



# International Covenant on Civil and Political Rights

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## Human Rights Committee

### Concluding observations on the fifth periodic report of Egypt\*

1. The Committee considered the fifth periodic report of Egypt<sup>1</sup> at its 3958th and 3959th meetings,<sup>2</sup> held on 28 February and 1 March 2023. At its 3985th meeting, held on 20 March 2023, it adopted the present concluding observations.

#### A. Introduction

2. The Committee welcomes the submission of the fifth periodic report of Egypt and the information presented therein, while regretting the considerable delay in its submission. It expresses appreciation for the opportunity to renew its constructive dialogue with the State party's high-level delegation on the measures taken during the reporting period to implement the provisions of the Covenant. The Committee is grateful to the State party for its written replies<sup>3</sup> to the list of issues,<sup>4</sup> which were supplemented by the oral responses provided by the delegation, and for the supplementary information provided in writing.

#### B. Positive aspects

3. The Committee welcomes the adoption by the State party of the following legislative, policy and institutional measures:

- (a) Act No. 64 of 2010 on combating human trafficking;
- (b) The National Human Rights Strategy for 2021–2026;
- (c) The national strategy for the empowerment of Egyptian women for 2016–2030;
- (d) The national strategy and framework to combat violence against women for 2015–2020;
- (e) The National Strategy to Counter Female Genital Mutilation 2016–2020;
- (f) The National Anti-Trafficking Strategy 2022–2026;
- (g) The National Anti-Corruption Strategy 2023–2030;
- (h) Establishment of the National Council for Human Rights in 2003.

4. The Committee also welcomes the State party's ratification of or accession to the following international instruments:

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\* Adopted by the Committee at its 137th session (27 February–24 March 2023).

<sup>1</sup> [CCPR/C/EGY/5](#).

<sup>2</sup> See [CCPR/C/SR.3958](#) and [CCPR/C/SR.3959](#).

<sup>3</sup> [CCPR/C/EGY/RQ/5](#).

<sup>4</sup> [CCPR/C/EGY/Q/5](#).



- (a) The Convention on the Rights of Persons with Disabilities, on 14 April 2008;
- (b) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, on 6 February 2007.

## C. Principal matters of concern and recommendations

### National human rights institution

5. While welcoming the establishment of the National Council for Human Rights in 2003, the Committee is concerned about the lack of safeguards to ensure its full independence and effectiveness and the lack of information provided on the effective implementation of its recommendations, notably with regard to the onward referral of individual complaints submitted to it (art. 2).

**6. The State party should continue its efforts to ensure that the National Council for Human Rights fully complies with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and is able to carry out its mandate fully, effectively and independently.**

### Combating corruption

7. While noting the State party's efforts to combat corruption within the framework of the National Anti-Corruption Strategy, the Committee is concerned about reports that corruption remains pervasive in many sectors of public life, including the judiciary. The Committee regrets the lack of specific information provided by the State party on the effectiveness of its anti-corruption strategy and on the measures in place to ensure the independence, transparency, effectiveness and accountability of the Administrative Control Authority, which is expected to play a central role in combating corruption in the State party (arts. 2 and 25).

**8. The State party should intensify its efforts to prevent and eradicate corruption and impunity at all levels. In particular, it should take all necessary measures:**

(a) **To promptly, independently and impartially investigate and prosecute all cases of corruption, particularly high-level corruption, including corruption in the judiciary, and, if a person is convicted, apply penalties commensurate with the seriousness of the offence;**

(b) **To ensure the independence, effectiveness, transparency and accountability of all anti-corruption bodies, including the Administrative Control Authority;**

(c) **To revise and supplement the legal framework to better protect whistle-blowers and ensure access to publicly held information;**

(d) **To implement training and awareness-raising campaigns to inform public officials, politicians, the business community and the general public about the economic and social costs of corruption and the mechanisms in place to address it.**

### Discrimination on grounds of sexual orientation and gender identity

9. The Committee is concerned about continuing reports of discrimination, stigmatization, harassment and violence, including by law enforcement officials, against persons on the basis of their real or perceived sexual orientation or gender identity, and that these serious crimes are not investigated and punished. The Committee is concerned that vague provisions on "habitual debauchery" under Act No. 10 of 1961 on combating prostitution are used to prosecute persons due to their sexual orientation or gender identity, and in some cases to subject them to forced anal examinations (arts. 2, 3, 7, 17 and 26).

**10. The State party should ensure that all persons can, regardless of their real or perceived sexual orientation or gender identity, fully enjoy all the human rights enshrined in the Covenant. In particular, the Committee recommends that the State party:**

- (a) **Consider enacting comprehensive anti-discrimination legislation that provides full and effective protection against discrimination in all spheres and contains a comprehensive list of prohibited grounds for discrimination, including sexual orientation and gender identity;**
- (b) **Take steps to combat stereotypes about and negative attitudes towards persons on the basis of their sexual orientation or gender identity;**
- (c) **Adopt specific measures, including the provision of training and awareness-raising programmes for the police and the judiciary, including public prosecutors, to effectively prevent acts of discrimination and violence against such persons;**
- (d) **Ensure that all acts of violence against persons due to their sexual orientation or gender identity are promptly and effectively investigated, perpetrators are brought to justice and victims are provided with reparation;**
- (e) **Take steps to ensure that existing legislation alluding to vague notions of morality and debauchery, such as Act No. 10 of 1961 on combating prostitution, is not used to criminalize acts of persons on the basis of their sexual orientation or gender identity;**
- (f) **Prohibit intrusive medical examinations that have no medical justification.**

