



International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues in relation to the fifth periodic report of Egypt*

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. In the light of the Committee's previous recommendation,¹ please provide information on the availability and accessibility of remedies for individuals claiming violations of the rights enshrined in the Covenant. Please also indicate the steps taken to increase awareness and understanding of the applicability of the Covenant among the general public and State employees, especially teachers, judges, prosecutors, lawyers, medical practitioners and law enforcement officials. Please also indicate any steps taken towards ratifying the two Optional Protocols to the Covenant.

State of emergency and counter-terrorism measures (arts. 2, 7, 9–10, 14, 18–19, 21 and 26)

2. While taking note of the State party's decision of October 2021 not to extend the nationwide state of emergency in effect since 2017, the Committee requests information on the subsequent legal amendments made, inter alia, to the Counter-Terrorism Law (No. 94/2015), the Law for the Securing and Protection of Public and Vital Facilities (No. 135/2014) and article 80 A of the Penal Code, which reportedly have the similar effects as did the state of emergency in restricting the enjoyment of rights under the Covenant. Please also provide information on the amendments undertaken in April 2020 to the Emergency Law (No. 162/1958), in the context of the coronavirus disease (COVID-19) pandemic, and comment on information received by the Committee indicating that, despite their purpose of responding to the pandemic, only 5 of the 18 amendments are clearly related to public health development and that it gives the President additional powers to restrict public and private assemblies, expands the jurisdiction of military courts over civilians and gives the security forces widespread powers to detain suspects indefinitely and interrogate them with little or no judicial review, even when there is no public health purpose. Please also clarify the grounds on which a state of emergency can be lawfully declared, as well as whether it complies with article 4 of the Covenant, in particular with regard to the non-derogable provisions of the Covenant and to limiting any derogations to those provisions that are strictly required by the exigencies of the situation.

3. Please provide information about the measures taken by the State party to address the COVID-19 pandemic. Please specify whether the measures taken were strictly required by, and proportional to, the exigencies of the situation and limited in duration, geographical coverage and material scope, as outlined by the Committee in its statement on derogations from the Covenant in connection with the COVID-19 pandemic.²

4. Please indicate the legislative measures that have been adopted to combat terrorism, including the amended Law on Counter-Terrorism (No. 94/2015), and the extent to which

* Adopted by the Committee at its 134th session (28 February–25 March 2022).

¹ [CCPR/CO/76/EGY](#), para. 4.

² [CCPR/C/128/2](#).



they may affect the rights guaranteed under the Covenant, in particular under articles 7, 9 and 14. Please inform the Committee of how the definition on terrorism contained in law complies with the Covenant and respond to the allegations that the broad definition of terrorism in domestic legislation gives authorities a wide scope to interpret the law in violation of the Covenant. Please also comment on reports of the failure to respect due process guarantees for defendants in the terrorism circuit courts and the lack of impartiality of the judges in those courts.

Combating corruption (arts. 14 and 25–26)

5. Please provide information on specific measures taken in the fight against corruption. Please include statistical information on the number of investigations, prosecutions, convictions of those found responsible and sentences handed down in corruption cases, during the reporting period and, in particular, in cases involving high-level public officials. Please also describe the mandates of the State party's anti-corruption bodies and any steps taken to ensure their independence and impartiality.

Non-discrimination (arts. 2 and 26)

6. Please report on measures taken to ensure that the legal framework provides full and effective protection against direct, indirect and multiple discrimination in all spheres, including in the private sphere, and on all the grounds prohibited under the Covenant and provides for effective remedies in judicial and administrative proceedings for victims of discrimination. Please clarify whether consensual same-sex relations are criminalized in the State party and comment on information received by the Committee indicating that the Law on Combating Prostitution (No. 10/1961) is applied to criminalize same-sex relations. Please respond to reports of social stigmatization, harassment, violence and discrimination against persons on the grounds of their gender identity or sexual orientation by both State officials and private individuals and the arbitrary arrest and detention of such persons by law enforcement officials.

Violence against women and domestic violence (arts. 2–3 and 6–7)

7. Please describe the steps taken to prevent and combat all forms of violence against women, including against migrant women and women in detention. In particular, please clarify whether gender-based violence against women in the domestic sphere and marital rape are explicitly criminalized in national legislation. In that regard, please provide information on measures taken to provide women who are victims of sexual and gender-based violence with adequate support services and to facilitate and encourage the reporting of cases of violence against women, including rape.

