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Human Rights Committee

**Information received from Egypt on follow-up to the
concluding observations on its fifth periodic report***

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Report of the Arab Republic of Egypt on follow-up to the recommendations contained in paragraphs 6, 22 and 32 of the concluding observations issued by the Human Rights Committee

Information on follow-up to concluding observations (CCPR/C/EGY/CO/5)

A. Information relating to paragraph 6 of the concluding observations

1. The State continues to take the necessary measures to ensure that the National Council for Human Rights complies with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). To this end, it supports the Council's institutional and financial independence, enabling it to carry out its mandate fully and effectively, and strengthening its role in protecting and promoting human rights in accordance with relevant international standards. The independence of the Council was strengthened and its mandate expanded by Act No. 197 of 2017.

2. Over the past five years, the State has allocated approximately 260 million Egyptian pounds (LE) in public funds to the Council. The State has also provided the Council with a suitable headquarters as well as 11 branch offices in the governorates, thus facilitating communication with members of the public and the reception of complaints. The Council includes a number of committees, namely: a civil and political rights committee; a cultural rights committee; an international relations committee; a social rights committee; an economic rights committee; a legislative rights committee; a complaints, monitoring and follow-up committee; a training and capacity-building committee; a human rights promotion committee; and a climate justice and sustainable development committee. There are some 140 members on the Council's technical secretariat, many of whom have completed advanced degrees in international law and have undergone specialized training in oversight and protection, delivered in cooperation with United Nations specialized agencies and the Office of the United Nations High Commissioner for Human Rights (OHCHR).

3. The State has continued its efforts to support the work of the National Council for Human Rights and ensure its compliance with the Paris Principles. The Prime Minister reviewed the Council's requests to amend the Act regulating its functions, in response to the observations and recommendations of the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions. The Prime Minister's advisory board held several meetings with Council representatives to draft the necessary legal amendments and referred them to the House of Representatives for discussion at the earliest opportunity. The parliamentary committees responsible for constitutional and legislative affairs and human rights have held several sessions with the participation of the National Council for Human Rights, and these matters are expected to be discussed in the House of Representatives in its new composition, in accordance with the legislative agenda.

4. The authorities have granted the Council access to places of deprivation of liberty, including correctional and rehabilitation centres, psychiatric hospitals and juvenile care institutions. During the follow-up period, the Council conducted seven visits to correctional and rehabilitation centres. The various reports issued by the Council on the human rights situation are examined carefully by the State authorities; the Government prepares a report in response to them and acts on the recommendations contained therein. The executive and legislative authorities consult the Council on various matters, including legislative amendments and draft laws, such as the new Code of Criminal Procedure and the Labour Code, and Council representatives participate in the preparation of such legislation in parliamentary committees and in plenary sessions of parliament.

5. The Government has enabled the National Council for Human Rights to freely undertake its monitoring and oversight activities, foremost among which is the monitoring of general elections, and to conduct field visits in various governorates. Governors, local

authorities and universities regularly receive visits from Council representatives to review the findings of these missions. The Government provides the Council with all necessary support to carry out activities to promote human rights in universities, schools and local government.

6. The Council has signed a number of protocols and memorandums of understanding with various executive and judicial bodies, which it has implemented. These include agreements with the Ministry of Justice for the protection of human rights in the context of criminal justice and the judicial system; with the Administrative Prosecution Authority to regulate mechanisms for referring complaints received by the Council to the Authority and provide legal, technical and administrative support and expertise; and with the State Authority for Public Mobilization and Statistics regarding the use of statistical data and information to guide the formulation, implementation and evaluation of national policies and programmes related to the protection and realization of human rights, as well as with the National Electoral Authority.

7. The judicial investigative authorities responded to the Council's requests regarding the release of more than 150 individuals being held in pretrial detention after reviewing their legal situations, and the President exercised his constitutional powers to grant pardons to certain individuals sentenced to prison terms under final court rulings.

8. The report of the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions, issued at its forty-sixth session held in October 2025, recommended the reaccreditation of the National Council for Human Rights with category A status. In its decision, the Subcommittee noted that the information provided by the Council demonstrated its compliance with the Paris Principles.

