



General Assembly

Distr.: General
7 June 2010

Original: English

Human Rights Council
Fourteenth session
Agenda item 6
Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

Egypt

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.

Responses of the Arab Republic of Egypt to the 25 recommendation contained in section IV of the UPRWG Report (A/HRC/14/17)

1. **Recommendation (1)**: Eliminate all legal provisions and policies which discriminate between adherents of other religions than Islam and adopt a unified law for places of worship (Netherlands).
2. **Recommendation (2)**: Redress laws and government practices that discriminate against members of religious minorities, and in particular urgently pass a unified law that makes construction and repair requirements equal for the places of worship of all religious groups (United States of America).
 - **Concerning recommendations (1) and (2)**: The Egyptian Government is committed to ensuring non-discrimination against any citizen on the basis of religion, in accordance with articles 2 and 40 of Egypt's constitution, as well as to realizing the freedom of exercise of religious rites, as stipulated in article 26 of the constitution. The Government is prohibited from deviating from this constitutional framework, whether as regards legislation, policy or practice. Rather, it is under an obligation to introduce the necessary legislative amendments if any law is found to contain discriminatory provisions on the basis of religion, or to restrict religious freedom. This is an ongoing process. In addition, the Government has announced and implemented numerous measures to facilitate the construction, repair and renovation of churches, and is currently considering the elaboration of the most suitable framework to guarantee this right. A special committee has been set up to study the present legal regime pertaining to the construction of churches, with the aim of further facilitating their construction. Accordingly, Egypt agrees with the objectives outlined in recommendations (1) and (2). At the same time, the final form of the legislative instrument to be introduced in order to facilitate the construction of places of worship (a new law or a presidential decree governing the construction of churches or a unified code) cannot be ascertained before the committee completes its work. Consequently, **Egypt partly accepts recommendations (1) and (2)**.
3. **Recommendation (3)**: Accede to the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Czech Republic).
4. **Recommendation (5)**: Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Switzerland).
5. **Recommendation (9)**: Adhere to the Optional Protocol to the Convention Against Torture (France).
 - **Concerning recommendations (3), (5) and (9)**: The Optional Protocol to the Convention Against Torture raises complex legal issues, namely with regard to the quasi-automatic right granted to the Sub-Committee on the Prevention of Torture to visit places of detention in States party to OPCAT, as well as the standing obligation of States under the Protocol to accept such visits. This complexity stems from the fact that under Egyptian law, the competence to conduct visits to places of detention lies exclusively with the Public Prosecution, which is part of the judicial authority according to the Egyptian legal system. Granting this jurisdiction to any other entity, including an international committee, is regarded as interference in the affairs of the judiciary. Furthermore, the absence of a mechanism on international cooperation in OPCAT, the establishment of which Egypt had advocated during negotiations on the Protocol due to our firm belief that building national capacity is an integral element

of this instrument, made it difficult to accept OPCAT, as it ended up lacking one of its key elements. Nonetheless, there could be an avenue to reconsider this position in the future, as part of Egypt's periodic review of its various national legislations, and with the possible implementation of the recommendation of the Special Rapporteur on torture concerning the establishment of an international cooperation fund on national capacity building concerning the prevention of torture. **For the time being however, Egypt cannot accept recommendations (3), (5) and (9).**

6. **Recommendation (4):** Immediately release persons detained or imprisoned for exercising their freedom of expression on the Internet (Sweden).

- **Concerning recommendation (4):** Egypt accepts this recommendation as a **matter of principle**, bearing in mind that there is no citizen imprisoned in Egypt as a result of the legitimate exercise of the right to freedom of expression on the internet. The measures taken against a limited number of bloggers whom were subjected to detention, were not the result of the legitimate exercise of freedom of expression, but in the majority of such limited cases, the commission of acts constituting crimes under Egyptian law and violations of articles 19 and 20 of the International Covenant on Civil and Political Rights. Some underwent trial before ordinary courts, which issued final judgments not subject to review or comment by the executive, in view of the full independence of the Judiciary. In any event, any detained person has the right to appeal his detention before a competent court.

