



# Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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## Committee against Torture

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Consideration of reports submitted by States  
parties under article 19 of the Convention

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

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\* The original version of the present document is being issued without formal editing.



## I. Introduction

1. The Government of Egypt, in keeping with its commitment to implement its treaty obligations and continuously and cooperate constructively with the various treaty bodies, hereby submits its replies to the list of issues in relation to the fifth periodic report submitted to the Committee against Torture. In the period following the submission of the report, Egypt has continued to promote and protect human rights. The first five-year National Human Rights Strategy, launched in September 2021, takes a comprehensive approach to the promotion of human rights and fundamental freedoms, and addresses, in particular, the values of citizenship, equality, democracy and the rule of law; the abolition of the state of emergency, which took place on 25 October 2021; the development of a penal philosophy; the establishment and modernization of community correctional and rehabilitation centres throughout the country, in line with international standards; and increased conditional release measures and pardons for persons sentenced to custody.

2. The replies to the list of issues contain the necessary information and clarifications within the requisite word count and are an integral part of the various replies submitted by Egypt to the issues raised by the Committee on the Elimination of Discrimination against Women and the Human Rights Committee, which will be referred to owing to the overlap and intersection of these issues. During the November 2023 review of its report to the Committee against Torture, the Government of Egypt will provide further relevant information and clarifications regarding legislation and practice.

## II. Replies to the list of issues

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

3. The Government of Egypt reaffirms that the Criminal Code follows a gradual and proportionate approach to crime and punishment, addressing crimes of torture through different penalties that are consistent with the gravity of the violation of a protected right. The articles of the Penal Code cover the elements contained in article 1 of the Convention. There is no need to change their legal designations or amend a specific part of the text, such as article No. 126, with a view to ensuring the integrity of the national legal fabric.

4. The Penal Code, most notably articles No. 126 (on torture to coerce a confession), No. 127 (criminalizing the imposition of a penalty that is more severe than that to which he/she was sentenced or imposition of a penalty that was not part of the sentence handed down originally), and No. 129 (on the use of cruelty), contains all of the formulations that are in the Convention, while taking into account criminal intent, individualization of penalties and differences among criminal acts.

5. With regard to criminal provisions related to attempted acts of torture or complicity in committing torture, article 45 of the Penal Code criminalizes the attempted commission of a crime. In addition, in article 46, punishment for an attempted felony ranges from detention, if the penalty for the felony is prison, to life imprisonment, if the penalty for the felony is death. With respect to punishment for complicity (collusion), punishment is not limited to the principal perpetrator but extends to anyone who is complicit through any of the stipulated means, whether through agreement, incitement or assistance (article 40). The basic principle is that whoever participates in a crime is subject to punishment therefor (article 41). The Penal Code (articles 39–44) defines “perpetrator” and “accomplice”, and sets out penalties for cases in which several persons take part in a single crime.

6. With regard to ensuring that no mitigating or exceptional circumstances are applicable to the crime of torture, the articles criminalizing torture do not include any mitigating circumstances or exemption from punishment for the offender, even when the order is issued by an official or public authority. A person convicted of the felony of torture is definitively dismissed from the public office previously occupied and is barred from assuming that office or other any public office in the future, pursuant to articles 24 and 25 of the Criminal Code.

7. Concerning impermissibility of justification for torture, article 55 of the Constitution stipulates that any statement established to have been made by a detainee under torture, intimidation, coercion, or physical or mental abuse or the threat of such may not be relied upon. Article 302 of the Code of Criminal Procedure includes the same stipulations. The Court of Cassation has repeatedly affirmed this principle, emphasizing that torture may not be justified by invoking the orders of superiors and that obedience to superiors may not be invoked to justify the commission of crimes.

## **B. Reply to paragraph 2 of the list of issues**

8. The general rules of the Code of Criminal Procedure apply to those accused of terrorism-related offences and during states of emergency. According to the Code, a suspect may be arrested only in cases of flagrante delicto or pursuant to the issuance of an order by the Public Prosecutor or the investigating judge. Persons must be treated with dignity and must not be physically or morally abused (article 40). A suspect is questioned immediately after arrest, and, if not found to be innocent, is referred to the Office of the Public Prosecutor within 24 hours, which then must interrogate the suspect within 24 hours (article 36). If the suspect is not brought before the Office Public Prosecutor within that period, it initiates criminal proceedings for the crime of wrongful detention (article 280 of the Criminal Code).

9. Once the suspect appears before the Office of the Public Prosecutor, his or her identity is verified and he or she is informed of the charges. The Office is responsible for initiating investigation procedures in the case. If the suspect is a foreigner or a person with disabilities, relevant experts are appointed to ensure that the suspect understands the charges and to ensure that a defence is presented. The suspect has the right to select a translator and is then examined for any injuries. If there are injuries, he or she is questioned about their cause and is brought before the forensic medicine unit. A detailed report is prepared for submission to the Office of the Public Prosecutor or the competent court of first instance and a charge of cruelty or torture is brought against the perpetrator. The incident is dealt with separately through referral to criminal and disciplinary proceedings. If a confession is obtained from the suspect as a result of that torture, the Public Prosecutor removes that confession from the list of evidence.

10. The suspect is given sufficient time and facilities to prepare a defence and to communicate with chosen counsel. The law prohibits interrogating the suspect or confronting him or her with other witnesses without the presence of a lawyer. If the suspect does not appoint a lawyer, or if the lawyer fails to appear, the investigator may take the initiative to appoint one. The lawyer has the right to have all aspects of the arguments and the defence that he or she presents included in the investigation reports. Suspects are free to communicate with their lawyers and may review and photocopy investigation documents one day prior to an interrogation or confrontation. In no case may a suspect be separated from his or her lawyer during the interrogation.

11. All case proceedings and all interaction with the suspect during evidence collection, the hearing of witnesses, arrest, detention, appearance before the Public Prosecutor, interrogation, confrontation with evidence and witnesses, hearing of the lawyer's defence, forensic reports (if any), decisions of the Prosecutor or investigating judge and all trial procedures must be recorded in writing, including any order to place the suspect in a detention centre. The director of the detention centre may accept the suspect only with a signed order from the competent authority. All measures taken by law enforcement agencies and the Office of the Public Prosecutor are subject to judicial oversight.

12. In accordance with article 75 of the Community Correctional and Rehabilitation Centres Act, each centre is to keep records, including a public register of inmates; a daily log of prison incidents; punishments; inmate complaints and requests; visits; officials' notes; judicial records; and a register for each inmate containing comprehensive information on social, medical and psychological matters for follow-up. The Public Prosecutor inspects and oversees correctional and rehabilitation centres and their records. Judicial instructions to and circulars issued by the Public Prosecutor contain rules for verifying that judicial orders and decisions are implemented correctly, that no inmate (or detainee) is held illegally, that the

rules for classifying inmates are applied, that complaints from inmates are received, and that judicial records and files are examined to ensure that they are in conformity with the legally prescribed models. The Office of the Public Prosecutor inspects community correctional and rehabilitation centres periodically – at least once a month and with no upper limit – and without notice.

13. It should be noted that national penal and procedural laws and administrative instructions do not allow any military authority to detain civilians at its facilities or in holding cells, regardless of what they are called. In the event that a civilian is arrested by the military enforcement agencies in implementation of the law, said agencies are obliged to bring him or her before the competent judicial authority within a maximum of 24 hours; otherwise, the individual responsible for violating that rule will be held criminally and administratively accountable. Civilian defendants against whom pretrial detention orders have been issued by the Public Prosecutor or by the military court, or against whom judgments have been issued by military courts, are detained under the oversight of the Public Prosecutor in correctional and rehabilitation centres belonging to the Ministry of the Interior. Military holding cells and prisons are used only for military personnel who are in pretrial detention or who have been sentenced to deprivation of liberty by a court (general or military), and are under the judicial oversight of the Military Prosecutor to ensure that there are no legal violations of those stipulations. Such detention is also subject to administrative oversight by the competent military authorities.

