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Summary record of the 3958th meeting*

Held at the Palais Wilson, Geneva, on Tuesday, 28 February 2023, at 3 p.m.

Chair: Ms. Abdo Rocholl

Contents

Consideration of reports submitted by States parties under article 40 of the Covenant

Fifth periodic report of Egypt

* No summary records were issued for the 3956th and 3957th meetings.

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant

Fifth periodic report of Egypt (CCPR/C/EGY/5; CCPR/C/EGY/Q/5; CCPR/C/EGY/RQ/5)

1. *At the invitation of the Chair, the delegation of Egypt joined the meeting.*
2. **Mr. Marwan** (Egypt), introducing his country's fifth periodic report (CCPR/C/EGY/5), said that progress had been made in the protection of civil and political rights in Egypt in recent years. Since 2021, when women had first been allowed to apply for positions on the Council of State or as public prosecutors, 137 women had become judges on the Council and 11 had become public prosecutors. A woman was now serving as a judge on the Supreme Constitutional Court and another was a national security adviser to the President. Women made up 28 per cent of the House of Representatives, 14 per cent of the Senate and 25 per cent of the Cabinet.
3. The death penalty was permitted only for the most serious crimes. Its application was generally optional, and it was imposed only after a fair trial in which all due process guarantees had been observed. Act No. 14 of 2022 provided for improvements in conditions of detention, and a strategy had been developed for the modernization of rehabilitation centres. In 202 the Ministry of Justice had introduced a plan to improve all aspects of the judicial system, and an initiative allowing judicial proceedings to be carried out online was being extended from the economic courts, where it had been piloted, to all domestic courts. As a result, cases were being handled more quickly; only 16 family law cases brought before 2021 and 2,354 civil cases brought before 2020 were currently pending before courts of first instance.
4. Between January 2020 and mid-August 2022, the Public Prosecution Service had investigated 72 cases of female genital mutilation and won 18 convictions. The third National Anti-Trafficking Strategy, covering the period 2022–2026, provided for the creation of national referral mechanisms and the allocation of resources for the investigation and prosecution of cases of trafficking in persons. Special courts had been established for such cases and had convicted 13 people in 2021. Egypt had launched its third National Anti-Corruption Strategy, covering the period 2023–2030, and, in December 2021, had hosted the ninth session of the Conference of the States Parties to the United Nations Convention against Corruption.
5. By January 2023, the status of 2,599 churches and church service buildings had been regularized by the committee established for that purpose under Act No. 80 of 2016. In addition, synagogues, which also reflected the country's heritage, were being renovated. By the end of 2022, the Supreme Media Regulatory Council had issued 806 licences to media and press outlets. Under the implementing regulations for Act No. 149 of 2019 that had been issued in January 2021, all that was necessary in order for new civil society organizations to be established was for a notification to be submitted to the authorities, and all penalties that had served to restrict such organizations' freedom had been removed. A number of laws had been adopted or amended to uphold Egyptian citizens' right to participate in the political life of the country. The Constitution prohibited discrimination on all grounds. The first Coptic chief justice had been appointed to the Supreme Constitutional Court in 2022, demonstrating the Government's commitment to a policy of non-discrimination. The dialogue between his delegation and the Committee would certainly help the Government to make further progress in discharging its obligations under the Covenant and to overcome the remaining challenges that it faced.
6. **Mr. El Haiba** said that he wished to know whether there had been any recent cases in which complaints of alleged violations of Covenant rights had been brought directly before domestic courts and, if so, what criteria the courts had used in reaching decisions in those cases; what steps the State party was taking to raise awareness of the Covenant among the general public and public officials; and whether judges and law enforcement officials received specific training on the Covenant. He wondered whether the State party planned to ratify the Optional Protocol or the Second Optional Protocol to the Covenant; whether it had made the appointment process for members of the National Council for Human Rights clear,

transparent and participatory, as recommended by the Global Alliance of National Human Rights Institutions; whether decisions of the African Commission on Human and Peoples' Rights involving the State party had been acted upon; and whether an internal mechanism had been put in place to facilitate the implementation of such decisions.