7. **Recommendation (6):** Ratify individual complaint mechanisms of United Nations treaty bodies (Austria).

- **Concerning recommendation (6):** It is not readily feasible to take a comprehensive decision to accede to all individual complaint mechanisms. Rather, each mechanism must be studied separately with a view to formulating a position regarding accession. **Egypt, consequently, does not accept recommendation (6)**, but would recall that it had voluntarily committed, in its national report, to study accession to the optional protocols to the International Covenant on Economic, Social and Cultural Rights and to the Convention on the Rights of Persons with Disabilities.

8. **Recommendation (7):** Consider ratifying the Rome Statute, Optional Protocols to the International Covenant on civil and Political Rights, the Convention on the Elimination of All Forms of Discriminations against Women, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and to the Convention on the Rights of Persons with Disabilities (Brazil).

9. **Recommendation (8):** Ratify the Optional Protocols to the Covenant on Civil and Political Rights, the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Rome Statute (Chile).

- **Concerning recommendations (7) and (8):** These two recommendations entail the consideration of accession to a number of international conventions, among which figure the Optional Protocol to the Convention on the Rights of Persons with Disabilities, regarding which Egypt has already declared its intention to positively study the issue of accession. The two recommendations also include the second Optional Protocol to the International Covenant on Civil and Political Rights concerning the abolition of the death penalty, which Egypt has no intention to accede to, in view of its decision to maintain this penalty, permissible under international human rights law. In the same vein, these recommendations refer to the Optional Protocol to the Convention Against Torture, which Egypt does not intend to accede to for the time being as explained earlier in relation to recommendations (3), (5) and (9). Finally, the question of acceding to the remaining treaties mentioned

in recommendations (7) and (8) shall be the subject of consideration in Egypt.
Accordingly, Egypt partly accepts recommendations (7) and (8).

10. **Recommendation (11):** Allow the Special Rapporteur on the promotion and protection of human rights while countering terrorism free access to detention centers and communication with persons in detention during his next visit (Spain).

- **Concerning recommendation (11):** the visit agreed upon between the government of Egypt and the Special Rapporteur took place in April 2009. A second request for a visit, and the details thereof, shall be considered at the appropriate time, bearing in mind that the competence to visit places of detention lies exclusively with the Public Prosecution, which is part of the judicial authority under Egypt's legal system.

11. **Recommendation (12):** Establish a fully independent electoral commission allowing for open participation of all political parties and objective certification of election results (Canada).

- **Concerning recommendation (12): Egypt accepts this recommendation.** as an independent High Electoral Committee already exists, composed of members of the judiciary and a number of public figures. The Committee adopts an impartial approach towards all parties. The electoral system in Egypt provides for the presence of delegates representing all candidates in voting and vote-counting centers, irrespective of their political affiliation (partisan or independent). The role of the High Electoral Committee is complemented and reinforced by that of judicial supervision of the elections, which entails the presence of more than one judge in each general electoral committee. The present system also provides for civil society organizations to monitor various elections in Egypt. The High Electoral Committee is committed to constantly improving the functioning of the electoral system, with view to addressing any shortcomings in this regard.

12. **Recommendation (13):** Reform articles 126 and 129 of the Penal Code regarding the crime of torture, in order to broaden the scope of punishable conduct and prevent impunity for perpetrators (Spain).

13. **Recommendation (14):** Amend article 126 of the Penal Code to bring into line with the UN Convention against Torture (Ireland).

14. **Recommendation (15):** Ensure that the crime of torture is punished in accordance with the comprehensive definition as contained in Article 1 of the International Convention Against Torture (Germany).

- **Concerning recommendations (13), (14) and (15): Egypt accepts these recommendations.** The proposed formulation for the new definition of torture shall be presented to parliament for approval.

15. **Recommendation (10):** Invite the Special Rapporteur on torture without delay and facilitate his visit to the country (Netherlands).

16. **Recommendation (18):** Extend an early invitation to the UN Special Rapporteur on Torture (Ireland).