Female genital mutilation (arts. 2–3, 6-7, 24 and 26)

8. With reference to the Committee's previous recommendations,³ please provide information on the impact of the national strategy to counter female genital mutilation, 2016–2020, and describe any additional measures taken after the expiration of the national strategy. Please provide information on the number of complaints registered, prosecutions undertaken and convictions handed down in connection with female genital mutilation perpetrated against women and girls. Specifically, please indicate any rehabilitation measures adopted, in particular with regard to physical and mental health care for the victims.

Sexual and reproductive rights and voluntary termination of pregnancy (arts. 2–3, 6–7 and 26)

9. Please provide information on the decriminalization of the termination of pregnancy in cases where the life and health of the pregnant woman or girl is at risk or where carrying a pregnancy to term would cause the pregnant woman or girl substantial pain or suffering, especially where the pregnancy is the result of rape or incest or where the pregnancy is not viable. Please indicate the estimated number of clandestine abortions carried out per year, the number of women convicted of having voluntarily ended their pregnancies and the

³ CCPR/CO/76/EGY, para. 11.

sentences handed down. Please also provide information on the measures taken to guarantee the availability and accessibility of sexual and reproductive health information and services and affordable forms of contraception, including emergency contraception, throughout the State party.

Enforced disappearances (arts. 2, 6–7, 9 and 16)

10. Please describe the specific measures taken to ensure that victims of enforced disappearance and their relatives have access to effective remedies. In that regard, please indicate the measures taken to: (a) explicitly criminalize the crime of enforced disappearance in domestic legislation; (b) investigate all allegations of disappearance, ascertain the whereabouts of disappeared persons and, if they are dead, return their remains to families, including information on the number of complaints registered, investigations and prosecutions of those found responsible for disappearances and the outcome of those prosecutions; and (c) establish a central public registry of all places of detention.

Right to life and prohibition of torture and other cruel, inhuman or degrading treatment or punishment (arts. 6–7, 14 and 24)

11. In the light of the Committee's previous recommendations,⁴ please provide data, for the past five years, disaggregated by sex, age and ethnic origin, on the number of: (a) death sentences imposed, including against minors; (b) executions carried out, specifying the offences for which the sentences were imposed; (c) death penalty cases in which a pardon or commutation was granted; and (d) persons held on death row. Please respond to reports indicating an increase in the number of executions since 2019, including in the context of mass trials, and comment on the legal safeguards in place for the application of the death penalty. Please also indicate whether the State party plans to consider establishing a moratorium on the application of the death penalty.

12. With reference to the information provided in the State party's report,⁵ please describe the current legislative framework on the use of force by law enforcement officials and security forces and clarify the legal status of the package of measures established by the Ministry of the Interior and its compatibility with the Covenant, the Committee's general comment No. 36 (2019) on the right to life and general comment No. 37 (2020) on the right of peaceful assembly, the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on the Use of Less-Lethal Weapons in Law Enforcement. Please report on the outcomes of criminal investigations conducted into cases of excessive use of force by law enforcement officials and security forces, since 2013.

13. With reference to the Committee's previous recommendations,⁶ please respond to reports of the widespread torture and ill-treatment of prisoners in police custody and detention centres, leading to death in many cases, and the use, in court, of confessions obtained under torture. Please also indicate any steps taken to establish an independent mechanism to promptly, thoroughly and impartially investigate all allegations of torture and ill-treatment. With reference to the information provided by the State party in its periodic report,⁷ please provide data on the number of complaints of torture and detainee abuse, disaggregated by sex, age and ethnic origin, received in the past five years, the number of investigations, prosecutions and convictions in such cases, the sanctions imposed on the perpetrators and the reparations granted to the victims.

Right to liberty and security of person, and treatment of persons deprived of their liberty (arts. 6–10 and 14)

14. With reference to the Committee's previous recommendations,⁸ please describe the measures taken to reduce the severe overcrowding and improve the inhumane conditions in

⁴ Ibid., para. 12.

