 2011 on behalf of 124 defendants and their wives and minor children. During the period from January 2020 to August 2022, the Public Prosecution Service investigated 236 bribery offences and referred a number of them to the courts for criminal proceedings. Judgments of conviction were handed down in 23 cases, and 41 cases are still pending before the courts. The Service opted for administrative sanctions and disciplinary trials in 17 cases, and it is still undertaking investigations in 54 cases. During the same period, it investigated 4,487 crimes of misappropriation of public funds. Judgments of

conviction were handed down in 277 cases, and 408 cases are still pending before the courts. The Public Prosecution Service opted for administrative sanctions and disciplinary trials in 180 cases, and it is still undertaking investigations in 1,200 cases.

28. During the period from early 2018 until early 2020, the Administrative Oversight Authority identified irregular conduct on the part of 400 staff members in leadership positions and on the part of 2,669 staff members below the rank of general manager. Accordingly, action to combat corruption has not focused on persons of lower rank. It should be noted that criminal proceedings have been instituted against a number of high-ranking public officials, including the former Minister of Agriculture, the former Governor of Manufiyah, the Deputy Governor of Alexandria, the Secretary-General of the Council of State, and the former President of Damanhur University.

29. **With regard to the mandates of anti-corruption bodies and steps taken to ensure their independence and impartiality**, the Public Prosecution Service is the judicial body responsible for investigating and prosecuting criminal offences that constitute corruption. The Public Prosecutor, in his capacity as the head of the Public Prosecution Service, is not liable to dismissal. Members of the Public Prosecution Service enjoy all the constitutional guarantees and immunities granted to judges. We draw attention in this connection to what has already been stated in paragraph 9. In addition to the Public Prosecution Service, the Administrative Prosecution Service plays an important role in combating administrative corruption, and in investigating and taking action in corruption-related disciplinary proceedings instituted against public officials.

30. The monitoring bodies play a prominent role in combating corruption, in accordance with the Constitution, which guarantees their technical, financial and administrative independence, and provides for the appointment of their presiding officers subject to the approval of the House of Representatives. The bodies include the Administrative Oversight Authority, whose main functions include: detection of administrative and financial infringements and criminal offences perpetrated by employees in the performance of their duties; detection and control of criminal offences perpetrated by non-employees with a view to undermining the performance of public duties or the provision of public services; investigation of shortcomings and detection of defects in the administrative, technical and financial systems and proposing ways and means of preventing them; monitoring of the implementation of legislation in units of the State's administrative apparatus and dissemination of values of integrity and transparency; promotion of community awareness of the dangers of corruption; and monitoring of the implementation of the National Anti-Corruption Strategy.

31. **The Central Auditing Organization** is an independent body responsible for monitoring State and public funds and the implementation of the general State budget.

32. **Other independent oversight bodies** include the Central Bank, the Financial Supervisory Authority, the National Coordination Committee for Combating Corruption and the National Coordination Subcommittee for Combating Corruption.

## **E. Reply to paragraph 6 of the list of issues**

33. With regard to the measures taken to ensure that the legal framework provides for protection against discrimination, the Government draws attention to the content of paragraphs 12, 109 and 116 of its fifth periodic report, which constitute, in its view, an integral part of its reply. Furthermore, articles 9, 11, 19, 48 and 64 of the Constitution require the State to prohibit all forms of discrimination in all areas. Article 161 bis of the Criminal Code criminalizes any discriminatory act or omission and prescribes penalties of imprisonment and/or a fine. The Public Prosecution Service investigates such offences and institutes criminal proceedings.

34. As bullying constitutes unacceptable conduct based on discrimination, the Criminal Code was amended by Act No. 189 of 2020 to criminalize bullying, whether it is perpetrated orally, through a display of force, through the perpetrator's control over the victim, or through exploitation of the victim's vulnerability or a characteristic that the perpetrator deems to be offensive, such as a person's gender, race, religion, physical features, health or mental

condition or social status, in order to intimidate or humiliate the victim or to exclude him or her from the perpetrator's social environment.

35. **With regard to the extent to which consensual same-sex relations are criminalized**, Egypt draws attention to paragraph 167 of the second part of these replies, which reviews the action taken to implement the concluding observations on the fifth periodic report of Egypt.

## **F. Reply to paragraph 7 of the list of issues**

36. The Criminal Code provides protection under criminal law for the right of women and men to physical integrity and to protection from various forms of violence. It also criminalizes rape and prescribes severe criminal penalties for such acts. A special department on combating violence against women has been established in the Ministry of the Interior. In addition, the number of female police officers has been increased throughout the country in line with the action taken by the Anti-Violence against Women Unit. In March 2020, the Ministry of the Interior launched a Handbook for Effective Police Response to Crimes of Violence against Women. Act No. 50 of 2014 criminalizes all forms of harassment, and harsher penalties are imposed under Act No. 141 of 2021. A harsher penalty for abduction has also been prescribed, in accordance with Act No. 5 of 2018.

37. **Provision of adequate support services for women victims of sexual violence:** The National Human Rights Strategy aims to protect women from all forms of violence and harmful practices. The State has established a Joint Unit for the Protection of Women from Violence to receive complaints and reports concerning cases of violence against women, in cooperation and coordination with all ministries and national authorities.

38. **There are currently 32 units tasked with combating violence against women in universities.** They were established with a view to guaranteeing a safe educational environment in university campuses for women and girls. A Code of Conduct for the transport sector was adopted to promote safe transport for women, and a Code of Ethics was adopted to promote a safe working environment for women. In addition, a Unit to Combat Violence against Women was established in the Ministry of Justice, units were established in the departments of the Ministry of the Interior, and 27 digital offices were established on behalf of family offices in the Public Prosecution Service.

39. Training courses are provided for persons tasked with providing services for women victims of violence, including judges, prosecutors, medical staff, police officers and representatives of anti-violence units. A guidebook was published for members of the Public Prosecution Service on action to address crimes of violence against women. In addition, a guidebook was published on procedures for receiving and providing services for women victims of violence, and for training the staff of hosting centres. The National Council for Women has organized a series of training courses in partnership with the Ministry of Justice with a view to building the capacity of judges and members of the Public Prosecution Service in the area of combating violence against women. A total of 650 judges have participated in the training courses. In addition, the National Council for Women, in cooperation with the Public Prosecution Service, has organized a number of training courses aimed at enhancing the capacity of members of the Public Prosecution Service to respond effectively to crimes of violence against women. A total of 509 members participated in 27 training courses during the period from 2018 to 2020. The Council organized capacity-building programmes for 558 new judges in 2019. In addition, 33 male and female judges attended training courses under the 2014–2016 project entitled “Strategic Interventions to Combat Violence against Women”.