#### **State of emergency**

11. The Committee is concerned about the far-reaching powers conferred on the Government under Emergency Act No. 162 of 1958, in particular with regard to amendments made in April 2020 in the context of the coronavirus disease (COVID-19) pandemic, which allowed restrictions on the right to peaceful assembly even in the absence of any public health purpose and further extended powers in a range of areas not clearly related to public health, such as the jurisdiction of military courts over civilians and the powers of security forces to detain suspects indefinitely with little or no judicial review. The Committee is also concerned about the adoption and implementation of Act No. 152 of 2021 on communicable diseases, which provides for restrictions and disproportionate sanctions on a range of fundamental rights and freedoms guaranteed under the Covenant, and has been used to suppress the legitimate exercise of the right to freedom of expression on the premise of combating the dissemination of false news on the status of the pandemic (art. 4).

12. **In the light of the Committee's general comment No. 29 (2001) on derogations from provisions of the Covenant during a state of emergency and the Committee's statement on derogations from the Covenant in connection with the COVID-19 pandemic,<sup>5</sup> the State party should:**

- (a) **Review and amend Emergency Act No. 162 of 1958 as well as Act No. 152 of 2021 on communicable diseases in order to ensure their full compliance with the requirements of article 4 of the Covenant;**
- (b) **Guarantee that any measures introduced to protect the population in the context of a state of emergency, including a pandemic, are temporary, proportionate, strictly necessary and subject to judicial review;**
- (c) **Ensure that it promptly informs other States parties to the Covenant, through the intermediary of the Secretary-General, of the rights from which it has derogated in a time of public emergency and the reasons therefor, in accordance with article 4 (3) of the Covenant;**
- (d) **Ensure that legislation is not used in times of emergency to unduly restrict the right to access information and impart information to others, recognizing that these rights constitute important safeguards for ensuring that the State party's use of emergency powers during pandemics complies with its obligations under the Covenant.**

<sup>5</sup> [CCPR/C/128/2](#).

### Counter-terrorism measures

13. Recalling its previous recommendations,<sup>6</sup> and noting the State party's need to take measures to combat terrorism, the Committee remains concerned by the excessively broad and vague definitions of terrorism set out in Act No. 94 of 2015 (Counter-Terrorism Act) and Act No. 8 of 2015 regulating the list of terrorist entities and terrorists (Terrorist Entities Act), including such definitions as "harming national unity" and "disturbing the public order", and the expanded range of offences subject to the death penalty under counter-terrorism laws. The Committee is concerned by reports that these laws are used, in combination with restrictive legislation on fundamental freedoms, to silence actual or perceived critics of the Government, including peaceful protesters, lawyers, journalists, political opponents and human rights defenders. The Committee is also concerned by reports that suspects can be held in custody for long periods without charge and that court proceedings in terrorism cases often lack fundamental procedural safeguards to ensure fair trials, especially regarding mass trials and trials in which the death penalty is imposed. The Committee is additionally concerned that under the Terrorist Entities Law, Egyptian authorities have listed thousands of individuals, including human rights defenders, activists and opposition politicians, on the "terrorist list" without court hearings or any form of due process and subjected them to lengthy travel bans, asset freezes and, in the case of public sector employees, automatic dismissal (arts. 2, 9, 12, 14 and 15).

#### 14. The State party should:

(a) **Review the Counter-Terrorism Law and the Terrorist Entities Law in order to clarify and narrow the broad definitions of terrorism contained therein and ensure that they comply with the principles of legal certainty and predictability;**

(b) **Halt the misuse of counter-terrorism measures to crack down on peaceful protesters, lawyers, journalists, political opponents and human rights defenders and take steps to protect fundamental freedoms, including by lifting asset freezes and travel bans resulting from such measures;**

(c) **Reinforce procedural safeguards against arbitrary detention in the investigation and prosecution of terrorism, in law and in practice;**

(d) **Ensure that court proceedings in terrorism cases are fully in line with articles 14 and 15 of the Covenant to ensure fair trials and put an end to the use of mass trials that are inherently not aligned with international standards.**

### Violence against women and domestic violence

15. While welcoming the legislative, policy and institutional measures taken by the State party to address violence against women, the Committee is concerned that a number of gaps remain in the scope and coverage of legislation as well as in enforcement mechanisms. It is also concerned that widely held stereotypes result in the continued prevalence of violence against women both inside and outside the home. The Committee is further concerned that domestic violence, including marital rape, is still not explicitly criminalized in national legislation and that the Penal Code allows for leniency for so-called "honour crimes". While welcoming the amendments made to the Penal Code (Act No. 141 of 2021) to define sexual harassment as a felony offence, the establishment of a national referral mechanism for reporting cases of violence against women and the increased availability of support for victims, the Committee remains concerned that heightened sentences for sexual harassment have not reduced its prevalence; reporting rates regarding violence against women have not increased; and women who pursue complaints through the courts are often revictimized by intrusive and negative media attention, intimidation by defendants and the prosecution and drawn-out investigations. The Committee is additionally concerned that migrant women who are subjected to domestic violence face aggravated vulnerability as they often have unequal legal standing in divorce and child custody cases (arts. 2, 3, 7, 23 and 26).