### **C. Reply to paragraph 3 of the list of issues**

14. With regard to ensuring compliance with legislation relating to the state of emergency and the fight against terrorism: a state of emergency is announced only after a number of constitutional measures have been taken to ensure that it is legitimate. It is declared by the President of the Republic upon consultation with the Council of Ministers, and that declaration is presented to the House of Representatives. If approved by a majority of the members of the House, it is promulgated for a period not exceeding three months, renewable only for a similar period upon the approval of a two-thirds majority of the House. This is consistent with international obligations.

15. With regard to anti-terrorism legislation: the Government of Egypt believes that combating terrorism and protecting human rights are complementary and mutually reinforcing objectives and that its anti-terrorism legislation strikes a balance between security and respect for human rights, especially the right to life, as terrorist activity threatens that right. Emergency and anti-terrorism legislation continue to be governed by the principles of the rule of law and legitimacy, and are not applied on discriminatory grounds. That legislation respects the principles of necessity, balance and proportionality and provides for fair trial guarantees at the stages of arrest, detention, indictment and trial. The presumption of innocence is respected. Charges are brought as soon as possible. Arbitrary detention without charge is prohibited and detention orders are reviewed by the judiciary. A lawyer must be present with the accused and an interpreter must be present when necessary. The accused has the right to appear before an independent court and the accused may be convicted only in accordance with legal provisions that are determined in advance. Torture and ill-treatment are prohibited in law and in practice, and imprisonment and execution of sentences takes place at officially disclosed correctional and rehabilitation centres. The Counter-Terrorism Act grants law enforcement powers that apply exclusively to this type of crime that must be exercised in accordance with specific rules that conform to the framework of procedural law and are subject to judicial oversight and supervision.

16. With regard to the definition of “terrorist act” in the Counter-Terrorism Act and the Terrorist Entities Law, we refer to paragraphs 17 and 18 of the fifth periodic report of Egypt to the Human Rights Committee (CCPR/C/EGY/5).

17. With regard to police custody in terrorism-related cases, the Counter-Terrorism Act requires that the police bring a person before the Office of the Public Prosecutor, an integral part of the judiciary, within 24 hours of the hour and date of arrest, in accordance with the general rules established in the Code of Criminal Procedure. The Law gives the Public

Prosecutor the right to order that the accused be detained for a period of 14 days, renewable once, in accordance with the rules specified in the article. Article 41 of the same Law sets out the safeguards prescribed for persons in custody, including the right to be informed of the reason for arrest, the right to contact and inform a relative of his or her choice and the right to seek the assistance of a lawyer. Article 42 imposes obligations on judicial officers in respect of persons in custody: they must draft a report of the procedures, take statements from detainees and bring detainees before the Public Prosecutor or investigating authority so that they may be questioned within 48 hours of such appearance for the purposes of ordering precautionary detention or release.

18. Regarding respect for due process guarantees before terrorism circuit courts, we refer to paragraphs 24 and 25 of the replies to the list of issues in relation to the fifth periodic report of Egypt to the Human Rights Committee (CCPR/C/EGY/RQ/5). With respect to the Securing and Protection of Public and Vital Facilities Law, we refer to paragraph 21 of that document. With respect to the amendment of article 80 A of the Criminal Code, it was designed solely to protect the State's defence secrets as well as disclosure of information concerning the armed forces, their functions or their current or previous personnel without the written authorization of the Ministry of Defence. The prescribed penalty is that imposed for a minor offence and the resulting sentence is very lenient compared with the gravity of the act. A more severe penalty is prescribed solely for major offences with a view to protecting the State's defence secrets.

19. Regarding amendments to the Emergency Law in the context of the coronavirus disease (COVID-19) pandemic, we refer to paragraph 17 of the replies to the list of issues in relation to the fifth periodic report of Egypt submitted to the Human Rights Committee.

20. It should be noted that article 4 (1) of Law No. 162 of 1958, as amended, is limited to authorizing the Military Prosecution to investigate facts and crimes discovered by the armed forces while carrying out the orders of the President of the Republic during a declared state of emergency (which is not currently in force), and does not permit civilians to be referred to military courts. Although the Military Prosecution may be assigned to preliminary investigations, such assignment remains limited owing to the Public Prosecutor's inherent jurisdiction over the action that is ultimately taken in such investigations.

#### **D. Reply to paragraph 4 of the list of issues**

21. With regard to pretrial detention: pretrial detention orders are issued by the investigating authorities in accordance with the law and on the basis of an official accusation. Any person whose liberty is restricted under pretrial detention orders is placed in a community correctional and rehabilitation centre or in official premises designated for that purpose. In addition, the signing of a pretrial detention order is left to the discretion of the investigator, then to that of the judge, who must decide whether or not to renew the order. The Code of Criminal Procedure regulates the rules governing pretrial detention, including the conditions necessary for it to be applied in certain crimes. It sets upper limits on duration that vary depending on the nature of the crime. During the initial investigation stage and the other stages of the criminal proceedings, the duration may not exceed one third of the maximum penalty of deprivation of liberty. It may not exceed 6 months for misdemeanours, 18 months for felonies or two years if the penalty is life imprisonment or death.

22. 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 sets forth alternatives to lessen or replace pretrial detention, such as house arrest, foreign travel ban, a requirement for accused persons to present themselves at a police station at prescribed times or a prohibition on frequenting certain places. Pretrial detention decisions are subject to judicial oversight, as they may be appealed by detainees. It should also be noted that the Public Prosecutor often issues decisions to release persons from pretrial detention, which are carried out as soon as there is no longer any justification for the detention. Time spent in pretrial detention is deducted from a penalty of deprivation of liberty.

23. With regard to the criminalization of enforced disappearance in domestic legislation, we refer to paragraph 45 of the replies to the list of issues in relation to the fifth periodic

report of Egypt submitted to the Human Rights Committee. With regard to the investigation into allegations of enforced disappearance, we refer to paragraphs 27–28 of the fifth periodic report of Egypt submitted to the Human Rights Committee. We stress that all detainees in correctional and rehabilitation centres (prisons) are subject to the law and that no person is detained in such places without a judicial order or ruling. Prison officials may only accept detainees pursuant to an order signed by the competent authority, and they may not hold them there beyond the period specified in the order. Violation of that obligation results in criminal and disciplinary liability. Such centres are subject to judicial oversight.

24. The Egyptian State responds to complaints or allegations received from the Working Group on Enforced or Involuntary Disappearances. The State is committed to full and ongoing cooperation with the Working Group and responds to its inquiries. In February 2019, a high-level delegation from the Government of Egypt held a fruitful meeting with the Working Group. As a result of such cooperation, 412 cases were closed in the period from 2015 to September 2019. We have noted a decline in the number of allegations received by the Working Group, especially as they have been proven to be inaccurate. During the past five years, the Government provided explanations on 54 cases in 2018, 149 in 2019, 64 in 2020, 32 in 2021 and 18 in 2022. Responses to the outstanding cases are in process. In addition, coordination is underway with the Working Group to close cases that are 30 or more years old, in accordance with a previous agreement in that regard.

25. The regulatory authorities at the Ministry of the Interior assiduously examine relevant complaints, if any; take measures against persons accused of violations; and impose deterrent penalties, up to removal from office. The competent investigating authorities also take legal measures against them. The National Council for Human Rights has been approached to conduct an internal audit to verify the accuracy of the numbers of received complaints and allegations of enforced disappearance in accordance with established precedents. We note that, from its investigations of reports of disappearances, the Office of the Public Prosecutor believes that not all disappearances are enforced disappearances. Those investigations have shown that most allegations of enforced disappearance are not accurate and that some cases of disappearance have to do with association with takfirist and terrorist groups, illegal immigration or as a result of social issues (such as escaping reprisals or marrying without parental consent).

26. The Ministry of the Interior examines complaints of torture received from various national bodies (including the unified complaints system of the Council of Ministers, specialized national councils, the Office of the Public Prosecutor and the Ministry of Justice) and has taken various measures, such as launching hotlines for the reporting of human rights violations and investigating complaints and responding to them quickly and even-handedly. The Ministry has also established specialized human rights units at all police departments and stations at the country level and has assigned officers to receive complaints from citizens. During the period from November 2019 to May 2023, legal and disciplinary measures were taken in incidents in which 769 employees of the Ministry of the Interior were implicated, resulting in disciplinary measures against 380 persons proven to have violated the law in incidents involving, for example, cruelty (201 incidents), unlawful detention (24), ill-treatment (138), attempted murder (3), torture (1) and excessive force (1). Four cases resulted in acquittal and 363 were suspended, while 22 cases are pending. Investigating authorities and courts also examined cases involving 222 officers, 24 of whom were found guilty of charges of cruelty (11), unlawful detention (3), ill-treatment (1), attempted murder (3), torture (5) and excessive force (1). Six cases resulted in acquittal and 164 were dismissed, while 28 incidents are still undergoing investigation or judicial deliberation.