B. Information relating to paragraph 22 of the concluding observations

Concerning the recommendation to ensure that pardon or commutation of the sentence is available in all cases, regardless of the crime committed

9. Pursuant to Act No. 11 of 2017 amending the Act on the circumstances and procedures for lodging appeals before the Court of Cassation, promulgated by Act No. 57 of 1959, the Court of Cassation has extended its oversight of penalties in criminal judgments when considering appeals in cassation. This has resulted in the death penalty being commuted in numerous cases, in accordance with rules that give judges discretion to replace the death penalty with life imprisonment or rigorous imprisonment. Egyptian law provides for the suspension of the enforcement of a final and binding death sentence through two legal mechanisms. The first is the right of convicted persons to apply for a retrial if new evidence emerges that could exonerate them or reduce the sentence, and the second is the President's authority to grant a pardon or commute the sentence pursuant to article 155 of the Constitution and article 470 of the Code of Criminal Procedure. Once a death sentence becomes final, the case file is immediately transferred to the President of the Republic through the Minister of Justice for him to consider exercising his constitutional right to grant a full or partial pardon. This right – which constitutes a final opportunity to review the ruling – has effectively been exercised to commute sentences of death to terms of life imprisonment.

10. As part of efforts to review the death penalty and related legislation, Egyptian lawmakers have introduced fundamental amendments to limit the cases in which this punishment is applied. The most notable of these developments is the enactment of the new Code of Criminal Procedure (No. 174 of 2025), which includes a new provision (article 22) permitting reconciliation in certain cases of murder punishable by death. According to the new article, the victim's heirs are entitled to file a request for reconciliation in cases of murder (including murder with aggravating circumstances) subject to specific conditions. Reconciliation does not result in the dismissal of the criminal case itself but rather obliges the court to reduce the sentence by one or two degrees pursuant to article 17 of the Criminal Code, which governs the court's authority to reduce penalties. Accordingly, if the original sentence was the death penalty, it must be commuted to life imprisonment or rigorous imprisonment, if the victim's relatives reach a reconciliation agreement with the perpetrator.

Concerning the recommendation to 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

11. The Arab Republic of Egypt affirms its respect for the right to life as a fundamental right. It treats the death penalty as an exceptional punishment to be imposed only in the most limited circumstances, in accordance with strict legal and judicial safeguards. This penalty is applied only to the most serious crimes, which constitute a grave threat to society and its security. Under Egyptian law, the death penalty is not a mandatory penalty; rather, it is always one of several alternative punishments and is always subject to the discretion of the competent court, which takes into account the circumstances and context of each case and adheres to all guarantees of a fair trial, including multiple levels of appeal in criminal cases and other safeguards guaranteed by law.

12. The procedural framework set forth in the Code of Criminal Procedure reinforces the exceptional nature of this penalty by subjecting it to a heightened level of judicial oversight. Under article 381 of the Code, judges of criminal courts, at both levels, are required to reach a unanimous decision to impose this sentence, and the opinion of the Grand Mufti of the Republic must be sought prior to handing down the judgment. Furthermore, article 382 of the Code stipulates that the judgment must be referred to the Court of Cassation. This mandatory judicial review means that a higher court verifies the soundness of the proceedings and the evidence – including the extent to which the rights of the defence were respected and the admissibility of the evidence – before the judgment becomes final and enforceable. This reflects a particular procedural rigour that distinguishes crimes punishable by death from others and prevents the penalty from being imposed automatically or merely as a formality.

13. Furthermore, the death penalty is carried out only after all legally prescribed avenues of appeal have been exhausted. The Office of the Public Prosecutor is to notify the convicted person's family of the execution date, and the convicted person is to be permitted to communicate with his or her family and legal representatives prior to execution, in accordance with the applicable regulations. These safeguards ensure that the sentence is carried out only within a strict legal framework and under full judicial oversight, in a manner that preserves human dignity even during the enforcement phase. Article 22 of the Code of Criminal Procedure contains a provision stating that the victim's heirs may reach a reconciliation settlement at any stage of the proceedings – until a final judgment is rendered – in certain cases of murder that can attract the death penalty. In such cases, once the settlement has been reached, the judge commutes the death penalty to life imprisonment, rigorous imprisonment or ordinary imprisonment, in accordance with article 17 of the Criminal Code.