<sup>6</sup> CCPR/CO/76/EGY, para. 16.

16. **The State party should:**

(a) **Adopt a comprehensive law criminalizing all forms of violence against girls and women that explicitly addresses domestic violence, marital rape and crimes committed in the name of so-called “honour”;**

(b) **Amend its legislation to ensure that migrant women victims of gender-based violence are not discriminated against in legal proceedings, notably regarding divorce and the custody of children;**

(c) **Encourage the reporting of violence against women, inter alia, by reinforcing existing or creating new reporting mechanisms and informing women of their rights as well as the existence of legal assistance and other services through which they can receive protection and compensation;**

(d) **Conduct public education programmes on discriminatory norms and beliefs to combat the stigmatization and revictimization of women seeking help through the existing services of the national authorities, including for journalists, religious leaders and actors in formal and customary justice systems;**

(e) **Ensure that cases of violence against women, including domestic violence, are promptly and thoroughly investigated and that perpetrators are prosecuted and, if convicted, punished with penalties commensurate with the gravity of the offences;**

(f) **Ensure that victims receive the necessary legal, medical, financial and psychological support and have access to effective remedies and means of protection and promote access to victim advocates specialized in violence against women to support survivors’ engagement with the police;**

(g) **Ensure that judges, prosecutors and law enforcement authorities continue to receive appropriate training that empowers them to deal with cases of violence against women and domestic violence effectively and in a gender-sensitive manner, increase the number of female police officers and guarantee adequate access to specialized units dealing with such cases to an adequate level, including in the judiciary and the Public Prosecution Service;**

(h) **Collect and make available disaggregated statistics on violence against women, including on the number of complaints, investigations and prosecutions and the sanctions imposed on perpetrators, as well as information about support services and compensation provided to victims.**

**Female genital mutilation**

17. Recalling its previous recommendations,<sup>7</sup> the Committee welcomes the range of measures taken by the State party under the framework of the National Strategy to Counter Female Genital Mutilation, and indications that the prevalence of this harmful practice has decreased, particularly among younger women and girls. The Committee is nonetheless concerned that awareness-raising initiatives have not sufficiently penetrated economically and socially marginalized demographic groups and isolated rural communities and that female genital mutilation continues to be underreported and practised on a significant scale. The Committee is also concerned that response and support services are not sufficiently available, particularly at the local level (arts. 3, 7 and 26).

18. **The State party should:**

(a) **Complement national legislation and strategies to eradicate harmful practices, such as female genital mutilation, with the adoption of comprehensive policies and programmes that address the root causes of these practices;**

(b) **Strengthen the prevention of harmful practices, such as female genital mutilation, through the establishment of early warning systems and a procedure for reporting doctors or other persons who perform female genital mutilation;**

<sup>7</sup> CCPR/CO/76/EGY, para. 11.

(c) **Expand public education programmes on eliminating discriminatory norms and beliefs, with a focus on religious leaders, actors in the formal and informal/customary justice systems and service providers, as well as targeted programmes for girls and their families to raise awareness of the rights of women and girls to bodily autonomy and integrity;**

(d) **Provide victims of female genital mutilation with access to remedies and redress, health-care services, mental health and psychosocial counselling, legal assistance and socioeconomic reintegration services.**

#### **Voluntary termination of pregnancy and sexual and reproductive rights**

19. While noting the measures taken by the State party to improve the availability and accessibility of sexual and reproductive health information and services, the Committee is concerned by reports that many women and girls continue to experience barriers to accessing a range of methods of contraception due to such factors as geographic location and socioeconomic status. The Committee is also concerned that such barriers, combined with a highly restrictive legal framework for accessing abortion legally, reportedly result in a high number of unsafe abortions being carried out clandestinely and subject to criminal prosecution under articles 260 to 264 of the Penal Code. The Committee is further concerned that the State party's legislation and regulations providing for cases in which abortion can be accessed legally do not allow for terminating a pregnancy legally in cases in which carrying a pregnancy to term would cause the pregnant woman or girl substantial pain or suffering, most notably when the pregnancy is the result of rape or incest (arts. 2, 3, 6, 7, 17 and 26).