27. The Government of Egypt underscores that there are no places of detention other than those specified in article 1 of Law No. 396 of 1956, which are subject to the oversight of the judiciary and the Office of the Public Prosecutor.

28. With regard to the establishment of a central public registry of all places of detention, we refer to paragraph 48 of the replies to the list of issues in relation to the fifth periodic report of Egypt submitted to the Human Rights Committee, and affirm that the law sets out the procedure for establishing such centres so that their locations are made available to the general public and to the competent regulatory and oversight bodies and are published in the *Official Gazette*.

29. With regard to the allegations that release orders for individuals held in pretrial detention are bypassed, the Government of Egypt applies the law as provided in the Code of Criminal Procedure. The Office of the Public Prosecutor exercises its powers independently and no party may interfere in its work or decisions except through an appeal of said decisions before the competent courts. If reports are received from individuals, national councils or civil society organizations, or from the open and accessible digital system, that release orders for accused persons have been bypassed, the Office of the Public Prosecutor immediately launches an investigation. The Office of the Public Prosecutor also orders the release of pretrial detainees as soon as there is no longer any justification for their detention.

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

30. With regard to the amendments to the Law on the Establishment of the National Council for Human Rights, these included giving certain additional powers to the Council in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), including: visits to correctional and rehabilitation centres and other places of detention; informing the Office of the Public Prosecutor of any violations of public freedoms and other rights; the right to participate in civil proceedings on the side of the injured party, at the latter's request; receiving and examining human rights complaints, in coordination with concerned State authorities; issuing reports on the development of the country's human rights situation; expressing opinions on draft laws and regulations related thereto and to the Council's field of work; and contributing opinions to and commentaries on the reports that the State must submit to international human rights committees. The National Council for Human Rights, which was reorganized in December 2021 to reflect social and ideological pluralism, includes representatives of non-governmental organizations. According to its most recent report, during the period from 1 December to 30 May 2023, the Council received a total of 9,521 complaints on all topics and issues, including 94 complaints of torture and ill-treatment. The report also included responses from the authorities concerned, the Ministry of the Interior and the Office of the Public Prosecutor, to 97 per cent of those complaints.

31. Periodic inspections of correctional and rehabilitation centres have been carried out with the participation of delegations representing persons and domestic and international entities concerned with human rights, such as the National Council for Human Rights, diplomatic missions, international press agencies and newspapers and civil society organizations. In the period from January 2019 to June 2023, 52 visits were conducted by representatives of various bodies, including the National Council for Human Rights; specialized national councils, such as the National Council for Women and the National Council for Persons with Disabilities; the United Nations Office on Drugs and Crime; news agencies, such as Associated Press and French, Italian and German agencies; and representatives of civil society. In addition, representatives of foreign diplomatic missions accredited in Egypt made 1,238 consular visits to incarcerated nationals to verify their treatment. In that context, members of the National Council for Human Rights conducted inspection visits to 18 correctional and rehabilitation centres. In addition, a delegation from the National Council for Childhood and Motherhood visited the Badr Correctional and Rehabilitation Centre to inspect the conditions of detained women, especially mothers, and to visit the women's health centre, the handicraft exhibition, the sewing workshop and the library.

32. With regard to the ratification of the Optional Protocol to the Convention, the Government of Egypt regularly considers its position regarding legal instruments in the light of its national priorities, and reviews its position regarding international instruments to which it has not yet acceded or to which it has entered reservations with a view to ensuring consistency and harmony between the country's international obligations. It should nonetheless be emphasized that every State enjoys sovereignty and independence when it comes to defining its position regarding accession to international treaties in light of their provisions. The fact that Egypt has not acceded to the Optional Protocol does not impair its respect for or compliance with the Convention.

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

33. The Government has adopted its first national referral mechanism for the reporting of cases of violence against women, in line with international standards and models. It has also established units to combat harassment and violence at universities, medical response units at university hospitals and three forensic clinics for the medical examination of women victims of violent crimes and assault. Guides – including a special guide on effective police response to violence against women, a medical guide for health service providers, a guide for prosecutors, a guide on case management, a guide for psychological support providers, a guide on standards and controls for judges and a guide on the establishment and operationalization of units at universities and university hospitals – have been distributed. During the period 2018–2022, the hotline of the National Council for Women provided services to nearly 100,000 women, and processed nearly 30,000 complaints for referral to the relevant authorities. The State also oversaw several studies and surveys on violence against women, including a study of the economic cost of violence against women and the 2021 demographic health survey.

34. The National Council for Women organizes awareness campaigns on the forms of violence against women and how to report it. Campaigns are also organized regularly to encourage women to report gender-based violence and to raise awareness among women of their legal rights and available protection services. The National Committee for the Eradication of Female Genital Mutilation has launched the National Plan for the Eradication of Genital Mutilation (2022–2026). Law No. 10 of 2021 amended the Penal Code to punish those who perform female circumcision with rigorous imprisonment for 5 to 10 years. For doctors or nursing professionals who commit that crime, the law increases the penalty to up to 20 years, suspension from the profession for a period of not less than three years after the end of the sentence and closure of the facility where the circumcision took place. The law also stipulates imprisonment of any person who requests female circumcision or any person who openly advocates, promotes or encourages the commission of the crime of female genital mutilation.

35. Article 242 of the Penal Code punishes beatings that cause injuries of any gravity, and article 377 (9) of the same Code penalizes minor abuse that does not result in injury. There is no legal provision or case law exempting the aggressor from punishment, whatever his or her relationship to the victim. With regard to article 60 of the Penal Code, the Supreme Court has ruled that it only permits acts committed in exercise of a right approved by the law in general. Therefore, it may not be cited to claim exemption from criminal liability for an act punishable by law.

36. The crime of rape in Egyptian law means natural sexual intercourse by a male with a female without her consent. Although not classified as rape, other acts of sexual abuse, such as non-vaginal penetration, against a female – or male – are classified as indecent assault and are punishable by a sentence of up to life imprisonment, as with rape. In that regard, we refer to paragraphs 39 and 46–48 of the replies of Egypt to the list of issues and questions in relation to its combined eighth to tenth periodic reports to the Committee on the Elimination of Discrimination against Women (CEDAW/C/EGY/RQ/8–10), and to paragraphs 136–42 of the replies of Egypt to the list of issues in relation to its fifth periodic report to the Human Rights Committee (CCPR/C/EGY/RQ/5).

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

37. Disaggregated information on victims of trafficking in persons during the period 2020–2022 shows a total of 864 victims. Of those, 342 were adults (238 males and 104 females) and 531 were children. The forms of trafficking varied, according to information gathered from complaints, investigations, judicial prosecutions and convictions and sentences recorded in cases related to trafficking in persons, and included forced labour, forced marriage and organ removal. During the period 2022–2023, a total of 107 individuals were convicted in 33 cases, including 20 individuals convicted in 7 cases related to sex trafficking and 22 individuals in 9 cases related to forced labour. Those figures include 95 defendants in 28 cases who were convicted under trafficking laws, and 12 individuals in 5

cases who were convicted under other laws. Courts of appeal have recently issued convictions in three cases and overturned one case, and one person has been acquitted.