7. He would appreciate further information on the decision taken by the State party in October 2021 not to extend the state of emergency that had been in effect since 2017; the amendments that had been made to the Criminal Code to protect national security and the extent to which those amendments were compatible with the Covenant; and whether the 2021 amendments to the Act on Securing and Protecting Public and Vital Facilities had been effective in limiting the referral of cases involving civilians to military courts.

8. He wished to know specifically how, in practice, the State party had cooperated with the Working Group on Enforced or Involuntary Disappearances in its investigations of communications concerning the State party, whether the State party planned to make the use of incommunicado detention a criminal offence and whether it intended to accede to the International Convention for the Protection of All Persons from Enforced Disappearance.

9. He would appreciate further information on the central public registry of all places of detention, including how it was managed and updated and whether it fell under the purview of the judicial authorities or was overseen entirely by the administrative authority empowered to establish and run the country's detention centres. He would like to know what concrete measures had been taken to ensure access to effective remedies for victims of enforced disappearance and arbitrary detention or their relatives and whether the National Council for Human Rights had the necessary authority and funding to intervene in such cases. Given that the Committee had received reports that there had been at least 2,000 cases of enforced disappearance in the State party, he would like the delegation to provide detailed statistics on the number of complaints of enforced disappearance that had been filed and the number of resulting prosecutions and convictions.

10. **Mr. Soh** said that, in the light of the fact that Act No. 152 of 2021 on procedures for confronting epidemics and pandemics provided for extensive restrictions on rights and freedoms, he would like the delegation to comment on the compatibility of that legislation with the Covenant, particularly with respect to the principles of strict necessity and proportionality. He wondered whether the State party intended to reassess the scope and coverage of Act No. 152 and other related legislation to ensure that the State party was in full compliance with its obligations under the Covenant and that restrictions introduced under the state of emergency did not become a permanent feature of the legal framework.

11. While the State party's efforts to combat violence against women were welcome, domestic violence was still prevalent and was yet to be made an explicit criminal offence. The Committee would therefore be interested to learn of any plans to adopt a comprehensive law covering all forms of violence against women, including domestic violence, marital rape and so-called honour crimes. It would be useful to learn more about the strategies employed to prevent the revictimization and stigmatization of women seeking help from the national authorities and whether there were any plans to expand public awareness-raising programmes concerning discriminatory norms and beliefs to include religious leaders and actors of customary justice systems.

12. It was regrettable that the State party had not provided updated information on the official and actual capacities of places of detention, disaggregated by facility, especially given the numerous reports of long-standing issues such as overcrowding, poor ventilation, physical abuse, deliberate medical neglect and a lack of clean water and hygiene products, all of which had worsened following the outbreak of the coronavirus disease (COVID-19). Reports that such facilities were not monitored were also concerning. He would therefore like to know what concrete measures had been taken to ensure unhindered access to places of deprivation of liberty by independent monitoring and oversight mechanisms and whether the State party was considering ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment with a view to setting up a national preventive mechanism to strengthen independent oversight.

13. **Mr. Gómez Martínez** said that Egyptian law contained a very broad definition of terrorism that could give rise to extensive interpretations. He would therefore like the

delegation to explain how that definition was in compliance with the Covenant and particularly the principle of legality set out in article 15 (1). Under the existing legislation, individuals could be designated as terrorists without prosecutors having to verify information supplied by the police or to seek judicial authorization and regardless of whether a terrorist act had actually occurred. Peaceful protestors were reportedly often tried as terrorists, and persons designated as terrorists were subject to travel bans and freezes and confiscation of their assets. He would like the delegation to explain how those provisions and practices were compatible with the due process guarantees established in article 14 of the Covenant.

14. United Nations experts had expressed concern about the incompatibility of the practices of the country's Terrorism Circuit Courts with international due process guarantees and about their alleged violations of the fundamental rights of individuals, including human rights defenders. He would be interested to hear the delegation's comments in that connection. It would also be useful to have further information on the case of Safwan Thabet and his son, Seif Thabet, who had been released in January 2023 after two years of imprisonment on terrorism charges. He would like to know if the case was to be brought to trial and, if not, whether they would be compensated for their long period of detention. He also wondered whether they had been accused of a terrorist offence and whether the competent judicial authority had been a Terrorism Circuit Court. Information would be appreciated on the number of cases pending before the Terrorism Circuit Courts and on the convictions and judgments handed down by those courts.