20. **In the light of paragraph 8 of the Committee's general comment No. 36 (2018) on the right to life, the State party should:**

(a) **Amend its legislative and regulatory framework concerning abortion to expand the legal justification for terminating a pregnancy to include cases in which carrying a pregnancy to term would cause the pregnant woman or girl substantial pain or suffering, most notably when the pregnancy is the result of rape or incest;**

(b) **Amend articles 260 to 264 of the Penal Code to ensure that women and girls who have recourse to abortion and the doctors or others who attend to them are not subject to criminal penalties, and lift barriers, such as those relating to medical authorizations, since the existence of such penalties and barriers compel women and girls to resort to unsafe abortions;**

(c) **Strengthen measures taken to ensure that women and girls are able to access a wide range of affordable contraception methods.**

#### **Death penalty**

21. The Committee remains deeply concerned that domestic law punishes with the death penalty a high number of crimes, including non-violent crimes that do not meet the threshold of the "most serious crimes" within the meaning of article 6 (2) of the Covenant and that the death penalty is mandatory for certain crimes. The Committee is also very concerned about allegations of instances in which death sentences have been imposed on the basis of confessions obtained under duress or torture, or in the context of trials that did not meet the standards of article 14 of the Covenant, including mass trials and trials in military and Emergency State Security Courts, the latter of which can hand down the death penalty without the right of appeal. Notwithstanding the oral assurances provided by the delegation that the death penalty was not imposed upon children, the Committee is concerned by reports that children have been sentenced to death in the context of mass trials as co-defendants with adults in circumstances requiring that they be tried jointly. The Committee is also concerned by reports that a number of executions in Egypt have been carried out in secret and without allowing family visits or timely notification. Furthermore, the Committee is deeply concerned by reports of the high and growing number of cases in which the death penalty is imposed and the frequency of its application (arts. 6, 7 and 14).

22. **In the light of the Committee's general comment No. 36 (2018), the State party should take all measures necessary, including legislative action, to ensure that the death**

penalty is never mandatory and is imposed only for the most serious crimes, involving intentional killing, as defined clearly in law. In this regard the State party should proceed with the review of crimes punishable by the death penalty, which is planned under the National Human Rights Strategy. The State party should also:

- (a) Ensure that pardon or commutation of the sentence is available in all cases, regardless of the crime committed;
- (b) Ensure that the death penalty is never imposed in violation of the Covenant, including in violation of fair trial procedures, that legal assistance is always made available and that evidence obtained under duress and torture is inadmissible in court;
- (c) Ensure that no person who was below the age of 18 years at the time of the commission of an offence is subjected to the death penalty, and that those charged with a capital offence have access to an effective and independent age determination process and are treated as children if doubts remain about their age at the time of the commission of the offence;
- (d) Ensure that prisoners on death row, their families and legal counsel are always provided with advance notification of the execution of the sentence;
- (e) Give due consideration to establishing a moratorium on the death penalty with a view to abolishing it and consider acceding to the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty.

#### **Excessive use of force**

23. The Committee is concerned that the legal framework governing the use of force by law enforcement officials, including the Act No. 109 of 1971 on the Police Corps and Decree No. 156 of 1964 concerning the rules regulating the use of firearms by the police force, are not in line with international standards. The Committee is concerned by the numerous reports of excessive use of force and firearms by police and security personnel, notably in the context of the dispersal of protests. The Committee is deeply concerned by the discharge of live ammunition to disperse anti-Government demonstrations, resulting in the deaths of hundreds of peaceful protesters, notably during the dispersal of the sit-ins at Rabaa al-Adawiya and Al-Nahda squares on 14 August 2013, which led to the death of at least 900 protesters. The Committee regrets the apparent absence of sanctions handed down to police and security personnel in the context of the investigation of such events and is concerned that this has created a climate of de facto impunity (arts. 6, 7 and 21).

#### **24. The State party should:**

- (a) Ensure that legislative and regulatory provisions governing the use of force are in line with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the Committee's general comment No. 36 (2018), which requires that the use of lethal force by law enforcement be resorted to only when strictly necessary in order to protect life or prevent serious injury from an imminent threat;
- (b) Introduce procedures to guarantee that law enforcement operations are properly planned in a manner consistent with the need to minimize the risk they pose to human life;
- (c) Ensure that all allegations of excessive use of force by State agents are recorded and investigated promptly, thoroughly and impartially, that those responsible are prosecuted and, if found guilty, are punished and that the victims obtain redress;
- (d) Take measures to effectively prevent and eliminate all forms of excessive use of force by law enforcement officers, including by providing training on the use of force, the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement.

**Enforced disappearances**

25. The Committee is deeply concerned by the reportedly widespread use of incommunicado detention under counter-terrorism laws, which presents a significant systemic risk of short-term enforced disappearance, and reports of the enforced disappearance of individuals despite court orders for their release. The Committee is also concerned by the continued high number of enforced disappearances submitted to and pending before the Working Group on Enforced or Involuntary Disappearances and reports of reprisals against those advocating for victims of enforced disappearance, including civil society organizations, family members and lawyers (arts. 2, 6, 7, 9, 14 and 16).