⁵ CCPR/C/EGY/5, paras. 25–26.

⁶ CCPR/CO/76/EGY, para. 13.

⁷ CCPR/C/EGY/5, para. 33.

⁸ CCPR/CO/76/EGY, para. 15.

places of detention, especially in the context of the COVID-19 pandemic, including information on measures to protect detainees from the virus and on the number of persons released from detention, disaggregated by sex and age. In particular, please respond to the 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. Please provide up-to-date data, disaggregated by facility, on the official and actual capacities of places of detention, indicate whether places of deprivation of liberty are subject to regular independent monitoring and provide information on the current mechanisms for monitoring places of deprivation of liberty.

15. Please respond to reports of: (a) persons being held in prolonged arbitrary detention without charge in official and unofficial places of detention, without access to judicial authorities and without being afforded fundamental legal safeguards, including contact with family or access to counsel; (b) the use of solitary confinement and incommunicado detention in places of deprivation of liberty; and (c) excessive use of pretrial detention. Please provide information about procedural safeguards in place to prevent arbitrary detention and to investigate such complaints, including statistical data on the number of investigations, prosecutions and convictions for such practices.

Treatment of aliens, including migrants, refugees and asylum-seekers (arts. 2–3, 7, 9, 12–13, 24 and 26)

16. Please provide information, disaggregated by age, sex and country of origin, on the number of asylum-seekers, refugees and stateless persons in the State party and on the number of individuals among those groups who are held in detention, including information on the duration of their detention. Please describe the existing legal and administrative frameworks governing asylum procedures in the State party, and provide detailed information on measures in place to improve the identification of persons in need of international protection at the border. Please respond to reports that many individuals seeking, or in need of, international protection are apprehended at the border or prior to reaching the Office of the United Nations High Commissioner for Refugees in Egypt, detained without access to asylum procedures, and thus denied their right to have their protection claims examined, and returned to their countries of origin, in violation of the principle of non-refoulement.

Administration of justice, right to a fair trial and independence of the judiciary (art. 14)

17. Please provide information on the structure and competencies of the judiciary in the State party, in particular the jurisdiction of the military courts. Please indicate which offences are tried before the military courts and what steps have been taken to amend the current rules of military criminal law to exclude human rights violations from military jurisdiction. Please comment on information received by the Committee indicating that military courts lack due process guarantees, in contravention of article 14 of the Covenant.

18. Please describe the measures taken to ensure, both in law and in practice, the full independence and impartiality of judges and prosecutors, and comment on reports of political influence on members of the judiciary, in particular in the criminal courts. Please describe the current procedures and criteria for the selection, appointment, suspension and removal of judges and prosecutors. Please also provide information on Law No. 13/2017, in particular regarding the process to select and appoint the heads of judicial agencies, including the Cassation Court and State Council.

19. Please provide information on the Emergency State Security Court, its competence and its compatibility with article 14 of the Covenant. Taking into account the decision not to extend the nationwide state of emergency, please clarify whether the Emergency State Security Court will proceed with the ongoing trials, and provide data on the number of prosecutions and convictions imposed by the Emergency State Security Court since 2017, disaggregated by the nature of the offence. Please describe the efforts made to address the reported shortcomings of the trials of: (a) Ahmed Samir Santawy; (b) Alaa Abd al Fattah; and (c) Mohamed al-Baqer and Mohamed “Oxygen” Ibrahim.

20. Please provide information on measures taken to prevent and punish threats or acts of intimidation aimed at lawyers. Please respond to the allegations that lawyers have been subjected to numerous forms of harassment and intimidation, long and illegal pretrial detention, arbitrary detention, torture and other ill-treatment and enforced disappearance. Please provide information on the cases of Ibrahim Metwally, a lawyer who was arrested on 10 September 2017, before traveling to Geneva where he was planning to provide information to the Working Group on Enforced or Involuntary Disappearances, and who was then forcibly disappeared, subjected to torture and ill-treatment and held in pretrial detention for more than two years, as well as accused of various crimes, including “membership in a terrorist group”.