15. The Committee had received reports that, under amendments to Counter-Terrorism Act No. 94/2015, people could be held for up to 28 days in incommunicado detention before being questioned by a prosecutor. He wished to know whether a judicial authority intervened in any way during that period and whether the accused were entitled to initiate a habeas corpus procedure. Information would be appreciated on the Supreme State Security Prosecution Service, including whether it was an independent authority and how its members were selected.

16. With regard to the National Anti-Corruption Strategy 2019–2022, he would like to know on what criteria or benchmarks its reported 85 per cent success rate was based. He would also be interested to learn more about the Administrative Oversight Authority and how its independence and impartiality were ensured. Statistics on the number of persons in leadership positions in the State party who had been convicted in corruption cases would be appreciated. According to reliable sources, nepotism, favouritism and bribery were rife in the State party, which had fallen in its ranking on the Transparency International Corruption Perceptions Index. In that context, he would like to learn of any new measures for countering those problems that were envisaged in the National Anti-Corruption Strategy 2023–2030.

17. **Ms. Kpatcha Tchamdja** said that she would be interested to hear the delegation's comments on reports that Act No. 10 of 1961 was used to criminalize homosexual and transgender persons and that people were subject to stigmatization, harassment, violence and discrimination because of their sexual orientation or gender identity by private individuals and State agents, including law enforcement personnel. The Committee had been informed of cases in which homosexual and transgender persons had been arbitrarily detained and subjected to invasive, unjustified medical examinations that could amount to torture or inhuman or degrading treatment under article 7 of the Covenant. The delegation's views regarding those allegations would be of interest, as would an indication of the steps being taken to put a stop to those practices and protect the victims' rights.

18. She would welcome information on the decriminalization of the termination of pregnancy in cases where carrying a pregnancy to term would cause the pregnant person considerable pain or suffering, especially when the pregnancy was the result of rape or incest. She would also like to know the estimated number of clandestine abortions per year and the number of women convicted for voluntarily terminating their pregnancies and the sentences imposed upon them. The Committee had noted the measures taken to ensure the availability of sexual and reproductive health information and services, as well as affordable contraception, but it would be helpful to obtain specific information on the accessibility of those services throughout the State party, including in cases where emergency contraception was desired.

19. In the light of the multiple allegations of torture and mistreatment of detainees that had been made, the Committee would appreciate data, disaggregated by sex, age and ethnicity, on the number of complaints received over the preceding five years of torture and ill-treatment of detainees, the number of investigations, prosecutions and convictions, the penalties imposed on the perpetrators and the reparations provided to victims. In the absence of a response from the State party in its replies to the list of issues to the Committee's request for information regarding reports of deaths of prisoners following acts of torture or ill-treatment and the use of confessions obtained under torture in court, she would welcome specific information in that regard. She would be particularly interested in learning about any steps that had been taken to establish an independent mechanism to conduct prompt, thorough and impartial investigations into all allegations of torture and ill-treatment?

20. **Ms. Tigroudja** said that, in view of the extremely widespread nature of female genital mutilation in the State party and the fairly limited nature of the reduction in the rate of mutilation brought about by the State party's efforts to combat the practice through policy, legislative and educational measures, particularly in areas outside large cities, she would appreciate receiving accurate, disaggregated data on that practice, including the number of complaints, prosecutions and convictions. She wondered exactly what types of social support and educational measures were being taken to combat stereotypes surrounding women, what steps the State party was taking to raise awareness of the National Strategy to Counter Female Genital Mutilation among religious leaders and heads of villages in rural areas, and what policies were in place to ensure victims' access to medical treatment and psychological support.