**26. The State party should:**

(a) **Elucidate all cases of enforced disappearance and conduct investigations without delay, while ensuring that the victims and their relatives are informed of the progress and results of the investigation;**

(b) **Identify those responsible and ensure that they are prosecuted and punished with appropriate penalties that are commensurate with the gravity of their crimes and that victims of enforced disappearance and their families are provided with full reparation, including rehabilitation, satisfaction and guarantees of non-repetition;**

(c) **In the event of death, identify and return the remains of the deceased in a dignified manner;**

(d) **Ensure that those advocating for victims of enforced disappearance do not face reprisals for their advocacy work;**

(e) **Give due consideration to the pending country visit request of the Working Group on Enforced or Involuntary Disappearances and consider acceding to the International Convention for the Protection of All Persons from Enforced Disappearance.**

**Prohibition of torture and other cruel, inhuman or degrading treatment or punishment**

27. The Committee is deeply concerned by the reportedly systematic use of torture and cruel, inhuman or degrading treatment at the hands of law enforcement personnel. The Committee is concerned by reports that torture and ill-treatment are prevalent within places of deprivation of liberty and that such acts are widely practised by the police and State security services during the arrest, interrogation and investigation phases, often as a method of coercion to elicit information or to punish or intimidate opponents and critics, despite constitutional and legislative guarantees. The Committee is additionally concerned about information received according to which sexual violence is carried out against detainees of all genders. It is equally concerned about the general lack of investigations into such practices and punishment of those responsible, reprisals against victims who denounce torture and the lack of reparation for victims, as well as the reported absence of meaningful oversight by the judiciary and public prosecution, including with regard to the use of evidence obtained under torture and the disregarding of medical examinations and complaints of torture (arts. 7 and 9).

**28. The State party should:**

(a) **Ensure the prompt, thorough, independent and effective investigation of all allegations of torture and ill-treatment, including sexual violence, prosecute and, if convicted, punish the perpetrators with penalties commensurate with the gravity of the offence and provide effective remedies for the victims, including rehabilitation;**

(b) **Take all measures necessary to prevent torture and inhuman or degrading treatment or punishment, including by strengthening the training of judges, prosecutors, the police and military and security forces; ensuring the video recording of interrogations; and ensuring that fundamental legal safeguards for those deprived of their liberty are fully respected;**



- (c) **Effectively implement existing legislation that prohibits the use in legal proceedings of confessions obtained by coercion.**

#### **Treatment of persons deprived of their liberty**

29. The Committee regrets the lack of information provided by the State party on the official and actual capacities of places of detention, disaggregated by facility. The Committee is concerned by the persistence of severe overcrowding, poor ventilation, the lack of clean water and hygiene products, physical abuse and inadequate health-care provision in places of deprivation of liberty. While welcoming certain measures, including vaccination undertaken in response to the COVID-19 pandemic, the Committee is concerned that detainees were not given adequate access to testing and, where necessary, isolation rooms, and that a suspension of all in-person visits was enforced without the provision of alternatives, such as video or phone calls. The Committee is also concerned by multiple reports indicating that detainees held for political reasons are frequently subjected to particularly harsh conditions, including the deliberate denial of health care, the denial of visits by family members and legal counsel and extended periods of solitary confinement. The Committee further expresses its concern with regard to reports of deaths in places of deprivation of liberty following the denial of access to health care, as well as the failure to conduct independent, effective and transparent investigations into such deaths. The Committee is also concerned by allegations that visits to places of deprivation of liberty by the National Council for Human Rights are often denied and, when granted, are prearranged and do not allow for unhindered access or confidential interviews with detainees (arts. 2, 6, 7 and 10).

#### **30. The State party should:**

(a) **Ensure that conditions of detention are compatible with such international standards as the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules);**

(b) **Ensure that all detainees, irrespective of the offence for which they have been charged, have prompt and regular access to their legal representatives, families and any medical assistance they may require;**

(c) **Conduct thorough, impartial and independent investigations into cases of death in custody or detention, in line with the Minnesota Protocol on the Investigation of Potentially Unlawful Death;**

(d) **Ensure independent and unhindered access to places of deprivation of liberty by independent monitoring and oversight mechanisms and consider ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and setting up a national preventive mechanism.**

#### **Liberty and security of person**

31. The Committee expresses its deep concern over multiple reports according to which people are frequently detained arbitrarily in violation of fundamental procedural safeguards, including the right to be informed promptly and in detail of the nature and cause of the charge and the right of the accused to challenge the legality of detention before a judge and to be tried within a reasonable period of time. The Committee is also concerned by information received according to which statutory limits to the duration of pretrial detention are circumvented under the practice known as “rotation” in which detainees are added to new cases under similar charges repeatedly. The Committee is further concerned that this practice is often used as a punitive measure against dissenting voices, journalists, human rights defenders and political opponents, with the unwarranted interference of security agencies in the decisions regarding release, even when defendants have been acquitted by the courts. The Committee is additionally concerned about the reportedly systematic and widespread recourse to prolonged pretrial detention in the State party, especially of Government critics. The Committee is also concerned about the broader impact of prolonged pretrial detention on overcrowding in places of detention and the lack of a publicly available record on the number of persons held in detention pending investigation or trial (arts. 9 and 14).