**Measures taken to combat internal and external trafficking in persons:**

**(a) Ensuring effective implementation of the anti-trafficking law**

38. In dealing with the crime of trafficking in persons, Egypt pursues a comprehensive policy that is based on the four pillars identified by the United Nations, namely, prevention, protection, prosecution and international partnership. The National Coordinating Committee for Preventing and Combating Illegal Migration and Trafficking in Persons has launched its third national strategy (2022–2026), which addresses the issue of protection of victims through the updating of national referral mechanisms and improved capacity-building for social protection workers. The Office of the Public Prosecutor also provides legal protection to victims by isolating them from other detainees who are potential perpetrators, ensuring that victims' data are kept confidential, appointing lawyers and making referrals to shelters for victims of trafficking in persons or other shelters affiliated with the Ministry of Social Solidarity. In addition, eight judicial departments have been assigned to investigate cases related to trafficking in persons, and prosecutors have also been appointed in that regard.

39. In a related context, the National Coordinating Committee is creating a map of the governorates in which the crime of trafficking in persons, in its various forms, is prevalent, as measured by the number of Public Prosecutor investigations and reports and complaints received by the hotline. During the period from January 2019 to March 2023, the Ministry of the Interior arrested 1,250 persons in 1,030 cases related to illegal immigration, and arrested 442 persons in 236 cases related to trafficking in persons.

**(b) Ensuring victims' access to effective remedy and reparations**

40. An integrated system has been created for the protection of victims of trafficking in persons, which includes a national referral mechanism, provision of legal aid and health services, rehabilitation programmes for victims and the launch of a complaints system. Prime Ministerial Decree No. 369 (2023) regarding the organization of a fund for combating illegal migration and protecting migrants and witnesses provides for financial assistance to victims, in accordance with article 27 of the Law on combating trafficking.

**(c) Ensuring provision of non-custodial accommodation**

41. A shelter has been set up to receive women and girl victims, offer rehabilitation programmes and inform victims of their legal rights. Placement is by decision of the Office of the Public Prosecutor. Work is underway to update and enhance seven shelters for children, men and women, as well as centres that host and mentor women victims, both citizens and non-citizens.

**(d) Provision of training to law enforcement personnel, judges, prosecutors and other public officials**

42. The National Coordinating Committee and the Ministry of Justice have jointly prepared guidelines on evidence gathering, investigation, and workers' protections. It has also held 74 training courses for 2,120 trainees, including judges, prosecutors, police, labour inspectors, labour attachés, diplomats, staff of child protection committees, staff of offices of the ombudsperson, social workers, the rapid intervention team, judicial officers with the Ministry of Social Solidarity, emergency physicians with the Ministry of Health, women peer leaders, civil society organizations, employees of the Ministry of Civil Aviation and media workers.

43. Staff of the Office of the Public Prosecutor have received training on dealing with the crime of trafficking in persons. A brief guide was also prepared for that staff on the investigation of trafficking in persons. During the period from 2019 to June 2023, the Office of the Public Prosecutor, through its Institute of Criminal Research and Training, either independently or in coordination with the United Nations Office on Drugs and Crime, organized 29 training courses on combating trafficking in persons and illegal migration for

577 of its staff. In a related context, the Ministry of the Interior has held training programmes for police officers and personnel of the Police Academy, including 55 courses held during the period from January 2019 to March 2023 in cooperation with relevant international organizations. The combating of trafficking in persons has also been included in the curricula of educational and training institutions and institutes affiliated with the Ministry of the Interior.

44. The Ministry of Justice, working with international organizations, trains judges by means of courses, discussion forums, educational seminars and mock trials. Five mock trial workshops have been held for appeal court judges. Judges and prosecutorial staff have participated in discussion forums on judicial cooperation in criminal matters as part of the Euromed Justice Programme and workshops have been held for court of cassation judges specializing in migrant smuggling cases. Lectures were held for 300 employees of the Ministry of Justice in December 2022. A specialized course was held for 15 appeal court judges, an educational seminar was organized for 25 judges of courts of first instance and two courses were held for judges in June 2022.

45. Military prosecutors, military judges and the personnel of military enforcement agencies take part in training and qualification activities regarding the protection of the human rights of victims of trafficking in persons that are organized jointly with the Office of the United Nations High Commissioner for Human Rights (OHCHR) and other relevant international organizations. They also attend specialized courses organized by the Military Justice Authority in cooperation with the International Organization for Migration (IOM) and the Office of the United Nations High Commissioner for Refugees (UNHCR) in Cairo.

**Measures to combat trafficking in persons for the purpose of removal of organs, including with regard to street children and the phenomena of “tourist” and “temporary” marriages**

46. The crime of trafficking in persons is fundamentally about exploitation. While that crime takes many forms, those forms may be similar and overlapping. The crimes of “transactional” marriage or early marriage are considered forms of sexual exploitation and human trafficking, and are criminalized. The Homeless Children Initiative was launched to intervene on behalf of such children by taking note of where they are located; examining their situations with a view to reuniting them with family; providing financial and in-kind assistance; placing them in social welfare institutions for psychological, vocational and educational rehabilitation; and obtaining identity documents for them.

**H. Reply to paragraph 8 of the list of issues**

47. The Egyptian Constitution grants the right of political asylum to any foreign national persecuted for defending peoples’ interests or human rights and prohibits the extradition of political refugees. This year, the Government of Egypt prepared a draft law on asylum that provided for the establishment of a permanent committee to oversee all matters pertaining to refugees, including information and statistical data on their numbers, and to provide them with support, care and services. The draft provides for prioritized handling of the asylum applications of persons with disabilities, older persons, pregnant women, unaccompanied children and victims of trafficking in persons and torture. The draft law also prohibits extradition of a refugee to the State of his or her nationality or the State of his or her habitual residence, and guarantees the right of refugees to work, practise free professions and access basic education and health care. An asylum-seeker is not considered legally accountable for entering the country illegally, provided that he or she has come from a place where his or her freedom or life was threatened.

48. With regard to the principle of non-refoulement: judicial rulings have recognized the principle of non-refoulement and the provisions of the 1951 Convention relating to the Status of Refugees. The Supreme Administrative Court has ruled that legislative protection in Egypt is not limited to political refugees, but extends to humanitarian refugees, and that refugees who are illegally in the territory of the State may not be expelled.

49. With regard to allegations that asylum-seekers have been arrested at the border: all alleged arrests of asylum-seekers concern persons who were involved in the commission of acts, such as the operation of migrant smuggling networks or forgery, that constitute criminal offences under the Penal Code. Those measures are not targeted at asylum-seekers of a specific group or nationality. It should also be noted that any precautionary measure taken by the competent authorities is in accordance with the law and the Constitution, and that cases are referred to the competent prosecutors within the legally prescribed periods.

50. It is the policy of the State not to hold refugees in camps or special centres, but rather to allow them the fundamental human right of freedom of movement. As a result, although Egypt in fact hosts more than 9 million foreign nationals, including immigrants, resident foreign nationals, asylum-seekers and refugees, there are only 300,000 refugees registered with UNHCR. State agencies provide them with services and enable them to take up residence, access education, receive health care, work and benefit from the same support that the Government provides to citizens for basic goods and services. Refugees and asylum-seekers are also granted six-month residency on the basis of periodically renewable UNHCR-issued identity cards. In the interest of alleviating their hardships, they are exempt from the fees for residence permit issuance and renewal.

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

51. With regard to extradition agreements, the parties to those agreements and the provisions most applicable to combating torture: Egypt has extradition agreements and other agreements on cooperation in criminal cases with a number of countries. During the period 2017–2023, no extradition requests were received for persons accused of torture or of any of the crimes contained in the Convention. With regard to the inclusion of torture among the crimes subject to judicial cooperation agreements, the wording of extradition and criminal cooperation agreements commonly covers all offences, including torture or any other cruel treatment or punishment referred to in the relevant agreement. In addition, the Office of the Public Prosecutor must ensure that an extradition request does not relate to the following: the prosecution or punishment of a person for political opinions; membership in a particular civil group; gender; religion; or political crimes; or the prosecution or punishment of a person for violating purely military obligations, or for a crime for which he or she has already been convicted, acquitted or pardoned. The Office of the Public Prosecutor must also ensure that the person being extradited will be subject to legal or judicial proceedings in which the accused enjoys all guarantees of a fair trial that are stipulated in international human rights instruments, and that none of the offences are subject to a statute of limitations at the time that the request was made. Article 8 of the Convention against Torture serves as a basis for extradition.