21. In view of reports that the application of the death penalty has been on the rise since 2019, including in cases involving minors and persons exercising their right to participate in peaceful protests, she was keen to learn what steps had been taken to adopt a moratorium pending the abolition of the death penalty and ratification of the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty, or, failing that, to restrict the use of the death penalty to the most serious crimes pursuant to article 6 of the Covenant. She wished to know what measures had been taken to put an end to collective trials, which violated the basic principles of a fair trial; to adopt special measures of protection in the case of minors condemned to death; to ensure that condemned prisoners' families were informed of their planned execution dates; and to provide accurate information about the executions that were carried out, including the age and gender of the prisoners, the crimes that they had committed and the length of time that they had spent on death row.

22. In view of the State party's failure to provide a substantive response to the Committee's question regarding investigations into the excessive use of force against peaceful protestors, she would like to invite the delegation to describe how the rules on the use of lethal force – including the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement and the principles of proportionality and necessity as referred to in the Committee's general comment No. 36 (2018) on the right to life – had been incorporated into the State party's legislative framework and in the practices of law enforcement personnel. She also wished to know what measures were being taken by the State party to incorporate the Minnesota Protocol on the Investigation of Potentially Unlawful Death into national law; how many investigations into excessive use of force had been opened and completed, how many convictions had been handed down and what sentences had been imposed since 2013; and what steps the State party had taken or would take to train its security forces on the principles governing the use of force.

The meeting was suspended at 4.30 p.m. and resumed at 4.55 p.m.

23. **Mr. Marwan** (Egypt) said that, under article 93 of the Constitution, all State bodies must comply with the provisions of the Covenant and all other international instruments ratified by Egypt, which took precedence over all national laws, including the Constitution. All Egyptian laws were thus compatible with the Covenant, and all relevant measures were taken to combat trafficking in persons in accordance with the Covenant. Regarding homosexuality, relations between consenting adults in private were not criminalized. The death penalty applied solely to felonies and was mandatory only in the cases established by law. No juveniles had ever been sentenced to death.

24. **A representative of Egypt** said that the 2014 Constitution set out the State's commitment to achieve gender equality and protect women from violence and discrimination. That commitment had been incorporated into a national strategy to combat discrimination against women and the National Strategy for the Empowerment of Egyptian Women 2030. An integrated unit had been established to protect women victims, expedite all proceedings related to violent offences and provide all necessary support services. A specific definition of violence against women had been drawn up which covered domestic, social, psychological and economic violence, including threats. Sexual harassment, assault, female genital mutilation, abduction, bullying and discrimination against women were all prohibited under the Criminal Code, and there were other criminal law provisions applying to early marriage, cyberbullying and online harassment. The first national referral mechanism for reporting cases of violence against women had been established in cooperation with various United Nations agencies. Medical response centres and a code of conduct had been established to prevent violence and harassment in universities, and a special department of the Ministry of the Interior oversaw a number of forensic medical centres for investigating cases of violence against women. Various manuals and codes of conduct were available for judges and health professionals who dealt with domestic violence cases. The National Council for Women received and followed up on complaints regarding violence against women, provided legal counsel to victims and, where appropriate, referred cases to the authorities. Case workers provided counselling and psychological support to victims across the country, and various ministries and the National Council for Childhood and Motherhood had hotlines for reporting cases. Campaigns had been carried out in cooperation with several United Nations agencies to raise awareness of harassment on social media.

25. Domestic and psychological violence were both covered by the Criminal Code, regardless of where the offence took place and who the perpetrator was, and punishments were harsher when the perpetrator was a family member of the victim. Under the Personal Status Code, women who had been victims of domestic violence at the hands of their husband were entitled to file for divorce and claim damages. In 2022, a law had been proposed that would introduce heavier punishments for violent offences committed within the home, provide for the rehabilitation of both victims and perpetrators, ensure the availability of health care for victims and raise awareness of the problem of domestic violence, particularly in schools.

26. In July 2021, an amendment to the Code of Criminal Procedure had been adopted that allowed judges to withhold personal information on victims of abuse. Marital rape was a crime; there were different categories of punishments for the offence depending on the degree of harm inflicted on the victim.

