

A Report on Egypt for the United Nations' Universal Periodic Review By the Egyptian Human Rights Organization

Introduction:

Egyptian masses rallied to Tahrir Square on the 25th of January 2011 asking for achievement of three basic demands of "bread, dignity and social justice", but such demonstrations witnessed many human rights violations and the death toll was 863 in the revolution events, in addition to several injuries.

During the Muslim Brotherhood rule, policies of president Morsi were based on empowerment of the Muslim brotherhood and despotism. So, on 30 June 2013, the Egyptian revolution broke up again and people rallied in demonstrations in the different squares of Egypt calling for deposal of the president, an amendment of the constitution.

The future roadmap was established based on the public demands in collaboration with the political powers, for the transitional period that began with the creation of the constituent assembly for amendment of the constitution promulgated in 2012. The fifty-membership committee, presided by Amr Moussa, completed the drafting of the constitution of Egypt. This constitution is really advanced in terms of human rights, and it restored the balance among the civil government authorities, enhanced judiciary, advocated women's rights and promoted their political participation, advocated the values of equality and criminalized discrimination of all forms.

Evaluation of Recommendations:

The UN human rights council adopted the recommendations about Egypt in February 2010. They included 165 recommendations out of which government approved 140.

Of the recommendations approved by the government, but not adhered: protection of the advocates of human rights and the amendment of the law of nongovernmental organizations to safeguard processing of the independent civil community organization's registration and their capability of free work, protection and promotion of the right to freedom of religion, faith and active response to the cases of sectarian violence. Although government admitted a number of women's rights-related recommendations, it didn't comply with them as required; women still suffer discrimination and harshest types of violence in the Egyptian society.

In addition, government didn't comply with the recommendations on the reform of articles about torture in the penal law; there is still need to amend the legislations on torture to agree with the United Nations Convention against torture.

Legislative Development:

Law No. 64 of 2010 on fighting human trafficking, which adopts a comprehensive approach to combat this crime, Cancellation of the emergency law, and promulgation of the constitution of 2014 was among the positive developments in Egypt. This constitution included a package of articles on human rights. However, till the date of this report, the legislations and laws were not amended to promote human rights, including the law against torture, peaceful gathering, penal laws concerning the cancellation of freedom penalties in the publication crimes, issuance of law for controlling enforced disappearance, laws on promotion of women's participation in the electoral institutions.

Human rights and fighting terrorism

The Egyptian Human Rights Organization assured its condemnation of set of terrorist events that Egypt witnessed, and called government to comply with the international laws and standards on the classification of terrorist organizations so that decision can be made by legal decree or judgment against the organization with charges of committing the crimes prescribed by the articles of terrorism fighting law 97 of 1992.

During the period following June 30, 2013, several terrorist acts were committed, the armed forces and policemen had the largest share of assassinations and explosions. On June 9, Officer, Abu Shakra was assassinated; on August 19, the second massacre of Rafah soldiers was committed and led to the death of 25. On September 5, an attempt was made to assassinate the Minister of Interior. This attempt led to 22 victims. On September 27, the central security officer, Mustafa Gawish was assassinated in Sinai. On October 17, lieutenant colonel Mohamed Mabrouk, Office of national security was killed. On November 20, the armed force trucks in Sheikh Zwayed were targeted; and on December 24, the Dakahliya Security Directorate was targeted, and 5 people were killed.

Torture:

No proper legislative development was made to set the effective remedies and procedures for protection of persons against torture and other forms of harsh and inhuman treatment. The current legislations and procedures are still defective.

The Egyptian Organization reported about (53) torture incidents in 2010 and (694) in 2011. After the revolution, during 2012, the organization reported about (165) exemplary incidents of torture of citizens in the police stations out of which (17) deaths on which the organization had strong doubts that death resulted from torture and bad treatment, in addition to the phenomenon of torture of women in the police

station and their arrest as hostages and confinement without legal background (12) incidents.

This phenomenon arose to a large extent under the second republic; the civil society organizations and political movements reported several violations of human rights. Over 143 persons were killed at the time of Morsi.

The total number of corpses in Rabaa El Adawiya and Nahda Square with marks of torture led to death about 11 persons, in addition to the other incidents of torture.

Conditions of prisons

EOHR noted through its follow up of the file of prisons that there are several basic factors that contributed to the deterioration of the conditions of prisoners, including the malnutrition, crowding in cells, lack of sufficient ventilation, spread of epidemic and pulmonary diseases, prevention of the visit, prevention of education, maltreatment, suffering of the families of prisoners during the visits.

In this respect, EOHR calls for application of Minimum Principles of the Standard Rules for the treatment of prisoners promulgated by the United Nations.

Expansion of protective custody:

In September 2013, presidential decree by law 83 of 2013 was promulgated for amendment of some rules of the law of criminal procedures promulgated by law 150 of 1950. "The Egyptian Human Rights Organization emphasizes that this amendment is a violation of the rights and guarantees of the accused prescribed and governed by the international charters and legislations", which assured that the protective custody shall be complied as precautionary measure to assure the validity of investigations and progress of justice, and may be resorted in the cases of necessity in accordance to specific standards established by law.