40. The first national referral mechanism for reporting cases of violence against women has been established. It provides for the delivery of a range of legal, protective and care services by various ministries and national bodies, and for the training of judges, law enforcement officers, physicians and other relevant personnel. The National Council for Women provided legal assistance and advice to women victims of violence during the period from January to September 2021, and court rulings in favour of women were handed down in 1,367 cases. Hotline services have been provided for reporting and assisting victims of all forms of violence. Three forensic medicine clinics have been established to undertake medical examinations of



women victims of crimes of violence and sexual assault, and safe women's clinics have been established in Egyptian universities.

### **G. Reply to paragraph 8 of the list of issues (female genital mutilation)**

41. The impact of the National Strategy to Counter Female Genital Mutilation 2016–2020 can be measured by comparing the percentage of women subjected to female genital mutilation before and after the implementation of the Strategy. The percentage for the 0 to 19 age group recorded in the 2014 Population Health Survey was about 21.4 per cent. According to the Egyptian Family Health Survey, the corresponding rate recorded in 2021 was 14 per cent, that is to say a decrease of about 7 per cent. In addition, the expected rate of female genital mutilation declined from 56 per cent in 2014 to 27 per cent in 2021. It was also noted that the rate of female genital mutilation for women in general decreased from 92 per cent in 2014 to 86 per cent in 2021. The Child Helpline (16000) of the National Council for Childhood and Motherhood received 920 reports of female genital mutilation during the period from 2016 to June 2022.

42. The Egyptian Government wishes to draw attention to the fact that the amendment of the Criminal Code by Act No. 78 of 2016 criminalized female genital mutilation in order to provide females with the requisite legal protection and to deter the perpetration or facilitation of such mutilation. Persons who perform or request the performance of female genital mutilation are liable to imprisonment, and a harsher prison sentence is imposed if the act results in permanent disability or death. In view of the persistence of the phenomenon and the need to upgrade the deterrent legislation, the Criminal Code was amended by Act No. 10 of 2021, which defined female genital mutilation as a serious offence punishable by imprisonment for a period of at least five years. If the female genital mutilation results in a permanent disability, the prescribed penalty is rigorous imprisonment for a period at least seven years, and if leads to death, the prescribed penalty is rigorous imprisonment for a period of at least ten years. The amendment also prescribes harsh penalties if the person who performs the female genital mutilation is a physician or a practitioner of the nursing profession. The amended legislation prevents such physicians and practitioners of the nursing profession from practising their profession for at least three years and for a maximum of five years. It also provides for the closure of the private facility in which the female genital mutilation was performed. During the period from January 2020 to mid-August 2022, the Public Prosecution Service investigated 72 cases of female genital mutilation, which led to 18 convictions. Some cases are still under investigation.

### **H. Reply to paragraph 9 of the list of issues**

43. The law protects the right to life and other rights of the fetus, and Egyptian law criminalizes abortion. More severe penalties are prescribed if violence is used to conduct an abortion or if it is undertaken by a medical practitioner. A voluntary abortion with the woman's consent is not permissible. However, the law permits an abortion within 120 days if the mother's health condition or an irreparable deformity of the fetus so demands, according to the results of medical reports.

44. The Ministry of Health provides safe, effective and affordable services to women of childbearing age, namely from 15 to 49 years of age. The services include the provision of contraceptives and advice on their use, assessment and treatment of sexually transmitted diseases, treatment of possible side-effects of such procedures, raising of community awareness of reproductive health issues, and provision of a variety of contraceptive options for women at subsidized prices or free of charge. The National Project for Development of the Egyptian Family was launched in 2022 with the aim of addressing the population issue from a comprehensive development perspective and achieving a demographic improvement within three years. The pivotal goals of the Project include meeting women's need for reproductive health supplies, making them available free of charge, training and providing for the assignment of 1,500 female physicians, and cooperating with 400 non-governmental organizations (NGOs) in providing reproductive health services.

## I. Reply to paragraph 10 of the list of issues

45. With regard to the explicit criminalization of the crime of enforced disappearance in domestic legislation, article 54 of the Constitution guarantees personal freedom, and stipulates that such freedom may be restricted solely by a reasoned judicial warrant necessitated by an investigation. Article 62 of the Constitution guarantees freedom of movement. Any violation of such freedoms constitutes an offence and the resulting criminal or civil proceedings are not subject to a statute of limitations. Aggrieved parties are entitled to have criminal proceedings instituted on their behalf and the State is required to compensate victims. The Criminal Code criminalizes all unjustified forms of arrest, detention, abduction or deprivation of liberty, as well as participation in or aiding or abetting such acts or providing locations for their perpetration. In addition, articles 88 bis, 129, 280 to 283, 289 and 290 of the Criminal Code criminalize the subjection of a person to enforced disappearance in any circumstances, even if they are exceptional.

46. With regard to the investigation of all allegations of disappearance, the Government draws attention to the content of paragraphs 26 to 28 of the fifth periodic report. It also underscores, as a matter of principle, that all persons placed in correctional and rehabilitation centres are treated in accordance with the law, and that nobody is detained without a warrant or legal ruling. The responsible officers may endorse a person's placement in custody solely on the basis of an order signed by the competent authority, and the person may be held only for the period specified in the order, in accordance with article 41 of the Code of Criminal Procedure. In addition, any member of the personnel of such facilities who learns that a person has been unlawfully detained is required to inform the competent judicial authority, and any infringement of that obligation entails criminal and disciplinary liability. The centres are subject to judicial supervision by public prosecutors and their deputies in each jurisdiction, by the presidents and vice-presidents of courts of appeal and courts of first instance, and by examining magistrates, in accordance with article 42 of the Code of Criminal Procedure and articles 85 and 86 of Act No. 392 of 1956. The National Council for Human Rights, civil society organizations, members of diplomatic missions, the media, and local and international news agencies regularly visit correctional and rehabilitation centres and investigate the conditions of inmates.