## **J. Reply to paragraph 11 of the list of issues**

52. In September 2021, Egypt launched the National Strategy for Human Rights, to be implemented over a period of five years. One of the goals set out in the first component of the strategy, which covers civil and political rights, is to promote the right to life and physical integrity by spreading legal awareness of practices that are considered cruel, degrading or inhuman treatment. To that end, campaigns to address and prevent violence will be conducted and measures will be taken to raise the awareness and develop the capacities of the staff of all State agencies that are active in this field. The fourth component of the strategy, on human rights education and capacity-building, includes a section on training of members of the police force and judicial bodies.

53. The Ministry of the Interior has taken several measures with regard to training and awareness-raising, including, most notably, teaching all aspects of human rights, including combating torture, in all classes at the Police Academy, as well as in specialized training courses and postgraduate studies. In addition, the human rights unit of the Ministry organizes seminars and lectures on human rights for various departments within the Ministry. From January 2019 to June 2023, the Ministry, in coordination with several international organizations, including UNODC and OHCHR, organized 47 training courses for its

employees on human rights, violence against women, enhancing health care in correctional and rehabilitation centres and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). In addition, from 2019 to 5 June 2023, the Office of the Public Prosecutor held 29 training courses on countering trafficking in persons for 577 staff members, as well as 16 courses on human rights topics that were attended by 257 trainees.

54. Among the primary concerns of the Ministry of Defence are spreading a culture of protecting human rights among the students of military colleges and institutes, and teaching curriculums that instil human rights principles in students. To that end, 22 courses on the subject have been organized.

55. With regard to training and qualification on the protection of human rights and migrants and countering trafficking in persons, 95 training courses were held in cooperation with several international organizations, including the International Organization for Migration (IOM), for 2,184 employees of the military border control and law enforcement agencies.

56. Military prosecutors, military judges and the personnel of military enforcement agencies participate, alongside their counterparts from the Office of the Public Prosecutor, civilian judges and civilian police, in all relevant legal training and qualification activities that are organized jointly with OHCHR, and they attend specialized courses organized by the Military Judicial Authority.

57. The Ministry of Justice organizes training programmes in criminal justice and on the protection of detained persons for judges, prosecutors and forensic doctors. More than 3,114 participants attend 134 training courses that were organized for the staff of judicial agencies and bodies.

## **K. Reply to paragraph 12 of the list of issues**

58. The rules and instructions related to interrogation are found in several legal sources, including the Constitution, the Code of Criminal Procedure, the rulings of the Court of Cassation and the judicial instructions issued by the Office of the Public Prosecutor. Under the Constitution, any person whose freedom has been restricted shall be promptly informed of the grounds therefor, notified in writing of their rights, allowed to immediately contact their relatives and lawyer and be brought before the investigating authority within 24 hours of the time when their freedom was restricted. Interrogation can only be initiated in the presence the person's lawyer, and the necessary assistance must be provided to persons with disabilities. Only the Office of the Public Prosecutor can interrogate accused persons. Judicial police officers only identify crimes and their perpetrators and collect the evidence needed for investigation and prosecution. The police perform their role within the conditions established by the Code of Criminal Procedure and under the supervision of the Office of the Public Prosecutor.

59. In accordance with those conditions, a set of guarantees governs the interrogation process in order to ensure that the accused enjoys complete freedom when subject to investigation. Accused persons must answer questions that are put to them of their own free will, and they cannot be subjected to any coercive methods, whether material or psychological. The Code of Criminal Procedure and the judicial instructions issued to the Office of the Public Prosecutor require that the accused be informed of the charge against him/her and to have her/his statements regarding any charges placed in the record. In order to protect the accused from coercion, the Constitution prohibits torturing, coercing or causing physical or moral harm to the accused. The accused has the right to remain silent. Any statement that is proven to have been made under coercion or threat thereof is void and cannot be used. Under these rules, it is not permissible to have the accused take a legal oath. It is also forbidden to subject the accused 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.

60. The State is drafting a comprehensive bill to amend the Code of Criminal Procedure, with a view to upholding all constitutional rights and guarantees, as well as to honouring the country's international obligations in a manner that ensures compliance with the highest standards applied in the field of criminal justice. The bill was studied by a committee that includes several members of the House of Representatives and the Senate and the representatives of several ministries, judicial bodies, the Bar Association and the National Council for Human Rights, as well as some academics. The draft law strengthens, in particular, the rights of the defence at various stages of criminal proceedings, from the collection of evidence to the conclusion of the case. The rights of defence before the Court of Cassation are established from a holistic perspective in the new Code of Criminal Procedure, in particular given that the current law was promulgated more than 70 years ago, in 1950.

61. With regard to the bodies that have powers of arrest and detention, the Code of Criminal Procedure provides that judicial police officers are, in all circumstances, subordinate to the Public Prosecutor and subject to his supervision in connection with the performance of their functions. The Public Prosecutor may initiate a disciplinary case against any person who commits violations in the performance of their duties, and even to initiate a criminal case, if necessary. The law gives the police the power of arrest and detention in accordance with the conditions established in the Code of Criminal Procedure.

#### **L. Reply to paragraph 13 of the list of issues**

62. With regard to the separation of pretrial detainees from convicted prisoners, minors from adults and men from women, article 14 of the Correctional and Rehabilitation Centres Act provides that pretrial detainees must be held in places that are separate from those where other prisoners are held. The Ministry of the Interior is committed to ensuring that this is so. Women in pretrial detention or who have been sentenced are held in facilities that are completely isolated from men's prisons and are supervised fully by women. Under the law, mothers and pregnant women are entitled to special medical treatment, as well as food and rest, until they give birth and for 40 days after delivery. The law allows a female prisoner to keep her child in the prison childcare facility until he/she reaches the age of four, and to remain with the child during the first two years, if she so wishes. With regard to the separation of minors from adults, please see paragraph 126 of the national report submitted to the Committee against Torture.

63. The nation's laws offer many alternatives to imprisonment and deprivation of liberty. In that connection, please see paragraph 51 of fifth periodic report that Egypt submitted to the Human Rights Committee. Under Law No. 49 (2014), every person sentenced to a term of imprisonment not greater than six months may request that, instead of serving a prison sentence, he/she be put to work outside prison in accordance with the conditions set out in the Code of Criminal Procedure, unless the judgment rules that he/she does not have the option. Under the Correctional and Rehabilitation Centres Act, any convicted person may be conditionally released after serving half of her/his sentence. If the person has been sentenced to life imprisonment, then he/she may be released conditionally after serving at least 20 years. The law also permits the release of inmates in accordance with the rules governing release for health reasons if it is found that the convicted person has a life-threatening illness or is totally incapacitated.

#### **M. Reply to paragraph 14 of the list of issues**

64. The Ministry of Interior has updated the penal philosophy so that it is in line with modern reform and rehabilitation systems and in conformity with the highest international standards of human rights, in order to promote the rehabilitation of inmates in correctional and rehabilitation centres and prepare them for post-release integration into society, including, most notably, by closing old prisons and replacing them with new correctional and rehabilitation centres; establishing model correctional and rehabilitation centres that conform with international human rights in respect of standard accommodation and subsistence requirements for each inmate (capacity, lighting, quality of ventilation, segregation of

inmates according to age group, threat level, sex, etc.); offering advanced rehabilitation, religious and cultural guidance, and social and technical care programmes that are developed and monitored by inmates and psychologists; providing health, medical and psychological care in hospitals that offer all medical specialties and are equipped with the latest equipment; affording inmates daily exercise periods and regular family visits without discrimination; and establishing the Community Protection Training Institute to train and qualify community protection workers in the application of the updated philosophy.

**Measures taken to ensure that detainees have access to educational, recreational, vocational, physical and intellectual activities**

65. In this regard, the Government of Egypt would like to refer to paragraph 67 of fifth periodic report of Egypt to the Human Rights Committee. We would also like to add that the community protection sector and the Ministry of Education and Technical Instruction signed a cooperation protocol aimed at equipping seven technical schools that currently serve 500 inmates in the Wadi al-Natrun, Badr, 10 Ramadan, Jamsah, Minya and Qanatir correctional centres, in order to train those inmates in various crafts and industries as part of the effort to provide comprehensive social care to inmates and wages that can help them to bear the burden of supporting their families. A total of 27,500 inmates are taking part in 82 productive rehabilitation projects in various vocations and crafts. In addition, a total of 11,885 inmates were taught to read and write, 3,695 inmates have obtained pre-university education certificates, 12,496 inmates have obtained university education certificates and 668 inmates have obtained postgraduate degrees.