32. **In the light of the Committee’s general comment No. 35 (2014) on liberty and security of person, the State party should:**

(a) **Ensure that no detainee is held without the prompt filing of criminal charges, and that all pretrial detainees are brought to trial expeditiously in public trials that meet fundamental due-process requirements;**

(b) **Ensure that statutory limits to the duration of pretrial detention are enforced, including by putting an end to the involvement of security agencies in the decision-making process on the release of detainees and the practice of “rotation” under which detainees are added to new cases on similar charges;**

(c) **Increase the availability of and recourse to alternatives to pretrial detention, in the light of the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules), including by giving due consideration to such alternatives, particularly when delays become necessary in investigations or trials.**

#### **Elimination of slavery, servitude and trafficking in persons**

33. The Committee welcomes the extensive measures taken by the State party to address human trafficking, based on Act No. 64 of 2010. While welcoming the establishment of a national referral mechanism for victims of trafficking, the Committee is concerned that the mechanism is not yet fully operational and remains underutilized. The Committee is concerned that, notwithstanding the measures taken by the State party, various forms of trafficking remain prevalent, including the labour and sexual exploitation of women migrant workers, child trafficking, including for begging and labour exploitation, and transactional “temporary marriages” of women and girls for sexual exploitation (arts. 2, 7, 8 and 26).

34. **The State party should:**

(a) **Fully operationalize and strengthen the national referral mechanism for victims of trafficking;**

(b) **Reinforce the specialized assistance available to victims of trafficking, including psychosocial support, health care and legal assistance, in a language that is understood by the victim;**

(c) **Allocate adequate resources for the creation of specialized, accessible shelters for victims of trafficking in all governorates of the State party, ensuring access to the provision of all appropriate forms of assistance;**

(d) **Amend Act No. 64 of 2010 on combating human trafficking to include a reference to the restitution and compensation of survivors;**

(e) **Finalize the establishment of the victims of trafficking fund, foreseen under Act No. 64 of 2010, which will be available to Egyptian and foreign victims.**

#### **Treatment of aliens, including migrants, refugees and asylum-seekers**

35. While acknowledging the significant number of refugees and asylum-seekers hosted by the State party, the Committee is concerned by the absence of an adequate legislative and institutional framework ensuring the right to asylum for all asylum-seekers entering the country. It is also concerned by reports of persons seeking international protection, including children, being detained at the border without access to asylum procedures and being returned to their countries of origin in violation of the principle of non-refoulement, sometimes in the form of collective expulsions. The Committee is concerned that a number of Eritrean asylum-seekers have reportedly disappeared after being deported, while others are said to have been arbitrarily detained or subjected to torture or inhuman treatment upon their return to Eritrea. The Committee is also concerned by reports that conditions of immigration detention do not meet international standards, including overcrowding, the detention of children with adults and a lack of access to adequate medical care (arts. 2, 6, 7, 9, 10, 13 and 26).

36. **The State party should:**

(a) **Uphold the principle of non-refoulement by ensuring that all individuals seeking or in need of international protection, especially those arrested at the borders**

for irregular entry, are not expelled or returned to a country where there is a risk of irreparable harm, such as that set out in articles 6 and 7 of the Covenant;

(b) Pending the adoption of an adequate national legal and institutional framework on asylum, take the required measures to enable all individuals seeking or in need of international protection to have rapid, unimpeded and safe access to the Office of the United Nations High Commissioner for Refugees (UNHCR) as well as an individualized case assessment, irrespective of their country of origin, in particular those apprehended at the borders;

(c) Put an end to the detention of asylum-seekers and, in the meantime, improve the living conditions in reception centres to ensure an adequate standard of living and access to basic social services;

(d) Recalling that the detention of children in migration matters is never in their best interest, ensure that children are not detained for immigration-related purposes, irrespective of their migratory status or that of their parents;

(e) Provide full access to UNHCR and monitoring bodies to places in which asylum-seekers and refugees may be deprived of liberty.

#### **Independence of the judiciary**

37. The Committee is concerned that amendments to articles 185, 189 and 193 of the Constitution adopted in 2019 compromise the independence of the judiciary, notably by providing for heads of judicial bodies and the prosecutorial authority to be appointed directly by the President of the Republic, and that affairs relating to the conditions of appointing, promoting and disciplining members of judicial bodies are decided by the Supreme Council for Judicial Bodies or Entities, which is headed by the President of the Republic. The Committee is concerned by multiple reports indicating the politicization of judicial and prosecutorial authorities, resulting in politically motivated cases, against actual or perceived critics and political opponents, characterized by prolonged pretrial detention and violations of fair trial guarantees (arts. 2, 9 and 14).

38. **The State party should:**

(a) **Take all the necessary measures to safeguard, in law and in practice, the full independence, impartiality and safety of judges and prosecutors;**

(b) **Take specific measures to prevent judges and prosecutors from being influenced in their decision-making by any form of political pressure or other unlawful interference, including by ensuring that procedures for the selection, appointment, promotion, removal and disciplining of judges and prosecutors are in compliance with the Covenant and relevant international standards.**

#### **Administration of justice and right to a fair trial**

39. The Committee is concerned by the increased jurisdiction of and prevalent recourse to emergency courts and military courts to prosecute individuals under overly broad provisions of counter-terrorism legislation and other laws. The Committee is concerned that thousands of perceived critics and opponents, including children, have been tried and convicted in such courts in trials, including mass trials, that do not adhere to the procedural safeguards and fair trial guarantees provided for under articles 9 and 14 of the Covenant. The Committee is concerned by the frequent application of the death penalty by such courts; that sentences issued by Emergency State Security Courts cannot be appealed; and that sentences issued by military courts may be appealed only to the Supreme Military Court of Appeals presided over by a military judge appointed directly by the Minister of Defence and subject to the military chain of command and disciplinary procedures (arts. 2, 6, 9, 14, 19 and 21).