17. **Recommendation (19):** Reply favorably to the request by the UN Special Rapporteur against torture for a visit and extend its full support to such a mission (Sweden).

- **Concerning recommendations (10), (18) and (19):** It is noteworthy that Egypt has received 3 special rapporteurs of the Human Rights Council during a period of 13 months (from April 2009 to April 2010). Further visits are envisaged for the upcoming period. Hence it is difficult to determine a specific early date for this visit as suggested in these recommendations. In all cases, the request for the visit will be

further examined following the appointment of the new Special Rapporteur on torture.

18. **Recommendation (16)**: Allow the visits of human rights special procedures that are pending to take place in a timely manner and consider issuing a standing invitation to the human rights special procedures (Czech Republic).

19. **Recommendation (17)**: Respond positively to the repeated requests for a visit by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on freedom of religion or belief; the Working Group on Arbitrary Detention; the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the sale of children, child prostitution and child pornography (Spain).

20. **Recommendation (20)**: Issue an open and standing invitation to all special procedures (Spain).

21. **Recommendation (21)**: Issue an open and standing invitation to all special procedures, particularly to the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Punishment or Treatment (Belgium).

- **Concerning recommendations (16), (17), (20) and (21): Egypt partly accepts these recommendations.** It is worthy of mention that Egypt has significantly enhanced its cooperation with the Human Rights Council's special procedures system in recent times, as evidenced by the visits of the Special Rapporteur on human rights and counter-terrorism in April 2009, the Independent Expert on safe drinking water and sanitation in June 2009 and the Special Rapporteur on trafficking in persons in April 2010. Egypt has also accepted the request made by the Special Rapporteur on the sale of children for a visit in the near future. Furthermore, another special procedures mandate-holder is slated to visit Egypt before the end of 2010, the details of which are currently being discussed. As regards the rapporteurs mentioned in the recommendations and the question of issuing a standing invitation to special procedures, it is important to register that Egypt has already decided to receive a number of them, and is also in the process of studying other requests, on a case by case basis. Adherence by the special procedures to the Code of Conduct for special procedures mandate holders and to the terms of reference of respective mandates, is a key element in Egypt's decision in each case. This may permit in the future the issuance of a standing invitation to special procedures.

22. **Recommendation (22)**: Amend article 11, 17 and 42 [of the current NGO law 84 of 2002] so as to ensure that NGOs activities and activities of all human rights defenders not be inhibited or their ability to raise finance be impeded (Ireland).

- **Concerning recommendation (22)**: Egypt accepts the objective envisaged in this recommendation in seeking to ensure that NGO activities are not inhibited. Concerning the details of the amendments that may be introduced to law 84 of 2002, conforming to constitutional requirements, the discussions led by the General Union for Civil Associations in this regard are still ongoing, requiring extensive consultations with the representatives of civil society organizations, and taking into consideration that the actual content of any changes to specific articles of the law is subject to the determination of the legislative authority in Egypt.

23. **Recommendation (23)**: Withdraw the reservations to articles 2 and 16 of the Convention on the Elimination of All Forms of Discriminations Against Women (France).

24. **Recommendation (24)**: Remove all reservations to the Convention on the Elimination of All Forms of Discrimination against Women (Ireland).

- **Concerning recommendations (23) and (24)**: In relation to article 2 of CEDAW, the Government, for its part, has taken all necessary measures with a view to withdraw the general reservation to article 2. The Egyptian parliament will have the last say in this regard.

Article 16 of the Convention, however, raises a number of complex issues of a legal nature, and requires further thorough examination before a final decision on lifting the reservation is taken.

Hence, Egypt partly accepts these recommendations.

25. **Recommendation (25)**: Expedite the provision of all official documents, particularly identity documents to all members of its Baha'i community (United States of America).

- **Concerning recommendations (25): Egypt accepts this recommendation**. The relevant court rulings are being implemented in this regard. The Ministry of Interior has issued several decrees to pave the way for implementation subsequent to these rulings.