Concerning the inadmissibility of evidence obtained under duress and torture

14. A set of legal safeguards applicable has been established to regulate the interrogation process and ensure that the answers provided by accused persons to the questions put to them are given of their own free will, without their being subjected to any kind of physical or psychological coercion. Both the Code of Criminal Procedure and the Judicial Instructions of the Office of the Public Prosecutor require that accused persons be informed of the charges against them and that their statements regarding these charges be recorded in the investigation report.

15. In order to protect accused persons from coercion, it is prohibited under the Constitution and the law to subject them to torture or any form of coercion or physical or mental harm. They have the right to remain silent, and any statement made under duress or threat of duress is to be disregarded and not to be relied upon. Accused persons may not be compelled to take a legal oath and it is forbidden to subject them to psychological stress during interrogation. Prolonged interrogation renders the accused unable to make choices and concentrate, thereby invalidating the interrogation. The use of deceit and deception is also prohibited, in accordance with international principles and good practices. The Court of Cassation has consistently held that any evidence of any type must be excluded where it is established that it was obtained through coercion, whether as a result of the actual use of

torture or cruel, inhuman, or degrading treatment, or merely the threat thereof, or as a result of any direct or indirect pressure on the person who made the statement.

16. The Court of Cassation has consistently found that failure by courts of first instance to apply the principle of excluding or rejecting evidence obtained through coercion constitutes legal justification for reversing a judgment. It has also held that a confession obtained through coercion is invalid and cannot be relied upon to secure a conviction, even when the reasoning made on the basis of such confessions was sound and consistent with other legitimate evidence in the case. Thus, procedural legitimacy prevails, even if it leads to impunity, because of supremely important considerations dictated by the Constitution and the law. The accused has the right to remain silent, and any statement proven to have been made as the result of any form of coercion, or the threat thereof, is inadmissible. The Court of Cassation has consistently ruled that the silence of accused persons cannot be taken as proof of the charges against them and that they have the right to choose the time or the manner in which they present their defence, nor can any failure to answer be taken as proof of the charges levelled against them.

Concerning legal assistance

17. The Code of Criminal Procedure requires that a lawyer be present with the accused in criminal cases, and that the investigating authority or the court appoint a lawyer if the accused does not have one of his or her own choosing. The defence is also entitled to review the investigation files prior to questioning, pursuant to article 106 of the Code. These procedures constitute fundamental safeguards designed to ensure that the accused is not subjected to proceedings that could result in the imposition of the maximum penalty without effective legal representation during the investigation and trial phases.

Concerning the recommendation to 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

18. The law prohibits the death penalty for any person who was under the age of 18 at the time an offence was committed. This is consistent with article 111 of the Children's Code, according to which the significant factor is the age of an accused person at the time the crime was perpetrated and not at the time the penalty is enforced. A child's age may be established by means of a birth certificate, a national ID card or any other official document. If no official document is available, the age is to be determined by a committee designated by decree of the Minister of Justice in consultation with the Minister of Health.

19. Contrary to the principle of *res judicata*, if the accused is convicted on the basis that he or she is over the age of 18, and it is subsequently established by official documentation that the person is, in fact, under 18, the Public Prosecutor is to bring the matter back before the court that issued the original judgment. The sentence is to be annulled, and the case file referred for action to the Office of the Public Prosecutor. This is in accordance with article 133 of the Children's Code (No. 12) of 1996, which stipulates that: "If a sentence is handed down against an accused person on the grounds that that person is over the age of 18, after which official documents come to light showing that, in fact, the person is under 18, the Prosecutor General is to bring the matter back before the court that issued the original sentence for that sentence to be reconsidered in accordance with the law. The sentence is to be annulled, and the case file referred for action to the Office of the Public Prosecutor." In any case, enforcement of the sentence is to be suspended until the matter is resolved. The enforcement of a death sentence is surrounded by many legislative and judicial safeguards. The Court of Cassation has established that the issue of a child's age is of critical importance, and it has ruled to overturn death sentences on the grounds that the courts have failed to establish the age of the accused person. Article 111 of the Children's Code also provides for a reduction in the penalties prescribed for offences where they are committed by a child, and it prohibits the imposition of life imprisonment or rigorous imprisonment on a child.