40. **Recalling the Committee's general comment No. 32 (2007) on the right to equality before courts and tribunals and to a fair trial, in which the Committee stipulated that trials of civilians by military or special courts should be exceptional, the State party should review the respective jurisdiction of emergency courts and military courts to ensure that all trials in such courts are exceptional and that such courts cannot**

be used to prosecute individuals in relation to the exercising of their right to freedom of expression, political participation and peaceful assembly. The State party should also review its legislation to ensure that fundamental procedural safeguards and fair trial standards are systematically applied by military and emergency courts, including the defendant's right (a) to have their convictions and sentences reviewed by higher courts; (b) to communicate with counsel of their own choosing; (c) to obtain a public hearing; and (d) to secure adequate time and facilities for the preparation of a defence.

#### **Intimidation of lawyers**

41. The Committee expresses its deep concern that lawyers involved in politically sensitive cases are reportedly often subjected to harassment and intimidation and, in some cases, to arbitrary detention, prolonged pretrial detention, torture and other ill-treatment and enforced disappearance. The Committee is also concerned by reports that lawyers have been unduly denied access to their clients in detention as well as access to documents necessary for their clients' defence, and that lawyer-client confidentiality is not respected (arts. 2, 7, 9 and 14).

42. **The State party should:**

(a) **Ensure that sufficient safeguards are in place, both in law and in practice, to guarantee the full independence and safety of lawyers and ensure that they are able to carry out their duties without any harassment, undue interference or fear of arbitrary criminal prosecution and conviction or of other retaliatory measures, in line with the Basic Principles on the Role of Lawyers;**

(b) **Release all lawyers arbitrarily detained solely as a result of the exercise of their profession and provide them with adequate compensation.**

#### **Freedom of conscience and religious belief**

43. While taking note of the State party's stated aspiration to promote religious tolerance and diversity, as outlined in the National Human Rights Strategy, the Committee is concerned that religious and belief minorities, including Coptic Christians, Shi'a Muslims, Jehovah's Witnesses, Baha'is and atheists, continue to face varying forms of discrimination, such as restrictions on the building and operation of places of worship and burial sites, restrictions on the public practice of their faith, including prosecution under blasphemy laws, as well as acts of violence and sectarian attacks carried out with impunity, including by armed groups. The Committee is also concerned that Egyptian law recognizes only the three Abrahamic religions, namely, Islam, Christianity and Judaism, excluding other religious or belief communities from official recognition, and thereby denying other groups the rights afforded by law to recognized religions. The Committee is additionally concerned that no provision is made in Egyptian law to allow for conscientious objection to compulsory military service and that without an exemption certificate, conscientious objectors are unable to access educational institutions, obtain a passport or leave the country (arts. 2, 6, 7, 18 and 26).

44. **The State party should take concrete measures to combat all forms of discrimination and violence against religious and belief minorities, including the following measures:**

(a) **Amend existing legislation to ensure the protection of the law to all religious and belief minorities and end the abusive use of blasphemy laws against religious minorities for exercising their right to manifest their religion;**

(b) **Eliminate discriminatory policy practices against religious minorities, including with respect to regulating the construction and operation of places of worship and the allocation of land for burial sites;**

(c) **Ensure the effective protection of religious minorities, including by investigating allegations of violence and sectarian attacks and bringing perpetrators to justice;**

**(d) Adopt legislation to recognize the right to conscientious objection to military service and allow conscientious objectors access to alternative civilian services of a non-discriminatory and non-punitive nature.**

#### **Freedom of expression**

45. The Committee is concerned that restrictive criminal laws are improperly used to unduly restrict and suppress legitimate freedom of expression, including by journalists. The Committee is additionally concerned by reports that independent journalists and media outlets are subjected to excessively onerous administrative and licensing requirements under Act No. 180 of 2018 regulating the press, the media and the Supreme Council for Media Regulation, and are frequently prosecuted and detained for their work, including under counter-terrorist legislation. It is also concerned about reports that the Supreme Council for Media Regulation, whose members are appointed by the executive branch of the Government, exercises overly broad powers over the content of media outlets and has reportedly blocked hundreds of independent media websites perceived as critical of the Government, further eroding media pluralism. The Committee is additionally concerned that criminal laws, including Act No. 175 of 2018 on combating information technology crimes, have also been used to suppress the activity of social media users perceived as critical of the regime, and that women and girls have been criminalized for posting videos and photographs of themselves dancing and singing on social media under vaguely defined morality offences set out in the Penal Code and the cybercrime law, such as “violating public morals” and “undermining family values” (arts. 9 and 19).