66. A total of six nurseries have been established in the Wadi al-Natrun, Badr, 10 Ramadan, Qanatir, 15 May and Akhmim correctional and rehabilitation centres that serve 77 children, who are accompanied by their inmate mothers. Women inmates are allowed to nurse their infants until they reach the age of two. They are provided with comprehensive health care throughout pregnancy and give birth at medical centres. Incubators are provided for newborns, if necessary. In addition, medical centres are equipped with devices for the early detection of breast cancer, and women inmates undergo preventive examinations. They are also provided with job opportunities, allowed to practice hobbies and are able to produce and sell handicrafts, in order provide them with a source of income. In addition, correctional and rehabilitation centres provide living quarters that are equipped for persons with disabilities and the elderly. The Ministry of the Interior has begun conducting a comprehensive assessment of the psychological and social situation of all inmates prior to their placement, taking into account the rules for punitive classification of convicted persons.

67. With regard to solitary confinement, the Government makes reference to paragraphs 62, 64 and 65 of the fifth periodic report of Egypt to the Human Rights Committee.

**N. Reply to paragraph 15 of the list of issues**

68. The competent authorities take seriously any complaints or allegations of torture, ill-treatment or medical negligence during detention, as well as allegations of death as a result thereof. In response, the Office of the Public Prosecutor and the competent authorities will quickly open an investigation, whether of their initiative or on the basis of a complaint, including complaints received from United Nations mechanisms. For example, from 2021 to 2025, the Government of Egypt received five communications from United Nations mechanisms regarding allegations of torture and ill-treatment, including one death as a result of natural conditions. Those allegations proved to be incorrect. The Government responded by clarifying the circumstances of those cases in detail and providing information about the procedures that are followed, in general, as well as the procedures that were followed in those cases, in particular, including periodic monitoring, investigations and medical examinations aimed at ensuring that detainees did not display any signs of torture. In addition, patients are provided with the necessary medical care and referred to hospitals, if necessary, to receive required medical treatment. The authorities also monitor the psychological condition of detainees and conduct autopsies, if necessary, of those who die. All deaths that occur in police stations or correctional centres are investigated with the knowledge of the Office of the Public Prosecutor. The body of the deceased is examined, those who were with the deceased inmate

in the detention facility are questioned and the state of health of the deceased is determined. Other inputs taken into consideration include the investigations conducted by detectives and the medical report, both of which must confirm that there is no suspicion of criminal wrongdoing in the death. In addition, all medical documents pertaining to the condition of the deceased must be attached to the case file.

69. With regard to the steps taken to reduce incidents of inter-prisoner violence, the law on correctional and rehabilitation centres and its amendments sets out an integrated framework for monitoring the conditions of inmates. This is accomplished by means of several supervisory methods that are designed to assess those conditions, ranging from the internal oversight of the manner in which centres are managed to inmate complaints. All centres and detention facilities are supervised by the Office of the Public Prosecutor, which exercises its supervisory role by conducting inspections in order to determine the legal situation of each inmate. The Ministry of Interior has taken several measures to prevent incidents of violence inside correctional and rehabilitation centres, including, most notably, preventing high-risk convicts and convicts with criminal records from mixing with other inmates and applying the rules of punitive classification on the basis of such factors as the nature and duration of sentence, criminal record, health status, age and social and cultural status). In addition, a wide array of productive projects are offered in order to help the greatest number of inmates to occupy their free time. The Ministry also follows up on inmate complaints and strives to resolve them.

## O. Reply to paragraph 17 of the list of issues

70. With regard to the question about which authorities are competent to investigate, at both the criminal and disciplinary levels, the actions of law enforcement officials and prison staff: the internal monitoring and oversight bodies of the Ministry of Interior, such as the Monitoring and Inspection Division, are responsible for investigating complaints of torture received from the national authorities. Many other measures have been taken in that regard, most notably the following: special telephone numbers have been established to report any violations; all complaints are reviewed and responded to objectively and urgently; all police departments and stations now have a specialized human rights unit and a designated officer to receive complaints; and disciplinary measures are taken against members of the police force who are implicated in torture and ill-treatment. The Office of the Public Prosecutor investigates all criminal cases and is the sole authority that is competent to lodge and initiate cases with the judiciary. It should be noted that, under the Penal Code, it is not necessary for a complaint or a report to be filed for torture and ill-treatment offences. With regard to military bodies, the human rights section of the Office of the Military Prosecutor for State Security and Special Investigations receives complaints, notifications and reports concerning allegations of human rights violations, which are reviewed, investigated and acted upon in accordance with the rules of military justice. We reaffirm that there is no institutional or hierarchical relationship between the judicial oversight authorities and the government agencies to which the suspects belong.

71. With regard to whether the Office of the Public Prosecutor can initiate an ex officio investigation: the crimes of torture and ill-treatment do not require a complaint from the victim in order for the Office of the Public Prosecutor to investigate the accused and initiate criminal proceedings against them. It is sufficient for the Office of the Public Prosecutor to be aware of an act constituting the crime of torture in order to initiate an investigation and refer the perpetrators for criminal prosecution, if it is established that the act occurred.

72. The Office of the Administrative Prosecutor investigates cruel or degrading treatment by public officials or other persons acting in an official capacity that does not constitute torture. The Office of the Public Prosecutor has the competence to investigate such acts if they constitute criminal offences, while the Office of the Administrative Prosecutor is responsible for investigating the administrative aspect. The Office of the Administrative Prosecutor is an independent judicial body that investigates administrative and financial violations, and it is endowed with the same administrative powers that are given to administrative bodies for the purpose of imposing disciplinary sanctions for such violations. Its decisions can be challenged before the Disciplinary Tribunal of the Council of State. In

addition, the Office of the Administrative Prosecutor can initiate administrative cases and appeals before the tribunals of the Council of State. From 2015 to 2020, the Office of the Administrative Prosecutor investigated 60 cases of cruelty against or cruel, inhuman or degrading treatment of citizens by public officials.

#### **P. Reply to paragraph 18 of the list of issues**

73. Please see paragraph 26 above.

#### **Q. Reply to paragraph 19 of the list of issues**

74. On 13 September 2020, the Office of the Public Prosecutor launched a unified electronic petition system on its official website ([www.ppo.gov.eg](http://www.ppo.gov.eg)). This service allows parties with an interest or their agents in Egypt and abroad to submit petitions and complaints remotely, along with copies of documents or electronic links to any photographic materials, accounts or various pages on social networking sites or the Internet in support of the petition. It is also possible to use the website to follow up on petitions. Reports and complaints concerning torture or cruelty are forwarded to the competent prosecutor's office so that the necessary action may be taken, including verifying the accuracy of the allegations. In accordance with the article 939 of the judicial instructions for prosecutors, allegations are sent to the Technical Office of the Public Prosecutor through the Office of the Assistant Public Prosecutor or the appellate prosecutors, depending on the circumstances of the case, along with case documents and legal opinions. This applies to felony and misdemeanour cases in which the accused is a public official at the level of director and above, as well as all felony and misdemeanour cases in which the accused is a police officer, an officer in the armed forces or a lawyer where it is necessary to hold a criminal trial or refer the matter to a disciplinary mechanism. Accordingly, all cases felony or misdemeanour cases in which police officers are accused, in particular cases of torture and cruelty, must be forwarded to the Technical Office of the Public Prosecutor accompanied by a legal opinion indicating either that a criminal trial or a disciplinary tribunal is warranted, on the one hand, or that the documents should be set aside because the crimes addressed therein have been ruled out, on the other hand, along with an order indicating that there is no reason to institute criminal proceedings. The Technical Office serves as a specialized prosecution service for all cases of torture and cruelty and has the final say in such matters. The Technical Office can either endorse or disagree with the opinion of the Public Prosecutor that appears at the end of the memorandum that is sent to the Technical Office seeking its opinion.