Concerning the recommendation to establish a moratorium on the death penalty with a view to abolishing it

20. Egypt considers that the death penalty is a judicial and legislative matter that falls within the scope of the sovereign rights of States to determine their systems of criminal

justice. Consideration of whether it should be applied must take into account numerous factors related to the particularities, customs and traditions of a society. The decision to abolish or suspend this penalty should only be taken after a series of local discussions around the country, and only after examining the impact of such abolition or suspension on the rights of victims and guarantees of effective redress for them and their families. In addition, consideration should be given to the effect that it might have on rates of serious crimes and the security and peace of society. The position of Egypt takes into account a number of factors, including the specific nature of its legal and criminal justice systems. The death penalty remains part of Egyptian law for the most serious crimes, subject to strict regulations and comprehensive judicial safeguards. The Government of Egypt believes that any fundamental change in its policy regarding the death penalty must stem from an internal societal dialogue and a national consensus that takes into account public safety and deterrence, as well as human rights considerations.

Concerning the recommendation to consider acceding to the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty

21. The State continues to review the legislative framework pertaining to the death penalty, in accordance with its constitutional and legal obligations, while examining its positions on relevant international instruments. In this context, Egypt periodically reviews its treaty obligations in the light of national priorities and reassesses its stance on international instruments to which it has not acceded or provisions to which it has entered reservations, in accordance with the Constitution, in a manner that ensures consistency and coherence among its international obligations.

Concerning the recommendation to ensure that prisoners on death row, their families and legal counsel are always provided with advance notification of the enforcement of the sentence

22. The Code of Criminal Procedure provides that a person sentenced to death is to be held in a correctional and rehabilitation centre pursuant to an order issued by the Office of the Public Prosecutor in the form prescribed by the Minister of Justice, until the sentence is carried out. The relatives of the condemned person may visit him or her on the day preceding the scheduled date of execution, provided that such visit takes place away from the place of execution. The prison authorities must inform them accordingly. If the religion of the condemned person requires a confession or the performance of other religious duties before death, arrangements must be made to ensure the attendance of a religious counsellor. The death penalty is to be carried out within a correctional and rehabilitation centre or at another secure location, pursuant to a written request from the Public Prosecutor to the Deputy Minister for Community Protection stating that the Minister of Justice has submitted the case file to the President of the Republic. The sentence is only to be carried out if no order for a pardon or commutation of the sentence has been issued within 14 days. The Correctional Centres Department must notify the Ministry of the Interior and the Public Prosecutor of the specific date and time of the execution.

23. The death penalty must be carried out in the presence of a member of the Office of the Public Prosecutor, a representative of the Community Protection Department, a representative of the Ministry of the Interior, the director of the correctional and rehabilitation centre, a doctor from the correctional centre and another doctor designated by the Office of the Public Prosecutor. No one other than those mentioned may be present at the execution unless they have special permission from the Office of the Public Prosecutor. The convicted person's lawyer must always be permitted to attend, and the operative part of the death sentence and the charge for which the convicted person was sentenced must be read aloud at the place of execution within the hearing of those present. If the convicted person wishes to make a statement, a member of the Office of the Public Prosecutor is to make a record of it. Once the execution has been carried out, a member of the Office of the Public Prosecutor is to prepare a report to that effect, in which the doctor's certificate of death and the time of death are to be recorded. The death penalty may not be carried out on any public holiday or on a holiday specific to the convicted person's religion.