47. The Public Prosecution Service investigates all communications concerning allegations of enforced disappearance received in hard-copy form or as an electronic petition if the source is unwilling to disclose his or her identity. The Public Prosecution Service conducts unannounced inspections of correctional centres with a view to detecting any infringements. The Government also notes that many terrorist groups, particularly the terrorist Brotherhood group, have regularly urged many of their members to join the ranks of other terrorist groups abroad, especially the Islamic State in Iraq and the Levant (ISIL) when it was engaging in fierce terrorist activities in neighbouring countries. The terrorist Brotherhood group then disseminates allegations of enforced disappearance of such parties and exploits the allegations to exert pressure on the Government. Investigations have revealed in many such cases that the persons concerned were killed abroad within the ranks of the group. The Government can prove this by means of specific reports of cases of enforced disappearance concerning which the terrorist Brotherhood launched campaigns. The ISIL terrorist group then broadcasted video clips demonstrating the persons' presence among its ranks.

48. **With regard to the establishment of a central public registry of all places of detention**, article 2 (1) of the Prisons Regulatory Act No. 396 of 1956 specifies the legal procedure for determining the entities in which such structures are to be established pursuant to decisions by the competent authority. The decisions are then published in the Egyptian Gazette, since this is the official dissemination procedure used by the Egyptian legislature. For example, eight decisions were issued in 2021 on the establishment of new correctional and rehabilitation centres that meet the relevant constitutional and legal requirements, following the closure of many of the previous centres. Decisions No. 268, 269, 420, 563, 619, 1120, 1121 and 1122 of 2021 were all published in the Egyptian Gazette. Accordingly, the general public and the competent supervisory and oversight authorities are aware of the existence of all places of detention.

## K. Reply to paragraphs 11 to 13 of the list of issues

49. **With regard to legal safeguards governing the imposition of the death penalty**, the Government draws attention to the content of footnote 7 of the fifth periodic report.

50. **The legal framework governing the use of force by law enforcement officials** is based on article 63 of the Criminal Code and article 42 (10) of the Police Corps Act promulgated by Act No. 109 of 1971. Decree No. 156 of 1964 of the Minister of the Interior concerning the rules regulating the use of firearms by the police force is another component of the legal framework. The Decree stipulates that force shall be used in a manner that safeguards the life and safety of individuals as well as public and private property, in accordance with the provisions of the Covenant. Article 2 of the Decree stipulates that law enforcement officers shall use force solely for the performance of their duties where it is the only means available after all other means have been exhausted, such as admonitions and the use of batons or tear gas, depending on the circumstances and whenever possible. Such action should be taken only to the extent necessary and in a proportionate manner. Extreme caution should be used to prevent any injury to innocent persons, and officers using firearms should aim, if possible, at a person's legs.

51. Article 1 of the Decree specifies three cases in which firearms may be used. **The first case** concerns action to arrest persons who have been convicted of a serious offence, persons who have been sentenced to imprisonment for a period not exceeding three months, persons who have been charged with a serious offence, persons caught in flagrante delicto committing a minor offence entailing arrest, or suspects for whom an arrest warrant has been issued but who resist or attempt to escape. An oral warning should be issued concerning the possible use of a firearm should suspects continue to resist or flee. If they are unable to hear the warning, a bullet may be fired into the air, and if neither act prevents them from resisting or attempting to escape, they may be shot. **The second case** arises when prisoners attack or attempt to resist a prison guard. Force may be used to prevent them from escaping provided that bullets are fired into the air as a warning against resistance or attempts to escape. If the prisoners continue to resist or attempt to escape following the warning, they may be shot by the prison guard. **The third case** concerns the dispersal of a gathering or demonstration involving at least five persons if it endangers public security.

52. As concerns the latter case, regarding the dispersal of a gathering or demonstration, an amendment was introduced under articles 10–13 of Act No. 107 of 2013 regulating the right to hold peaceful public meetings, processions and demonstrations. The provisions in question envisage integrated action to disperse a gathering if any of the participants commit an act that constitutes a crime punishable by law or that causes the gathering to cease to be a peaceful expression of opinion. All actions are taken under full judicial supervision and are gradual in nature; precise details about those actions are given below in the reply to paragraph 25 of the list of issues. The Government can affirm that, in the conduct of their duties, law enforcement personnel are careful to abide by all the country's international obligations.

53. With regard to the request to report on the outcomes of criminal investigations conducted into cases of excessive use of force by law enforcement officials and security forces since 2013, the Government makes reference to paragraph 33 of the fifth periodic report of Egypt, which contains information in that regard.

54. As concerns reports of torture and ill-treatment of prisoners, the Government asserts that they are untrue and lack all credibility. The competent authorities take action to ensure accountability for all violations and do not support anyone who breaks the law. The Prisons Regulatory Act envisages an integrated framework for overseeing the situation of inmates via a number of monitoring and assessment structures. This is in addition to the judicial oversight of prisons. Pursuing the fight against torture in all its forms and manifestations is part of the National Human Rights Strategy, which also envisages investigations into relevant allegations and protection for victims' rights. In this regard, the Strategy aims to curb any actions on the part of individuals that might constitute violations, to speed up the process whereby perpetrators are referred to the investigating authorities and to disseminate legal awareness of violatory practices. It also includes provision for campaigns to confront and prevent violence, and to raise awareness and build capacity in that regard among persons who work in State

agencies. According to statistics for 2022, the judicial authorities began investigating the validity of 786 incidents of alleged torture and cruelty, and took the appropriate legal measures in their regard.

55. With regard to the request to indicate any steps taken to establish an independent mechanism to promptly, thoroughly and impartially investigate all allegations of torture and ill-treatment, the Government wishes to point out that – under article 189 of the Constitution and the relevant laws – this matter is the responsibility of the Public Prosecution Service. The Service, in fact, is an independent, impartial and objective judicial investigating authority with a jurisdiction that covers all types of crime, as described above. The Public Prosecution Service receives allegations of acts of torture or other forms or cruel treatment, be it those directly reported by the victim or those that emerge during the course of an interrogation, then takes the appropriate legal action.

56. Acting under its legal mandate, the National Council for Human Rights visits prisons and other places of detention as well as correctional treatment institutions. There it interviews prisoners and inmates in order to verify that they are being well treated and are able to exercise their rights. Any violation of rights and freedoms it discovers are reported to the Public Prosecution Service.

57. Criminal investigations and prosecutions of police officers for legal violations they have committed are conducted as described in paragraph 105 of the periodic report of Egypt to the Committee against Torture.