**46. In the light of the Committee’s general comment No. 34 (2011) on the freedoms of opinion and expression, the State party should:**

**(a) Review its legislation to ensure that criminal laws are not used to silence independent journalists and dissenting voices, including by blocking websites and detaining journalists;**

**(b) Release all journalists who have been arrested in the course of practising their profession;**

**(c) Take all necessary measures to support the continued existence of a genuinely pluralistic media landscape, which appears to have been significantly eroded in recent years, including by removing unduly onerous administrative and licensing obligations for media outlets and journalists;**

**(d) Ensure that women and girls are not criminalized under overly broad morality offences for sharing content on social media platforms.**

#### **Right of peaceful assembly**

47. The Committee is concerned that Act No. 107 of 2013 regulating the right to hold peaceful public meetings, marches and demonstrations imposes undue restrictions on the right of peaceful assembly, allowing security forces to ban protests on overly broad grounds without having to provide justification; provides for the use of unnecessary and disproportionate force against peaceful protesters; and puts in place heavy criminal sanctions for vaguely defined acts. The Committee is also concerned about information received regarding the use of excessive and disproportionate force to disperse peaceful demonstrations within the State party as well as the mass arrest and detention of protesters. The Committee expresses its concern at the lack of accountability of the police and security personnel for the excessive use of force resulting in the deaths of large numbers of peaceful protesters, including the killing of over 900 anti-Government protesters in the course of the dispersal of sit-ins at Rabaa al-Adawiya and Al-Nahda squares on 14 August 2013 and 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 near the 6 October Bridge; and (c) 16 August 2013, in the Abbasiyya neighbourhood of central Cairo (arts. 2, 6, 7, 9 and 21).

**48. In accordance with article 21 of the Covenant and in the light of the Committee’s general comment No. 37 (2020) on the right of peaceful assembly, the State party should:**

(a) **Effectively guarantee and protect the right of peaceful assembly and avoid restrictions that are incompatible with article 21 of the Covenant;**

(b) **Ensure that all instances of excessive use of force are promptly, impartially and effectively investigated, that those responsible are brought to justice and that all victims of such acts receive full reparation;**

(c) **Ensure that all law enforcement officers systematically receive training on the use of force and the employment of non-violent means of crowd control, especially in the context of demonstrations, and that the principles of necessity and proportionality are strictly adhered to in practice during the policing of demonstrations.**

#### **Freedom of association**

49. The Committee expresses its concern that Act No. 149 of 2019 regulating civil society activities unduly restricts the registration and work of civil society organizations, including with regard to access to domestic and foreign funding sources, and provides authorities with extensive monitoring powers and broad discretion to regulate and dissolve organizations. The Committee is also concerned that large numbers of activists and human rights defenders perceived as critical of the Government have been subjected to harassment, intimidation, criminal investigation and arbitrary detention for their peaceful activism or criticism, and that a significant number have also been subjected to arbitrary travel bans and asset freezes under counter-terrorism legislation (arts. 2, 9, 12, 22 and 26).

50. **The State party should:**

(a) **Take appropriate measures to ensure a safe and enabling environment for civil society organizations, including by reviewing Act No. 149 of 2019 regulating civil society activities, with a view to removing unduly restrictive requirements regarding their registration and operation;**

(b) **Ensure that human rights defenders and civil society actors and organizations can operate safely and exercise their freedom of expression without fear of being persecuted, intimidated or detained, and lift travel bans and asset freezes against them;**

(c) **Promptly and thoroughly investigate all reported cases of harassment, intimidation, arbitrary arrest and detention of human rights defenders, bring the perpetrators to justice and provide victims with full reparation.**

#### **Participation in public affairs**

51. The Committee expresses its concern regarding the legal and institutional framework governing the registration and dissolution of political parties, notably as provided for under Act No. 12 of 2011 on political parties. In particular, the Committee is concerned that, under that law, a party may be refused registration or may be dissolved on the broadly defined basis that its goals or principles violate “national security” or “national unity”, and that political parties formed on the basis of religion are prohibited, including under article 74 of the Constitution, which in itself is contrary to articles 2, 18, 22 and 25 of the Covenant. The Committee is also concerned about the lack of adequate guarantees for ensuring the true and effective independence of the judicial bodies involved in decisions regarding the registration and dissolution of parties, notably with regard to the Political Parties Commission (arts. 2, 18, 22, 25 and 26).

52. **The State party should review the legal and institutional framework governing the registration and dissolution of political parties, notably as provided for under Act No. 12 of 2011 on political parties and article 74 of the Constitution, to ensure that criteria for the registration and dissolution of political parties are in line with articles 2, 18, 22 and 25 of the Covenant and that the Political Parties Commission is impartial and independent of the executive and can exercise its role as a guardian of democratic pluralism.**

#### **D. Dissemination and follow-up**

53. The State party should widely disseminate the Covenant, its fifth periodic report and the present concluding observations with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, and the general public. The State party should ensure that the periodic report and the present concluding observations are translated into the official language of the State party.

54. In accordance with rule 75 (1), of the Committee's rules of procedure, the State party is requested to provide, by 24 March 2026, information on the implementation of the recommendations made by the Committee in paragraphs 6 (national human rights institution), 22 (death penalty) and 32 (liberty and security of person) above.

55. In line with the Committee's predictable review cycle, the State party will receive in 2029 the Committee's list of issues prior to the submission of the report and will be expected to submit within one year its replies, which will constitute its sixth periodic report. The Committee also requests the State party, in preparing the report, to broadly consult civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. The next constructive dialogue with the State party will take place in 2031 in Geneva.

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