C. Information relating to paragraph 32 of the concluding observations

Concerning the recommendation to 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

24. Pretrial detention orders are issued by investigative authorities in accordance with the law and on the basis of formal charges. Any person whose liberty is restricted under such orders is held in a community correctional and rehabilitation centre or in an official facility designated for that purpose. The issuance of a pretrial detention order is at the discretion of the investigator and is subsequently reviewed by the competent judge who considers applications to extend the period of pretrial detention. The Code of Criminal Procedure sets forth the rules governing pretrial detention, specifying the conditions that must be met for its application to specific offences only and establishing maximum time limits that vary depending on the nature of the offence. Under the new Code of Criminal Procedure, the maximum duration of pretrial detention during the preliminary investigation and all other stages of criminal proceedings has been reduced, such that it must not exceed one third of the maximum custodial sentence. It must not exceed 4 months for misdemeanours instead of 6 months previously, 12 months for serious offences instead of 18 months, and 18 months instead of 2 years if the prescribed penalty is life imprisonment or the death penalty.

25. The law requires pretrial detention orders to be issued by an official of a certain level, and it sets out the conditions and procedures for challenging such orders. It also provides for alternatives aimed at reducing the use of pretrial detention and replacing it with other measures, including: requiring suspects not to leave their home or area; to present at a police station at certain times; to refrain from frequenting certain locations; not to leave a specified geographical area without obtaining permission from the Office of the Public Prosecutor or to refrain from receiving, meeting, or contacting specific persons by any means; or temporarily prohibiting suspects from possessing or acquiring firearms and ammunition and requiring them to surrender such items to a police station or centre located in the district of their place of residence; and using technical means to track suspects where the conditions for doing so are met, pursuant to a decree issued by the Minister of Justice in coordination with the Ministers of the Interior and of Communications.

26. Pretrial detention orders are subject to judicial oversight, as they may be appealed by detainees. The Office of the Public Prosecutor issues numerous orders for the release of defendants held in pretrial detention, which are carried out immediately upon issuance once the grounds for pretrial detention no longer exist. Time spent in pretrial detention is deducted from a penalty of deprivation of liberty.

27. The issuance of a pretrial detention order is at the discretion of the investigator and, subsequently, the judge who reviews the order to extend detention by submitting it each time to the Public Prosecutor, who issues a decision in accordance with the new Code of Criminal Procedure. It is subject to a number of criteria and parameters, foremost among them the nature of the offence in question, the accused's criminal record and prior convictions and the circumstances of the particular case. In addition, pretrial detention is surrounded by further legal safeguards, namely that the offence must be punishable by a prison term of at least a year, that there be sufficient evidence and that the accused be interrogated prior to the issuance of the order. This is in addition to the grounds for ordering pretrial detention set forth in article 113 of the Code of Criminal Procedure, namely, where the offence is committed in flagrante delicto and the sentence must be carried out immediately upon its pronouncement; where it is feared that the accused may abscond or that the interests of the investigation might be harmed through the accused's influencing of victims or witnesses, tampering with evidence or conspiring with other criminals to distort or conceal certain aspects of the truth; and to prevent a serious breach of public security and order that may result in the light of the gravity of the offence.

28. In the light of the country's growing population and the accompanying rise in various criminal activities, including terrorist acts, the allegation of excessive use of pretrial detention lacks an objective benchmark, as there is no clearly defined standard for determining the appropriate rate of such detention as expressed by a specific number.

Concerning the recommendation to 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

29. The Code of Criminal Procedure sets specific and incremental time limits for pretrial detention, with each time limit being subject to mandatory judicial review. Article 113 of the Code limits pretrial detention to specific cases, following the interrogation of the accused, and for a limited initial period. Article 121 requires that a request to extend detention be submitted to the judge before the expiration of the initial period, so that he or she may issue a reasoned decision after hearing the statements of the prosecution and the accused. Article 122 of the Code also sets a maximum limit on the duration of pretrial detention and establishes mandatory grounds for release, particularly in misdemeanour cases, thereby ensuring that pretrial detention does not become open-ended or indefinite. These provisions reflect an explicit legislative commitment to keeping deprivation of liberty within statutory time limits subject to regular judicial review.