#### **L. Reply to paragraphs 14 and 15 of the list of issues**

58. Under Act No. 14 of 2022 – which amends certain provisions of Prisons Regulatory Act No. 396 of 1956 – a number of prisons were renamed as correctional and rehabilitation centres while the prison department of the Ministry of the Interior became the community protection department and prisoners were reclassified as inmates. The Act envisages the right of inmates in correctional and rehabilitation centres to take examinations and to be notified directly – rather than via the prison governor – of legal and judicial documents, a copy of which they can then send to a person of their choice. These amendments to the law reflect a change in the disciplinary philosophy of the Ministry of the Interior as the new Act seeks to consolidate the principle of inmates' rights, to provide them with community protection and to reform and reintegrate them into society.

59. The Ministry of the Interior has developed a strategy for building and modernizing correctional and rehabilitation centres (prisons). In this connection, new correctional and rehabilitation centres that reflect the most recent global standards have been established and opened in the areas of Wadi al-Natrun and Badr. The construction boom in prison facilities is being accompanied by a concern to reflect international human rights standards in terms of healthy cell-occupancy limits, lighting, adequate ventilation and properly equipped medical centres. The Ministry of the Interior is seeking to extend the model of the correctional and rehabilitation centre of Wadi al-Natrun to the national level, and a number of correctional and rehabilitation centres are currently being built and will shortly open in different parts of the country. When issuing detention orders, the Public Prosecution Service took due account of the circumstances occasioned by the COVID-19 pandemic. In fact, it made greater use of legal alternatives to pretrial detention, such as house arrest, a requirement for accused persons to present themselves at a police station at prescribed times or a prohibition on frequenting certain places.

60. With regard to the measures taken to tackle the pandemic, cells and sleeping quarters are sterilized on a daily basis, random scans are conducted and masks, gloves and thermometers are made available. Isolations rooms have been set aside for suspected cases of virus contagion, and all inmates of correctional and rehabilitation centres have been vaccinated against COVID-19 and other infectious diseases. In addition to this, the period inmates spend each day in the sunlight and open air has been extended while doctors on the medical committee for the admission of new inmates conduct a medical examination to ensure the inmates are free of disease.

61. With regard to allegations that prisoners of conscience and others in detention for political reasons are held in particularly harsh conditions and denied access to health care as a measure of punishment, the Government wishes to state that it does not recognize the term “prisoners of conscience”. In fact, not only is freedom of opinion and expression enshrined in article 65 of the Constitution, but criminal law does not envisage any kind of sanction for exercising that freedom in any way. The Government can affirm that all persons in detention, whether serving a criminal sentence or in pretrial custody, enjoy the rights envisaged in the Code of Criminal Procedure and in Act No. 396 of 1956, notably that of receiving visits and correspondence from their families and of meeting with their lawyers, irrespective of the charges they are facing.

62. With regard to reports of persons being held in official and unofficial places of detention, the Government wishes to make it plain that such reports are devoid of credibility. Under the Code of Criminal Procedure, only the Public Prosecution Service or the delegated investigating judge have the authority to order pretrial detention which, irrespective of the crime, is limited to 4 days. This can then be extended up to 15 days, renewable for a further two 15-day periods making an overall total of 45 days. In the case of terrorist offences, in view of their seriousness and the detailed investigations they require, the law gives the Public Prosecution Service the authority to extend the pretrial detention for further 15-day periods up to a maximum of 5 months. This does not prejudice accused persons’ right to appeal decisions to extend pretrial detention issued by the Public Prosecution Service or, subsequently, those issued by the courts for a period of up to 2 years. All persons against whom a pretrial detention order has been issued are held in official facilities that are designated for that purpose. All prisons are publicly identified and no one is held in detention on Egyptian territory in the absence of formal charges brought by the competent authority. Detainees enjoy all their legal rights to receive visits and communicate with their lawyers. For more details in this regard, the Government refers to paragraphs 147–207 of its reply to joint communication EGY 4/2020, dated 28 February 2020, which is to be considered as an integral part of the present reply.

63. With regard to solitary confinement, the Government makes reference to paragraphs 62, 64 and 65 of the fifth periodic report.

64. With regard to reports of excessive use of pretrial detention, the Government can state that the signing of a pretrial detention order is left to the discretion of the investigator, then to that of the judge who must decide whether or not to renew the order. The process is subject to a number of conditions and criteria, notably the nature of the crime involved, the criminal record of the accused person and the circumstances of the case. It also depends upon whether or not pretrial detention can be legally imposed, which means that the act in question must constitute a felony or misdemeanour that attracts a term of imprisonment of not less than 1 year, and there must be sufficient evidence against the accused person who must, moreover, be questioned before the detention order is issued. This is in addition to other circumstances that might justify the imposition of pretrial detention which – as stipulated in article 134 of the Code of Criminal Procedure – are: if the crime was discovered in flagrante or is such that the sentence must be enforced as soon as it has been issued; if there is a fear that the accused person might flee or pervert the course of the investigation; or to prevent a serious breach of public security and order that may result from the gravity of the crime. Given the large population of Egypt and the rise in criminal activity, including terrorism, the claim that pretrial detention is used excessively lacks objectivity. Indeed, there is no clear criterion that can be used to state that the estimated rate of pretrial detention should be such-and-such a number, and that anything in excess of that number is to be considered as excessive.

## **M. Reply to paragraph 16 of the list of issues**

65. According to estimates produced by the International Organization for Migration (IOM) in July 2022, which were based on government data and on estimates produced by foreign embassies in Egypt and by NGOs working with refugees and migrants, the number of legal migrants in Egypt currently stands at around 9 million or 8.7 per cent of the total population. Migrants from Sudan, Syria, Yemen and Libya account for about 80 per cent of the total (4 million (44 per cent) from Sudan, 1.5 million (17 per cent) from Syria, 1 million (11 per cent)

from Libya and 1 million (11 per cent) from Yemen). The rest of the migrant community (17 per cent) numbers around 1.5 million individuals of more than 130 different nationalities.

66. Fifty-six per cent of the migrants reside in just five governorates: Cairo, Giza, Alexandria, Damietta, and Daqahliyah while 28 per cent live in governorates in Lower Egypt. The average age of the migrant community is 35.2 years, while 2.4 per cent of them are over 60. The ratio of males to females is 50.4 per cent male to 49.6 per cent female.