Elimination of slavery and servitude (art. 8)

21. Please indicate whether the State party intends to develop a countrywide procedure for law enforcement officials on the early identification of victims of trafficking, forced labour and servitude and their referral to appropriate support and reintegration services. Please provide information on the National Coordination Committee for Preventing and Combating Illegal Migration and Human Trafficking and on the training provided to judges, prosecutors, police officers and other State officials to enable them to detect victims of trafficking, forced labour and servitude, carry out investigations and initiate legal proceedings. Please also provide information on the efforts undertaken to ensure the effective enforcement of the anti-trafficking law, Act No. 64 (2010), including the investigations conducted, prosecutions initiated and the sentences and penalties imposed on perpetrators of trafficking in persons.

Freedom of conscience and religious belief (arts. 2, 18 and 26)

22. Please report on the measures taken to ensure that the right to freedom of conscience and religious belief is fully respected, in law and in practice, on a non-discriminatory basis, that members of religious minorities and defenders of their human rights are protected from any acts of violence and that perpetrators are brought to justice. Please provide information on the legal framework ensuring the right of conscientious objection to military service. Please also clarify the requirements for the renovation and construction of churches in the State party.

Freedom of expression, association and right of peaceful assembly (arts. 6–7, 9, 19, 21–22 and 25–26)

23. Please provide information on the Law on the Organization of Press, Media and the Supreme Council of Media (No. 180/2018) and its compatibility with article 19 of the Covenant, including with regard to its powers to block journalistic and personal websites and the onerous administrative and licensing requirements imposed on individuals wishing to disseminate information in Egypt. Please comment on information received by the Committee indicating that most popular media is controlled by the State via official agencies or the intelligence services and that independent media is censored online by the authorities, with more than 500 websites being blocked. Please respond to the allegations that of an increase in arrests of journalists, following the adoption of the anti-terrorism legislation and the addition of human rights defenders and political opponents to the “terrorists list”, established by the Terrorist Entities Law (No. 8/2015).

24. Please provide information on the Law Governing the Pursuit of Civil Work (No. 149/2019) and comment on information received by the Committee indicating that the Law restricts the work of civil society organizations and associations and empowers authorities with wide-ranging monitoring power and broad discretion to regulate and dissolve non-governmental organizations. Please comment on reports that: (a) human rights defenders face difficulties in carrying out their work in the State party; (b) numerous cases of assault, threats, harassment and intimidation against them have been recorded; (c) in most cases, no thorough investigation has been carried out; and (d) the authorities have not adopted protection measures to enable human rights defenders to carry out their work. Please describe the steps taken to investigate all attacks on the life and dignity of human rights defenders.

25. With reference to the State party's report,⁹ please clarify whether the notification requirement provided by Act No. 107 (2013) for public meetings functions as an authorization system and whether it complies with the Committee's general comment No. 37 (2020), in particular, paragraphs 70 to 73 thereof. Please respond to the allegations on the unnecessary and excessive use of lethal force against and mass arrests, censorship and random security checks of, peaceful protesters in recent years. Please also provide data on the investigations conducted, prosecutions and sentences handed down to perpetrators, for the past five years, in such cases, including with regard to the violations that occurred during the series of peaceful protests across the country on 20 and 21 September 2019.

26. Please provide information on the mass trial against more than 700 persons that occurred on 8 September 2018 for the events of 14 August 2013, in which at least 900 people were killed during a violent dispersal of anti-government demonstrations in Rabaa al-Adawiya and Al-Nahda Squares. Please clarify whether security officials have been held to account for the events that occurred on 14 August 2013 and respond to the allegations that the trial violated article 14 of the Covenant. Please provide information on the investigations carried out over the killing of at least 281 protesters on: (a) 5 and 8 July 2013, outside the Republican Guard headquarters on Salah Salem Street in eastern Cairo; (b) 27 July 2013, on Nasr Road towards the October 6 Bridge; and (c) 16 August 2013, in the Abbasiyya neighbourhood of central Cairo.

Participation in public affairs (arts. 22 and 25)

27. In the light of the Committee's previous recommendations,¹⁰ please provide information on measures taken to foster political pluralism in practice. Please describe the requirements for the registration of political parties and comment on the decision to ban the Freedom and Justice Party and the Islamist Building and Development Party.

⁹ CCPR/C/EGY/5, para. 118.

¹⁰ CCPR/CO/76/EGY, para. 22.