27. Family planning services were available, and contraception was provided at medical centres affiliated with the National Council for Women. According to a health survey conducted in 2022, there had been a marked reduction in female genital mutilation cases since 2014. Several legislative amendments had been introduced to combat the practice, the latest of which had established harsher punishments for perpetrators if the offence resulted in permanent injury and had introduced penalties for persons who facilitated or advocated the practice.

28. Awareness-raising was a pillar of the National Strategy for the Empowerment of Egyptian Women 2030. Numerous awareness-raising campaigns had been conducted since 2016 to strengthen the participation of women in all aspects of public life, especially in decision-making positions, and to promote the economic empowerment of women; campaigns had also been carried out with the involvement of men and boys in remote and rural areas to raise awareness of the harm caused by female genital mutilation; and measures had been taken to protect women from cybercrime in cooperation with the technology companies Meta and Google and female religious leaders.

29. **A representative of Egypt** said that approximately 9 million foreign migrants lived in Egypt, half of whom were women. A national committee supervised by the Prime Minister conducted campaigns in conjunction with the International Organization for Migration (IOM) and the European Union to uphold the rights and freedoms of migrant women, and the National Council for Human Rights and the National Council for Childhood and Motherhood ran hotlines for migrant women who had been victims of violence. The national referral

mechanism also received and translated complaints, as well as referring victims to hospitals or shelters operated by the Ministry of Social Solidarity, the National Council for Childhood and Motherhood or civil society organizations. Shelters were also available for trafficking victims.

30. **A representative of Egypt** said that the Public Prosecution Service played an important role in enforcing laws on the promotion and protection of human rights in an independent and impartial manner by investigating and prosecuting offenders and supporting victims of crime, whether they were Egyptians or foreigners. It carried out unannounced inspections of places of deprivation of liberty and had a department for handling complaints of human rights violations. The Supreme State Security Prosecution Service was affiliated with the Public Prosecution Service and was responsible for investigating specific types of crimes.

31. Enforced disappearances of any kind, whether committed by a public official or a private person, were a criminal offence, and the Public Prosecution Service thoroughly investigated any suspected cases that came to light. There were no secret prisons or detention centres in the country. Any place where a crime had been committed was subject to inspection by the Public Prosecution Service. The Government cooperated fully with the Working Group on Enforced or Involuntary Disappearances and responded to all communications it received from that body. The country's Permanent Mission in Geneva was consulting with the Working Group with a view to holding training sessions for law enforcement officers in Egypt on the subject of enforced disappearance and enhancing the relevant legislative and institutional frameworks.

32. Cases of mistreatment and torture were referred to the Public Prosecution Service, which then carried out a non-intimate physical examination of victims, determined if they had suffered any injuries and, if so, ascertained when and how they had been inflicted.

33. Under the Criminal Code, judges were the only authorities empowered to order pretrial detention and to extend the period of such detention based on established criteria, such as the nature of the crime, the status of the accused and the circumstances of the complaint. Any person facing pretrial detention received advance notification, as stipulated by law. Detainees were treated with dignity and held in pretrial detention facilities that were suitably equipped and subject to monitoring and supervision by an independent entity that was also responsible for investigating any violations.

34. In early 2020, as part of the exceptional measures taken to combat the COVID-19 pandemic, the prosecutor's office had asked a number of human rights organizations to suspend in-person prison visits. Communication had continued to be conducted electronically, and the prosecutor's office had closely tracked an increase in telephone use accounted for by detainees making more calls to their lawyers and families. Those exceptional measures had been removed when the pandemic alert had been lifted.

35. The Government had embraced the four pillars underpinning the United Nations Global Counter-Terrorism Strategy, and its definition of terrorism was in line with that of the Security Council and other United Nations bodies. The fight against terrorism was conducted in the courts by the competent authorities and judges, who had been entrusted with specific legal powers, and defendants were guaranteed a fair trial under the relevant provisions of the Code of Criminal Procedure. Terrorism Circuit Courts were ordinary courts of law. Safwan Thabet had been released and was not subject to a travel ban. His file was still being examined by the prosecutors assigned to the case.

36. **A representative of Egypt** said that the country's case law was compatible with international human rights law. The Covenant held a prominent place in Egyptian law and had been invoked by the Constitutional Court in 121 cases, with Case No. 22 of 2015 and Case No. 69 of 2019 being two examples.