67. As concerns the length of time that migrants spend in Egypt, the data shows an average stay of 11.2 years, with only 5.7 per cent of migrants remaining longer than 15 years.

68. As concerns refugees, their numbers in Egypt have doubled as a consequence of the instability in the region, and there are currently more than 288,000 refugees and asylum-seekers registered with the Office of the United Nations High Commissioner for Refugees (UNHCR), of whom half have been registered for more than a decade. Almost half of the refugees and asylum-seekers are from Syria while the remaining half are from 58 different countries, notably Sudan, Ethiopia, Eritrea, South Sudan, Iraq and Yemen. Egypt has been taking in nearly 40,000 asylum-seekers annually over the past few years, of whom the proportion who resettle in third countries has not exceeded 10 per cent. Moreover, 70 per cent of the new arrivals come from countries facing protracted crises, meaning that the prospects for their safe return are unlikely in the short term. This has serious economic consequences, particularly as the Government has not received assistance from the international community under the principle of burden-sharing among host communities.

69. The policy Egypt pursues in dealing with migrants and refugees is rooted in the fundamental principle of respect for the right to freedom of movement, a rejection of the establishment of migrant and refugee detention centres, guarantees of non-discrimination, an obligation of equality before the law and the right to protection within the legislative framework. In addition the Government – following the directives of the political leadership – is making every effort to combat all forms of discrimination against refugees and migrants.

70. This approach is evident in the Government's undertaking to guarantee the right to education in State-run schools (general and vocational) up to pre-university level for the majority of refugees and migrants. In that connection, the Minister of Education issued a decree directing all schools to facilitate the admission of students coming from countries suffering political instability. The facilitations include exemptions from the requirement to submit previously obtained certificates or report cards. In addition, migrants and refugees were exempted from the requirement to submit a valid residence document during the coronavirus pandemic, as a way of ensuring that children could continue to attend school regularly during the crisis. The Government of Egypt is also rolling out activities designed to promote tolerance and inclusion between Egyptian students and refugee, asylum-seeker or migrant students, and to provide psychosocial support.

71. Egypt provides comprehensive primary and preventive health-care services, as well as secondary health-care, in State-run hospitals, in cooperation with UNHCR and the World Health Organization (WHO). From the outset, Egypt was careful to include migrants and refugees in its vaccination plans against coronavirus, ensuring that they could receive the vaccine on an equal footing with Egyptians, despite the scarcity of vaccines at that time. Refugees and migrants have also been able to benefit from the presidential initiative "100 Million Healthy Lives" for early screening and treatment of hepatitis C. Refugees and migrants also receive free reproductive health services and counselling, thanks to cooperation with UNHCR, the United Nations Population Fund (UNFPA) and IOM. In addition to the foregoing and as part of the national health policy to provide comprehensive health coverage for all Egyptians and persons living in Egypt, the Government has adopted laws and internal regulations which stipulate that refugees and migrants can take out health insurance.

72. A national asylum system is being rolled out and Egypt is currently focusing on drafting an "asylum act" that is consistent with its obligations under the 1951 Convention relating to the Status of Refugees and the African Charter. It is envisaged that a committee will be formed, to be headed by the Prime Minister, with responsibility for deciding on the granting, lifting or termination of refugee status, and for ensuring that refugees and asylum-seekers are protected and able to enjoy their rights under the law.

73. There is ongoing cooperation with international organizations, including UNHCR and the European Union Agency for Asylum, to strengthen institutional capacities vis-à-vis asylum and international protection. Egypt has also made several improvements to its registration system via the digitization and simplification of residence permit procedures. In addition to this, government institutions are cooperating with UNHCR on capacity-building to help identify cases in need of protection.

## **N. Reply to paragraphs 17–20 of the list of issues**

74. To supplement the information concerning the judiciary in paragraphs 6–10 above, it should be noted that the jurisdiction of military courts derives from article 204 of the Constitution, which stipulates that the military judiciary is an independent judicial body and that the conditions for admission to the judiciary contained in the Judiciary Act are equally applicable to its members. Moreover, the Code of Military Justice states that judges in military courts are independent, that they are subject to no authority other than that of the law, that they cannot be dismissed save by disciplinary proceedings and that they have the same duties as those of civilian judges and prosecutors under the Judiciary Act.

75. Military courts have exclusive jurisdiction to rule on all crimes related to the armed forces or to officers, enlisted personnel or others of similar status, as well as on crimes committed by members of the General Intelligence Directorate during the course of their duties. In obedience to the principle that persons should be tried before their natural judge, civilians may not as a rule be tried before a military court. Nonetheless, civilians may exceptionally face trial before the military judiciary in the circumstances set forth in article 204 of the Constitution, which refers to the law to determine the specific crimes concerned. Domestic legislation regulates the rules and procedures wherewith civilians can be referred for trial before military courts. Such referral depends upon objective criteria that concern only the nature of the crimes committed, and the perpetrators are subject to the same laws as those applied by the ordinary courts.

76. Proceedings before military courts envisage full fair trial guarantees which are the same as those applied in ordinary courts. Thus, accused persons before military courts enjoy the same safeguards as accused persons before ordinary courts, such as the right to a defence, to examine the casefile, to public hearings and to appeal against a ruling before a higher court. Under the law, civilians being tried before military courts have access to the same degrees of justice as those envisaged in the Code of Criminal Procedure. In addition, they have the right to lodge an appeal with the military misdemeanour appeal court against a ruling handed down by a military misdemeanour court, while definitive sentences handed down by military misdemeanour courts or military criminal courts can be appealed before the Supreme Military Court of Appeal.