#### **R. Reply to paragraph 20 of the list of issues**

75. With regard to the measures taken to ensure the independence and impartiality of judges and prosecutors, it should be noted that the independence and impartiality of judges under the law and in practice are ensured by the following guarantees: judges may not be dismissed; judges are free to form their beliefs and maintain their impartiality in respect of the cases that they hear; proceedings can be instituted to challenge the impartiality of judges, if there is reason to do so; trial sessions are open to the public; the presumption of innocence, the right to defend oneself and be represented by a lawyer during the trial; and the right of the accused to request that any defence measure be taken. For additional details in this regard, please see paragraph 77 of the replies of Egypt to the list of issues in relation to its fifth periodic report to the Human Rights Committee.

76. With regard to fair trial guarantees in military courts, we refer to paragraphs 74–76 of the replies of Egypt to the list of issues in relation to its fifth periodic report to the Human Rights Committee.

77. With regard to the competence of the extraordinary Emergency State Security Courts, it should be noted that those courts were established under the Emergency Law, pursuant to which those courts adjudicate crimes that fall under the provisions of the State of Emergency Law. They are composed of ordinary criminal court judges, and they follow the same

procedures as the criminal courts, except for some limited exceptions related to the ability to claim civil rights and the right to appeal. Data indicate that those courts applied all fair criminal trial guarantees. From April 2017 to October 2021, when the state of emergency was in effect, those courts handed down judgments in 53,892 felony cases of possessing or acquiring firearms, possession of explosives and other matters. A verdict of not guilty was handed down in 62 per cent of the cases, while a verdict of guilty was issued in only 38 per cent of the cases.

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

78. With regard to the legislative framework governing the use of force by law enforcement officials, it should be noted that, pursuant to articles 10–13 of the law regulating the right to hold peaceful public meetings, marches and demonstrations, a gathering of or demonstration by five persons or more can be dispersed if it endangers public security. Those articles set out a comprehensive approach, which is subject to judicial oversight, for dispersing gatherings if any of the participants commits an act that is punishable under the law or the gathering becomes something other than a forum for the peaceful expression of opinion. Weapons are used by forces wearing official uniform acting on the orders of a field commander. The police response is gradual, beginning with repeated and audible oral requests to participants to disperse voluntarily, indicating the routes by which they can do so and securing those routes. In the event that the participants fail to respond, the security forces can intervene to disperse them, again taking gradual steps, first using water cannons, then tear gas and then batons, always in such a way as to preserve the security and safety of individuals. If the crowd commits acts of violence or vandalism, destroys public or private property or assaults bystanders or law enforcement, security forces may make gradual use of force as follows: warning shots, then flash grenades or smoke grenades, then rubber bullets, then non-rubber munitions. If the crowd uses firearms against security forces in a manner that entails a right of legitimate defence, the response is to be commensurate with the degree of danger to life and property.

79. The Ministry of the Interior publishes and circulates periodicals and standing instructions concerning measures to protect human rights during the performance of security-related duties. In addition, it organizes seminars for officers to enhance their legal knowledge as it relates to their duties and the legitimate use of force in accordance with international standards. These seminars cover methods for ensuring that demonstrations remain peaceful and how to deal with riots, sit-ins and obstruction of or attacks against public facilities while respecting human rights. The subject of the gradual use of force and firearms by law enforcement personnel is covered by all training teams and in all training courses. Six advanced training courses on riot dispersal according to the nature of the security situation are conducted every year, with a view to ensuring the maintenance of security and protecting lives.

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

80. After the revolution of 30 June 2013, Egypt experienced terrorist attacks that undermined its security and the safety of its citizens. The Court of Cassation, the country's supreme criminal court, issued definitive rulings in relation to those attacks in which it lays out the facts, evidence and measures taken in response. Such attacks continued until they were brought under control. However, in doing so, no exceptional measures were taken with regard to the rules of arrest, search, pretrial detention and criminal trial that went beyond those that are set out in the Code of Criminal Procedure and the Counter-Terrorism Act, while taking into account the fundamental rights of the accused and in conformity with international human rights law. The provisions of this law apply to various counter-terrorism activities carried out nationwide with the knowledge of law enforcement agencies, including counter-terrorism activities in North Sinai Governorate.

81. The Government of Egypt reaffirms that there is no “armed conflict in North Sinai”. Any incidents or events that have occurred in North Sinai have been within the framework of countering acts of terrorism committed by takfirists and jihadists (fugitives) whose aim is

to undermine the State and who have adopted violent methods. There is an integrated legal framework in place that regulates the use of force by law enforcement officials and the gradual use of force to the extent needed to maintain security and protect the lives of citizens, in accordance with the nature of the security situation (see the Code of Criminal Procedure, guarantees relating to the right to organize public meetings, processions and peaceful demonstrations).

82. The Government reaffirms that the counter-terrorism operations carried out by Egyptian law enforcement forces are in compliance with counter-terrorism legislation, including the Law on Lists and the Counter-Terrorism Act (Nos. 8 and 94 of 2015). Anything that is not covered by those laws is covered by the Penal Code and the Code of Criminal Procedure, the provisions of international human rights law that are based on the relevant constitutional and legal obligations, and the international covenants and conventions to which Egypt has acceded and that it has ratified, most notably the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as relevant regional conventions.

83. With regard to providing effective redress to victims of terrorism, the national policy for honouring to victims of terrorism comprises several pillars: showing compassion, respect and appreciation for various categories of victims of terrorism; meeting victims' short-, medium- and long-term needs; ensuring that victims are given effective, immediate assistance that is appropriate to their needs; and ensuring that assistance needs are met with legal, institutional, medical, psychological, material and moral support. The State has established a fund to honour the martyrs and victims, as well as their families, of war, terrorist attacks and security operations. The fund, which was created pursuant to Law No. 16 (2018), is a national, sustainable institution that can effectively meet the rights and needs of victims of terrorism by involving the whole of society in supporting and honouring those who lost their lives or were injured after the Constitution entered into effect on 18 January 2014. The purpose of the fund is to honour martyrs, victims, the missing and those who were injured in terrorist operations and their families, and provide them with the social, health and educational support they need, as well as to pay them the compensation that they are owed.

#### **U. Reply to paragraph 23 of the list of issues**

84. In accordance with the relevant legislative texts, the civil plaintiff (the victim) has the right to file a claim for compensation in three ways. The victim can file a claim with the Office of the Public Prosecutor during the criminal investigation into the incident; a lawsuit in court during the hearing of the criminal case by the competent chamber; or a preliminary action in the civil court following the issuance of the judgment.

85. The amount of the compensation is subject to the discretion of the judge and governed by the degree of gravity of the material and moral harm suffered and the victim's percentage of disability, if any. In order to verify eligibility, the victim is referred to the Forensic Medical Authority, which prepares a detailed report on the case, including injury and type, cause, how reasonable it is to believe that the harm has occurred and the percentage of disability, if any. The amount of compensation paid out to the victim is determined on the basis of the foregoing.

86. In 2014 and 2019, the Government of Egypt made voluntary contributions in the amount of \$10,000 to the United Nations Voluntary Fund for Victims of Torture.

#### **V. Reply to paragraph 24 of the list of issues**

87. The constitutional prohibition against torture and ill-treatment is explicitly included in the laws and instructions that regulate the duties and functions of prosecutors, law enforcement officials and medical workers. The judicial instructions regulating the work of the Office of the Public Prosecutor provide that investigators must respect the dignity and humanity of the accused by not engaging in behaviour or using language that is demeaning to human dignity. Moreover, it is forbidden to use torture in order to obtain a confession to the offence being investigated.

88. In judicial practice, the judgements handed down by the courts make it clear that statements extracted by torture cannot be used. The Court of Cassation has repeatedly set aside evidence of all types that was not given freely, irrespective of whether that was a consequence of torture or inhumane treatment or the threat thereof, or of direct or indirect pressure on the person who made the statement. In many rulings, the Court of Cassation has found that failure by courts of first instance to apply the principle of excluding evidence derived from coercion and their failure to reject such evidence constitutes legal justification for reversing a judgment. Numerous judicial rulings have overturned confessions that were extracted under coercion, which were deemed inadmissible for the purpose of securing a conviction even when the reasoning made on the basis of those confessions was sound and consistent with other legitimate evidence. Thus, procedural legitimacy prevails, even if it leads to impunity, because of supremely important considerations dictated by the Constitution and the law.