30. With regard to the decision-making process concerning the release of detainees, under the Egyptian legal framework, the authority to decide on detention or release is a purely judicial one, exercised by the Office of the Public Prosecutor, the investigating judge or the competent court in accordance with legally prescribed rules and procedures, and always through reasoned decisions that are subject to appeal. The extension of detention may only be ordered by a new court order after hearing the defence of the accused person. The law does not permit any executive or security authority to unilaterally decide to extend detention outside this framework. Decisions to deprive individuals of their liberty are thus subject to a continuous chain of judicial oversight, thereby limiting any non-judicial interference in the decision-making process.

31. The Code of Criminal Procedure contains procedural safeguards that prevent the reopening of proceedings or the continued deprivation of liberty without fresh legal grounds. Article 163 of the Code stipulates that an order issued by the Office of the Public Prosecutor to dismiss a case precludes the reopening of the investigation unless new evidence comes to light before the expiration of the statutory period. This reinforces the principle that a person must not be subjected to repeated proceedings without new and substantial evidence. Furthermore, every new order for pretrial detention remains subject to the requirements of proportionality, the existence of sufficient evidence and reasoned judicial decisions in accordance with the provisions governing detention. This prevents the circumvention of statutory time limits through the reclassification of the same facts without independent legal justification.

32. Furthermore, the law recognizes the exceptional nature of pretrial detention, linking it strictly to the requirements of the investigation and the integrity of the proceedings, while ensuring that the period spent in detention is deducted from any custodial sentence subsequently imposed, in accordance with the provisions governing the enforcement of sentences. This confirms that freedom is the default position and that any pretrial restrictions must be limited, justified and subject to continuous judicial oversight. This legislative framework strengthens safeguards against the unjustified prolongation of detention or its recurrence through successive procedural steps.

Concerning the recommendation to 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

33. The Code of Criminal Procedure enshrines the principle that measures least restrictive of liberty are to be given priority where they are sufficient to achieve the objectives of the investigation. Article 114 of the Code explicitly provides that a reasoned order may be issued imposing a precautionary measure instead of pretrial detention. These measures include requiring the accused not to leave his or her place of residence, to report to a police station at specified times, to refrain from visiting specific locations, to remain within a designated

geographical area unless authorized to leave, to refrain from contacting specific individuals, to surrender weapons or to be subject to technical surveillance. This list constitutes a comprehensive legislative framework for non-custodial alternatives that are consistent in nature with the philosophy of Tokyo Rules, which is based on the principles of progressivity and proportionality.

34. To ensure the effectiveness of alternatives to pretrial detention, the Code of Criminal Procedure regulates the mechanism for their application and oversight. Article 122 of the Code stipulates that alternative measures to pretrial detention are subject to the same rules governing pretrial detention with regard to maximum duration, judicial oversight and extension of the period of detention, thereby ensuring that they are subject to periodic judicial review and continuous assessment of their necessity. Article 115 stipulates that the alternative measure may be replaced with pretrial detention only if the accused violates the conditions imposed on him or her. This confirms that recourse to detention remains a last resort, conditional upon the inadequacy of the alternative, and is not done automatically.

35. The law provides for the alternative of conditional release on bail. The provisions governing bail in the Code of Criminal Procedure – specifically article 127 – permit the release of the accused person in exchange for a financial security set by the judge or the investigating authority, which ensures the person’s attendance at investigative and trial proceedings and the enforcement of any financial judgments that may be handed down. The bail system serves as an additional legal mechanism that limits the use of pretrial detention and allows proceedings to continue without actually depriving a person of their liberty once the grounds for detention no longer exist.

36. In cases where there is a delay in the investigation or trial, the continuation of any restriction on liberty – whether in the form of pretrial detention or an alternative measure – remains subject to the principles of necessity and proportionality and to ongoing judicial review, in accordance with the general rules governing the duration of detention and other measures. This means that the length of proceedings does not automatically justify continued detention. Rather, it requires the investigating authority or the court to reassess the adequacy of non-custodial measures. This is consistent with the international trend toward making greater use of alternatives whenever possible, without compromising the proper administration of justice.