77. The judiciary is independent. Judicial authority is vested in courts of various types and degrees, which issue their judgments in accordance with the law. The powers of the judiciary are defined by law and interference in the administration of justice is an offence not subject to the statute of limitations. Each judicial body or entity attends to its own particular matters, and its views are to be canvassed vis-à-vis all proposed legislation regulating those matters. Each body or entity is to have its own independent budget. The President of the Republic appoints the heads of judicial bodies and entities from among the seven most senior deputies. They are appointed for a period of four years or for the period remaining until they reach the age of retirement, whichever is earlier, and for just one term during their period of service, as regulated by the law. All joint matters are overseen by the Supreme Council for Judicial Bodies and Entities, which is chaired by the President of the Republic and has as members the President of the Supreme Constitutional Court, the heads of judicial bodies and entities, the President of the Cairo Court of Appeal and the Prosecutor General. The Supreme Council has a secretary-general to be appointed by decree of the President of the Republic for the period specified by law with the post to rotate among the bodies that compose the membership of the Council. If the President of the Republic is absent, his place is to be taken by the head of one of the judicial bodies or entities. The Council is responsible for considering the conditions governing the appointment, promotion and disciplining of members of judicial bodies and entities, and its views are to be canvassed vis-à-vis all proposed legislation regulating matters

affecting those bodies and entities. The Council issues its decisions by a majority of members, one of whom must be the President of the Council. Judges are independent and may not be dismissed. They are subject to no authority other than that of the law and are equal in rights and duties. The conditions and procedures for their appointment, secondment and retirement are governed by law, which also regulates their disciplinary accountability. They may not be assigned, fully or in part, to other bodies or functions except as specified by law and in such a way as to avoid conflicts of interest and maintain the independence and impartiality of the judiciary and of judges. The rights, duties and guarantees granted to them are specified by law.

#### **O. Reply to paragraph 21 of the list of issues**

78. Egypt is eager to pursue a comprehensive policy to address the crime of human trafficking, including forced labour, a policy underpinned by four United Nations-approved pillars: prevention, protection, punishment and international cooperation. The National Coordination Committee for Preventing and Combating Illegal Migration and Human Trafficking – which brings together 30 ministries and governmental bodies and recently signed a protocol of cooperation with the National Civil Society Alliance – is currently implementing the Third National Anti-Trafficking Strategy 2022–2026. The Strategy has a particular focus on victim protection, via the updating of national referral mechanisms and improved capacity-building for social protection workers (including those who work on helplines), “Female Rural Pioneers”, social workers, labour inspectors and law enforcement officials.

79. In the course of 2021, the police in Egypt conducted investigations into 153 cases of human trafficking. Of these, 25 were prosecuted by the Public Prosecution Service and resulted in convictions, and sentences were handed down against 13 persons. Penalties included terms of imprisonment of 3 years and fines of 100,000 Egyptian pounds (LE).

80. A shelter for women and girl victims has been established and its staff have received training on psychosocial interaction with those victims. Two new shelters are being developed, in addition to existing shelters for female victims of physical violence.

81. Eight court chambers have been assigned to consider cases related to human trafficking and a number of prosecutors specializing in human trafficking have been designated. These measures were taken in the light of the special nature of such cases, which require specially trained teams of prosecutors and judges. The National Committee has also prepared guidelines on subjects such as evidence gathering, investigation and protection for workers.

#### **P. Reply to paragraph 22 of the list of issues**

82. To supplement the information contained in paragraphs 105–108 and 146–148 of the periodic report, it should be noted that freedom of religion and belief is also upheld in the National Human Rights Strategy, which sets itself a number of goals to be achieved in the period 2021–2026. These include intensified awareness-raising campaigns targeting young people in particular to promote coexistence, tolerance and acceptance of others; the rejection of hatred and violence; activities intended to shape societal awareness about religious freedom; the rejection of intolerance and extremist ideas; greater coordination among religious institutions on plans to renew religious discourse; disseminating tolerance and respect for religions; reviewing religious curricula in schools to remove elements that do not contribute to the promotion of tolerance; and monitoring material broadcast via the media that might amount to discrimination or incitement on religious grounds. At the same time, the committee for legalizing the status of churches is continuing its efforts to bring churches and service buildings that have not yet been regulated under the umbrella of the law.

83. The requirements for the renovation and construction of churches are defined in Act No. 80 of 2016 regulating the construction and restoration of churches. The legal representative of a religious community that is recognized by the State as having legal personality approaches the competent Governor with a request for legal approval to carry out any works that require a licence; i.e., construction, extension, alteration, consolidation, restoration, demolition, etc. The request is to be accompanied by ownership documents and other documentation necessary to identify the nature, location and limit of the work being contemplated. The Governor is



required to make a decision on the request within a period not exceeding four months from the date of its submission. The Act also envisages the creation of a committee to study and propose solutions to regularize the status of unlicensed church buildings. In no case is it permissible to prevent or suspend the practice of religious rites and activities in any of the buildings or their annexes for any reason whatsoever.

84. Thanks to the ongoing efforts of the committee for legalizing the status of churches, which was brought into being under the aforementioned Act, the number of churches and service buildings that have been brought under the umbrella of the law rose from 1,800 in January 2021 to 2,401 April 2022. This is out of a total of 5,415 churches and service buildings that made requests to have their status legalized.

85. In addition to this, lands have been allocated for the construction of five new churches in four cities: New Obour, New Administrative Capital, New Cairo and New Damietta. At the same time, the State has pursued its efforts to carry out a number of restoration projects on mosques, churches and synagogues in various governorates, at a cost of around LE 1.5 billion. As part of efforts to revive the itinerary of the Holy Family and to identify the points through which they passed on their flight into Egypt, 7 out of a total of 14 sites have been opened.

86. As concerns the legal framework ensuring the right of conscientious objection to military service, the Government wishes to point out that the Covenant contains no provision explicitly obliging a State to guarantee such a right. In the national context, article 86 of the Constitution imposes mandatory military service under the law as a sacred honour and duty, a national responsibility and a way to preserve national security, defend the homeland and protect national territory. The persons subject to such an obligation are identified under articles 1 and 2 of the National Military Service Act, promulgated by Act No. 127 of 1980, as male Egyptians who have reached the age of 18. They must perform this service in any of the various branches of the armed forces or the police, or in a governmental office or department that has a military system, to be specified by decree of the President of the Republic. Under the same Act, females of the same age and males who do not do military service are required to perform national or public service. Under article 3 of the Act, military service is to last for three years which, in a number of cases specified in article 4, can be reduced to one year, one and a half years or two years.

87. It should be noted that the unstable situation in the region poses numerous challenges, foremost among them that of terrorism, making military service a national duty for persons who meet the relevant criteria, notably in terms of physical and mental integrity and well-being, which are assessed by specialized committees. Cases of definitive exemption from military service are enumerated in article 7 of the Act, which takes due account of humanitarian circumstances and justifications that might require such exemption, while the cases in which military service can be postponed are defined in articles 8 and 9 of the Act.