89. The accused has the right to remain silent, and any statement proven to have been made by a detainee as the result of any of the foregoing, or the threat thereof, is inadmissible. The Court of Cassation has consistently ruled that the silence of the accused cannot be taken as proof of the charge against him/her (appeal judgment 18/3/1973, Compendium of Appeal Judgments, vol. 24, No. 73, p. 337). The Court of Cassation has also ruled that the accused has the right to choose the time or the manner in which he/she presents his/her defence, and that his/her failure to answer cannot be taken as proof of the charge levelled against him/her (appeal judgment 17/5/1960, Compendium of Appeal Judgments, vol. 11, No. 90, p. 467).

## **W. Reply to paragraph 25 of the list of issues**

90. As in many countries of the world, the law allows the imposition of the death penalty for the most serious crimes, such as premeditated murder, poisoning, terrorism and espionage, in accordance with the provisions of the International Covenant on Civil and Political Rights. Many legal safeguards are in place with regard to this punishment, with a view to striking a balance between the right of society to public deterrence and the individual's right to life. In addition, all standards are applied for conducting a fair trial and preserving the right of the convicted person not to be subjected to any violation or cruel treatment. The psychological and religious needs of the sentenced person must be taken into account before carrying out the sentence. The imposition of the state of emergency is without prejudice to any of the safeguards related to the application of the death penalty. In that connection, we should like to refer to the legal safeguards for the application of the death penalty.

91. 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 considerations 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.

92. One of the legal safeguards that are in place for the application of the death penalty is the requirement that the judges of a court must agree unanimously on the imposition of the death penalty, in accordance with article 381 of the Code of Criminal Procedure, whereas the general rule is that sentences are adopted by majority. If one of the judges has doubts, then the death penalty is not imposed on the accused. The Office of the Public Prosecutor must submit any case in which the death penalty has been imposed to the Court of Cassation, which reviews such sentences, in form and substance, and determines whether they are valid. The Court will overturn a judgment if there has been an error in the application of the law. In addition, the Court is not restricted by the grounds of the appeal submitted by the accused and may overturn a judgment for its own reasons. The Court can overturn a judgment in a number of circumstances, even if the offender has not challenged it. All of this is aimed at ensuring that the Court of Cassation, which sits atop the judicial pyramid, is able to determine that judgments are in conformity with the law. The death penalty cannot be imposed on a

person who was less than 18 years old at the time that the offence was committed. For pregnant women, implementation of the death penalty is stayed for a period of two years following delivery. It should be noted that the State is striving to implement the National Strategy for Human Rights, the first pillar of which includes a review of legislation and laws. Accordingly, the Weapons and Ammunition Law has been amended. Under the amended law, the courts can reduce by one degree the punishment for several offences, thereby reducing the use of the death penalty for the most serious crimes.

## **X. Reply to paragraph 26 of the list of issues**

93. In keeping with the general approach taken by legislators in the Egyptian Constitution and the commitment of the Egyptian State to honour all its international obligations, including, but not limited to, freedom of the press and media, freedom of thought and opinion are guaranteed to all, and the right of every person to express his or her opinion verbally, in writing, in images or by other means of expression and publication. The Press and Media Regulation Law (No. 180 of 2018) underscores the freedom of the press and establishes controls that regulate its work. Freedom of expression is guaranteed pursuant to articles 70, 71, 72 and 75 of the Constitution of Egypt. In addition, the State guarantees the safety and freedom of journalists as they carry out their work.

94. Pursuant to articles 302–306 of the Penal Code, defamation and libel are punishable by fines and imprisonment. The Government of Egypt reaffirms that members of the political opposition or civil society activists, journalists, lawyers, trade unionists, scholars, students, bloggers, artists and “human rights defenders” who criticize the Government are not targeted. No journalists or media workers are detained or imprisoned for their work or for expressing their opinions. All those who are charged are charged because they have committed offences that constitute crimes under the Penal Code and on the basis of evidence. This applies to everyone without distinction. Belonging to a profession or engaging in a particular activity does not exempt one from criminal responsibility and does confer immunity from such responsibility. The Civil Society Law (No. 149 of 2019) on the regulation of civil society activity represents a milestone with regard to the management of such organizations and coordination between them and the State in pursuit of their legitimate goals. For more details, we refer to paragraphs 94–97 of the fifth periodic report of Egypt to the Human Rights Committee.

95. All criminal investigations are conducted by the Office of the Public Prosecutor, which is an independent judicial body pursuant to the Constitution. The Office of the Public Prosecutor always strives to confront defendants with the charges and the evidence and to enable them to present their defence and statements. It also ensures that the defendant’s lawyer is present during the investigation proceedings.

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

96. The Constitution of Egypt and the Penal Code and its various amendments prohibit all forms of physical violence or the corporal punishment of any person without exception, in accordance with the principle of equality before the law without discrimination. Any physical act that undermines the physical safety of a citizen is punishable by law.

97. The Children’s Law increases the protection available to children from violence and harm. Under that law, penalties are heightened for any offence committed against a child by any adult or by a parent, guardian, custodian, caregiver or someone who has authority over a child. At the beginning of every school year, the Ministry of Education issues books and instructions aimed at school principals and teachers on the absolute prohibition against beating or harming pupils, and they are reminded that only positive pedagogical methods should be used to guide students.

98. The Office of the Administrative Prosecutor has investigated several cases of cruelty by public officials (schoolteachers). Disciplinary proceedings were instituted against a teacher for beating some students. The Disciplinary Tribunal, in trial session 22/3/2018, punished the offender by forcing him to retire (the maximum disciplinary penalty). In another

case, a female secondary school teacher beat a student with a cane. As a result, she was docked five days' pay as punishment. In another incident, a female teacher was docked 20 days' pay for beating and insulting fifth-grade primary school students.

## **Z. Reply to paragraph 28 of the list of issues**

### **Law on Combatting Prostitution**

99. The laws of the nation do not criminalize homosexuality or private sexual relations between adults outside the scope of the law, unless such involves prostitution, which is a form of trafficking in persons. Egypt acceded to the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others in 1959. The Law on Combatting Prostitution (No. 10 of 1961) criminalizes acts of incitement, manipulation, solicitation or seduction committed with the intention of engaging in debauchery or prostitution, as well as facilitating travel abroad or entry into the country for that purpose. The Penal Code stipulates heightened penalties when such is accomplished by deception, force, threat or abuse of authority; the victim is under 21 years of age; the victim is under 16 years of age; or the offender is a progenitor or someone who is raising the victim, the victim's caregiver or works in the victim's home. In addition, the Penal Code criminalizes abetting prostitution or the exploitation of the prostitution of a person. Not only have Egyptian lawmaker criminalized such conduct, but they have also established a set of measures aimed at assisting defendants and reintegrating them into society. Such measures include conducting a medical examination of an individual accused of committing this crime in order to determine whether he/she has an infectious sexually transmitted disease. An individual found to be infected with such a disease is held in a treatment facility until he/she has been cured, in accordance with the law.

### **Virginity tests**

100. There is no legal or medical definition for the so-called virginity test. The examination, which is conducted with the knowledge of the Forensic Medical Authority of the Ministry of Justice, is carried out pursuant to an authorization from the Office of the Public Prosecutor in order to determine the correctness of the facts in certain cases, including cases of violence and sexual abuse, with a view to proving the occurrence of the assault, as well in cases of rape and alleged rape. In such cases, the medical examination is conducted using modern, technical means and in accordance with strict criteria at special clinics for combating violence against women and children. Those clinics comply with United Nations-approved operating standards. Technical and legal documentation is provided in all cases, in order to help women prove the crime of sexual assault. Those clinics also perform an important legal function by identifying and exposing crimes of female genital mutilation, with staff determining medical and legal liability therefor. Such examinations are not conducted without the consent of the woman. Should she refuse, the examination will not be conducted. The only impact of such a decision is that technical evidence, namely, the relevant forensic report, will be discarded. However, it will not have an effect on other independent evidence that the case papers might contain.