37. Since January 2020, 41 sessions had been organized to provide training for judges on the right to a fair trial, the fight against physical and mental abuse and against illegal migration, and matters pertaining to torture and ill-treatment. Prosecutors also received training in those areas.

38. Consideration had been given to bills put forward by the National Council for Human Rights (NCHR) even though, under the Constitution, only the Council of Ministers, Parliament and the President had the authority to propose bills. The Government worked closely with NCHR and cooperated with some of its members in elections. Members of NCHR also sat on a Council of Ministers committee responsible for drafting amendments to the new Criminal Code.

39. Trials of civilians in military courts were conducted in exactly the same way as trials in civilian courts, with all fair trial guarantees being upheld pursuant to articles 9 and 14 of the Covenant.

40. Presidential Decree No. 136/2014 was designed to protect vital infrastructure and facilities that had been targeted by terrorist attacks and subsequently repaired. Three conditions needed to be met in order for a person to be tried on suspicion of a terrorist attack on infrastructure: firstly, the act had to target a vital public facility; secondly, the attack had to have been conducted after the facility in question had been secured; and thirdly, the act had to constitute an aggravated offence. More than two hundred cases invoking that decree had been heard.

41. The specific corruption cases cited by the Committee had all led to convictions, and appropriate punishments had been handed down.

42. **A representative of Egypt** said that the Government carefully considered the recommendations of the African Commission on Human and Peoples' Rights, including those regarding legislative amendments, and assessed their compatibility with national law in each case. It had thoroughly refuted the allegation that Mr. El Sharkawi had been subjected to medical neglect and had responded to all communications received in connection with his case. One focus of the National Human Rights Strategy was the assessment of the compatibility of national legislation with the country's international obligations and with the optional protocols referred to earlier.

43. All detention centres in Egypt were subject to independent monitoring mechanisms, and the perpetrators of any rights violations in those centres were brought to account. His Government cooperated with the Working Group on Enforced or Involuntary Disappearances and had resolved a large number of alleged cases of enforced disappearance.

44. **A representative of Egypt** said that using abortion as a family planning method was prohibited by law, but the termination of pregnancy was allowed in cases where the mother suffered from serious health issues or if the fetus was severely deformed. Victims of rape could obtain abortive medication from safe motherhood units affiliated with clinics of the National Council for Women and the United Nations Population Fund.

45. The Ministry of Health provided affordable contraceptive services to women of childbearing age. Medical equipment and family planning materials had been equitably distributed to the various service providers. Female leaders and midwives in rural areas were helping to raise women's awareness of family planning and reproductive health issues and to encourage women to opt for natural births in order to reduce the rate of unnecessary caesarean deliveries, as recommended by the Ministry of Health. Doctors were now paid the same fee for overseeing natural and caesarean births, and incentives had been introduced for medical teams to promote natural births. Regular training sessions were held for medical service providers, and statistics were being collected on caesarean births and the reasons why they were performed. Awareness-raising campaigns were also conducted in cooperation with the United Nations Children's Fund (UNICEF) in the country's schools.

46. **Ms. Tigroudja** said that the State party had not accepted recommendations made at its universal periodic review in 2020 concerning the investigation of cases of harassment and discrimination, including by the police, against lesbian, gay, bisexual, transgender and intersex persons. She would like to know whether the position of the State party had changed since then with respect to that issue.

47. **Mr. El Haiba** said that he would welcome statistical information on pretrial detention centres in order to clarify whether they received regular visits from NCHR representatives. Since cooperation between the Government and the Working Group on Enforced

Disappearances had apparently broken down, statistics on the number of cases of enforced disappearance would also be appreciated.

48. **Mr. Gómez Martínez** said that it was not clear what degree of independence was enjoyed by the Public Prosecution Service and the Attorney General. He would be interested to know more about the system used to recruit and appoint those officials. As the delegation had informed the Committee that the Terrorism Circuit Courts were ordinary tribunals, he wished to know whether they heard cases not related to charges of terrorism as well.

The meeting rose at 6 p.m.