#### **Q. Reply to paragraphs 23–26 of the list of issues**

88. As regards Act No. 180 of 2018 regulating the press, the media and the Supreme Media Regulatory Council, reference is made to paragraphs 110–113 of the fifth periodic report of Egypt which concern guarantees to ensure the freedom of the press, printing and publishing via print, visual, audio or electronic means and the independence of media institutions and the outlets they own, in line with articles 70 and 71 of the Constitution. The Council is responsible for issuing official licences to undertake media activity, in accordance with the law, and no media outlet may operate without such a licence. The Council is careful to strike a balance between, on the one hand, freedom of the press and media and, on the other, preserving the principles of democracy, non-discrimination and the right of viewers and readers to a free and impartial media, in accordance with the Constitution and the law. According to the Act: “In no case may a newspaper be published, or a licence be granted to a media outlet or website, or permission be given for it to remain in operation, when its activity is based on religious or confessional discrimination, or discrimination on the basis of sex, origin, religious confession, ethnicity or regional allegiance, or if it practises activities that are contrary to democracy, are clandestine in nature, or incite, promote or permit licentiousness, hatred or violence.”

89. The law envisages safeguards for the independence of persons working for the press or the media, and it prohibits the censorship, confiscation, suspension or closure of Egyptian newspapers and media outlets. Journalists and media professionals can work independently and under no authority other than that of the law. They cannot be held accountable for their opinions and it is forbidden to force them to disclose their sources of information. They can be dismissed only after having been duly investigated and after their syndicate has been informed of the reasons for their dismissal. In return, journalists and media professionals must perform their professional duties in accordance with the principles and values enshrined in the Constitution, the law, their code of professional conduct, the editorial policy of the newspaper or media outlet for which they work and the ethics and traditions of their profession, and without infringing the rights or freedoms of citizens.

90. The Government can affirm that the authorities block websites only with authorization from the courts. In fact, under articles 6 and 7 of Cybercrime Act No. 175 of 2018, the Public Prosecution Service or the investigating judge, depending upon the circumstances, have the authority to seize, withdraw, collect, store or track data, information or information systems in whatever place, system, program, online platform or computer they may be located. Article 7 allows the competent authorities to block any website or websites that broadcast from inside or outside the State if such websites post any expressions, digital content, images, films, promotional materials or the like that constitute an offence under the Act or that represent a threat to national security or the national economy.

91. The Supreme Media Regulatory Council seeks to facilitate procedures for all media outlets. It has issued dozens of licences to media institutions, websites and satellite channels and has provided them with the facilities necessary for their operations. The Council is careful to ensure that the facilities it provides are accompanied by measures to protect the rights of media workers, particularly after the events of January 2011 when many media channels and newspapers opened then, almost immediately, closed again due to lack of financial resources. As of August 2021, the total number of registered newspapers stood at 585 and of satellite channels (all privately owned) at 27. At the same time, there were 94 registered websites carrying news and media content in addition to other sites that have not obtained a licence or applied to regularize their status but which nonetheless operate in the public space. In 2021, the Council approved licences for 45 websites and 19 television channels. A further 100 new licences and regularization certificates were issued by the Supreme Media Regulatory Council in 2022, the largest number it has issued since it was established in 2016.

92. The allegations that journalists are being arrested under antiterrorism legislation are entirely baseless. In fact, under article 71 of the Constitution, no custodial penalty may be imposed for offences committed in the form of publication or publicity, unless they contain an incitement to violence, discrimination between citizens or defamation of individuals. Moreover, no documents, information, data or papers in the possession of a journalist or media worker may be used as evidence for charges against that person in the course of a criminal investigation, unless the possession of such material or the method by which it was obtained amount to a crime. The office or residence of a journalist or media worker may not be searched by reason of an offence committed by newspapers or media outlets, except in the presence of a member of the Public Prosecution Service. In addition, journalists or media workers can face no criminal penalty for using a publication or broadcast to challenge the actions of a public official, a public prosecutor or a person charged with public service, unless it is proven that such publication or broadcast was done in bad faith, is untrue or is unrelated to the work of the public official, the public prosecutor or the person charged with public service.

93. With reference to allegations about the status of persons who have been termed “human rights defenders”, the Constitution includes safeguards to protect the right to freedom of opinion and expression just as it prohibits discrimination between citizens before the law. National legislation does not envisage protection for one specific group, rather its purpose is to ensure that the rights enshrined in the Constitution can be duly exercised and to provide the safeguards necessary for the enjoyment of those rights by all citizens. This approach is consistent with article 19 of the Covenant, which stipulates that all persons have the right to hold opinions without interference and the right to express such opinions by any means of their choosing, while exercising the concomitant duties and responsibilities. The exercise of these rights may be subject to certain restrictions such as are provided for by law and are necessary

for respect of the rights of others and for the protection of national security or of public order, public health or public morals. Thus the protection envisaged by the Constitution and the law to guarantee freedom of opinion and expression – including in defence of human rights – extends to all persons, without discrimination on behalf of a particular group. All persons are equal before the law, and the rule of law acts as the fundamental guarantee for rights holders and for ensuring respect for the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms, as per the relevant United Nations Declaration of 1998. Thus, in the event of any violation, the appellation of “human rights defender” does not entail any immunity from legal accountability for a particular group. For its part, the State seeks to provide a healthy environment to enhance the role of society, including civil society organizations, in the advancement of human rights. Moreover, protecting and guaranteeing the exercise of legally and constitutionally recognized rights means that any attack or intimidation of citizens for exercising those rights constitutes an offence, and the Public Prosecution Service, being an independent body that is part of the judiciary, undertakes to investigate any allegations of crimes of that nature and to refer those responsible to the courts.

94. With regard to the work of civil society, the implementing regulations for the Civil Society Act were issued in January 2021. The Act was also amended and the period for regularizing the status of civil society institutions was extended for a further year, beginning on 11 January 2022. The Act and its implementing regulations envisage the freedom to establish civil society associations and institutions. They also seek to encourage the work of such bodies and to enhance their financial resources, and they envisage a greater number of exemptions and advantages to support civil society activity. They also encourage the work of foreign organizations as well as foreign membership of civil society associations, and seek to increase the scope for voluntary work.

95. More than 34,000 national and foreign NGOs have applied to regularize their status. These organizations are of various kinds, with civil society groups accounting for the largest portion (30,234) followed by civil society institutions (3,676). The number of area-specific federations has increased to 147, the number of foreign NGOs to 93 and the number of regional federations to 56. Unregistered bodies number 238.

96. Foreign funding has been steadily and gradually increasing. Financing from non-Egyptian donors and funding bodies reached LE 2.5 billion in 2021 as compared to LE 2.2 billion in 2020 and LE 1.1 billion in 2019. Grants and donations from local sources also increased to nearly LE 5 billion; i.e., double the foreign funding.

97. NGOs also helped to draft the National Human Rights Strategy, thanks to extensive consultation. The Strategy seeks to enhance communication between the Government and civil society organizations working in the field of human rights. In recognition of the efforts made by civil society, the President of the Republic has declared 2022 the Year of Civil Society.

98. With regard to the query as to whether the notification requirement under Act No. 107 of 2013 regulating public meetings functions as an authorization system, the Government wishes to point out that the right to demonstrate and assemble peacefully, with prior notification, is guaranteed under article 73 of the Constitution and enshrined in article 8 of the aforementioned Act. Moreover, in the light of suspicions that article 10 of the Act – by allowing a demonstration to be banned by the police if they receive credible information or indications that public order might be threatened – could constitute a restriction of this right, the Supreme Constitutional Court ruled the article to be unconstitutional (constitutional case No. 160 of year 36, dated 3 December 2016). Now in such cases, the question is to be submitted to an ad hoc judge at the competent court of first instance for him to issue a reasoned ruling on the matter as he sees fit. This shows to what extent the courts in Egypt understand the difference between a notification system and an authorization system, and it reaffirms the safeguards underpinning the constitutional right to demonstrate, with prior notification.

99. As concerns allegations regarding the use of force against peaceful demonstrators, as well as mass arrests, censorship and random security checks in recent years, the Government wishes to refer to paragraphs 49 and 51 of the present replies regarding Decree No. 156 of 1964 of the Minister of the Interior, which regulates the use of firearms by the police. It should be added that such weapons are used by forces wearing official uniform acting on the orders of a

field commander. The police response is gradual, beginning with repeated and audible oral requests to participants to disperse voluntarily, indicating the routes by which they can do so and securing those routes. In the event that the participants fail to respond, the security forces can intervene to disperse them, again taking gradual steps, using first water cannons, then tear gas, then batons, always in such a way as to preserve the security and safety of individuals.

100. If the crowd commits acts of violence or vandalism, destroys public or private property or assaults bystanders or law enforcement, security forces may make gradual use of force as follows: warning shots, then flash grenades or smoke grenades, then rubber bullets, then non-rubber munitions. If the crowd uses firearms against security forces in a manner that entails a right of legitimate defence, the response is to be commensurate with the degree of danger to life and property.

## **R. Reply to paragraph 27 of the list of issues**

101. The National Dialogue Initiative, which was launched by the President of the Republic in April 2022, constitutes a channel for dialogue and expression and has generated interaction among citizens, political parties, civil society groups and trade unions. As of July 2022, the technical secretariat of the Dialogue Initiative had received 96,532 proposals and requests from citizens, which were divided into three categories: political, societal and economic.

102. Political parties can be registered by means of written notification to be submitted to an independent commission. The commission, which is purely judicial in nature, is chaired by the First Vice-President of the Court of Cassation, and its membership is made up of six judges from the Court of Cassation, the courts of appeal and the Council of State. The commission studies the notification and a political party is considered to have been authorized if, 30 days after the submission of the notification, the commission has raised no objection. If the commission does raise an objection it can be brought before the Supreme Administrative Court to be either upheld or overturned.

103. A notification of the establishment of a political party is to be accompanied by the signatures of 5,000 founding members, who must come from at least 10 different governorates. The establishment or continued existence of a political party is conditional upon certain factors. The party's principles, goals and methods must not conflict with basic constitutional principles or with the requirement to protect national security and to maintain national unity, social peace and the democratic system. Moreover, the party's principles, programmes and activities are to be public and must not have a religious, class, sectarian, factional or geographic basis or be based on sex, language, religion or belief. In addition, the party's goals, methods, organization and sources of funding must all be publicly announced. The means the party uses must not entail any kind of military or paramilitary formation and it must not be a branch of a foreign political party or organization. Under the law, the authority to dissolve a political party lies with the Supreme Administrative Court, which is the highest court under the Council of State. In that regard, the Court acts on an application made by the Political Parties Commission following an investigation and report by the Public Prosecutor showing that the conditions stipulated under the Act no longer subsist.

104. With reference to the dissolution of the Freedom and Justice Party, the Political Parties Act allows the head of the Political Parties Commission to apply to the Supreme Administrative Court for it to issue a ruling on the dissolution of a party, following an investigation and report by the Public Prosecutor showing that the conditions stipulated under the Act no longer subsist. All the members of the Political Parties Commission agreed with the conclusions reached in the Public Prosecutor's report to the effect that the Freedom and Justice Party had effectively violated a number of the conditions set forth in the Political Parties Act. The application was considered by the Supreme Administrative Court and the Freedom and Justice Party duly submitted its legal defence. Eventually, on 9 August 2014, the Supreme Administrative Court delivered its ruling at the Council of State to dissolve the Party. The ruling was justified by a number of factors. Among these was the fact that the Court found that the Party had violated the Political Parties Act in that it had been established by the Muslim Brotherhood, which controlled more 80 per cent of the membership. Furthermore, advancement and decision-making in the Party were exclusively in the hands of the Brotherhood, meaning that the claim

to have non-Muslim and non-Brotherhood members was a sham. The Party had thus been established on religious grounds, which is contrary to the law and it was, moreover, a branch of a foreign political party or organization. The investigations conducted by the Public Prosecution Service also found that the Party was responsible for running violent armed groups, that the Party's principles, goals, methods, organization and sources of funding were not made public and that the Party itself was being administered secretly.

105. The Building and Development Party was dissolved under a ruling of the Supreme Administrative Court delivered at the Council of State on 30 May 2020. The justifications for the ruling referred to the fact that the Party drew its ideological principles from extremist Islamist groups that designated the ruling regime as apostate and upheld the legitimacy of breaking away from that regime on the grounds that it failed to enforce Islamic sharia. The Party also incited hostile actions against the army and the police. The justifications for the ruling further stated that the Building and Development Party had military formations – in fact, a video has circulated showing armed militias in Asyut carrying party banners in 2013 – and that its sources of funding are unknown – members pay no subscription fees to finance party activities and funding comes from external sources.

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