Transfer vehicles

On 18 August 2013, 36 detainees of the Muslim Brotherhood died during their deportation to the prison. However, the Ministry of Interior assures that the detainees tried to escape during their deportation and therefore were faced by tear gas, which led to their death as a result of the crowd and suffocation¹.

¹ <http://ar.eohr.org/?p=3729> statement issued on 19/08/2013

Enforced Disappearance:

The Egyptian law doesn't provide direct legal text on the definition of enforced disappearance or its criminalization or the imposition of penalties against its Perpetrators.

In addition, the penalties prescribed in the case of unjustified arresting or confinements are weak.

During the period from 1992 to 2014, EOHR reported about 73 cases of enforced disappearance, while 17 were released and 56 are still lost.

The Right to Assembly and Organization (NGO'S Situation in Egypt):

Law (84) of 2002 and its executive regulation is still enforceable and applies to date, which doesn't add any development to the civil society, rather it impedes their movement and their right to perform their activities due to restrictions imposed by law to prevent such creation. Also, it stipulated that the organization shall not be engaged in politics and prevented it by practicing some activities described as political in contravention to article (22) of the international covenant on civil and political rights that granted the citizens right to compose organizations.

In addition, there are attempts by the executive authorities to minimize the activity of nongovernmental work, and to limit their activities to the service works only, as well as, the continuation of the problem of finance that constitutes a huge impediment against the nongovernmental work.

During 2011, the file of nongovernmental organizations witnessed severe relapse; they suffered several attacks through the continuous deliberate government and administrative lobby and the security, judicial and media pursuits as well. The matter was reported at the end of the year by judicial pursuits and many of the Egyptian and foreign organizations were penetrated. This was followed by organized campaigns to distort the work and reputation of the NGOs; especially those working in the field of human rights. This extended to distortion of the reputation of some action political figures in that field.

In 2013, at Mohamed Morsi's era, a draft law was prepared for organizing civil society organization work. It was sent to the consultative assembly, in spite of the several protests and objections by the Egyptian NGOs that believed that it imposes further restrictions on the nongovernmental work in Egypt. Forty Egyptian governmental organizations stated in a joint statement that the draft law indicated the Muslim Brotherhood tendency to dedicate the full administrative hegemony

and custody on all sides of nongovernmental work. It also reflects aggressive tendency of the Muslim Brotherhood opposition to the creation of foreign NGOs in Egypt in the way that helps the foreign NGOs which established in accordance with international conventions ratified by the Egyptian government.

Right to peaceful gathering:

In spite of the available constitutional and international protection right to peaceful gathering and expression of opinion, there are many impediment laws in the legislative system, including:

Law 10 of 1914 against gathering and law 14 of 1923 on protests and demonstrations.

The protests didn't stop during the period of the Supreme Council of Armed Forces, and its tune rose after the Dr. Mohamed Morsi, especially after the constitution declares in November 2012 and the 2012 Constitution. So, people revolted against a president who represented certain section on June 30, 2013, and his fellows sabotaged the corporations and horrified the peaceful people. On the other side, the temporary president passed a decree by law No 107 of 2013 on the organization of the right to general meetings, processions and peaceful demonstrations in November, 2013, to organize, the right to peaceful gathering and demonstration, which infringes with the constitutional principles provided in the 2014 constitution. The law stipulated that prior permission shall be obtained for demonstration, so this law is altogether in conflict with the right to peaceful demonstration, the right fostered by the international conventions and instruments.

Freedom of religion and thought:

The recent years witnessed incidents of religious dissension against the Copts and Shia'as. Where three cars exploded in front of "Al Qeddissin Church" in Alexandria, where 24 were killed and others injured. The "Maspero Events", "events of Marinab Church in Aswan" in October 2011 were the strongest and were confronted by the military police and central security forces. In these events, 30 individuals were killed in the dissemination of the siting of "Maspero Youth Coalition" in Cairo².

In addition, Egypt witnessed several attacks on the Christian places, after the dispersion of Rabaa Al Adawiya and Al Nahda sit-in in August 2013 where about 73 churches and monasteries suffered partial or whole attacks. Private properties were also attacked in 212 accidents and 22 buildings, 39 houses, 75

² Four further details, refer to the annual report of the Egyptian Human Rights Organization, 2011

stores, 15 pharmacies, 3 hotels, 58 buses and cars owned to the churches and Copts in different governorates. On October 20, 2013, people were attacked in front of the Warraq Church by hooded men that led to four killed citizens and 18 injuries³. On the other side, several attacks were committed against the Shia'as by some radical Islamic movements. On March 23, 2013, four persons were killed and another five injured.

On August 9, 2013, there were threats of attack the Shia'as citizens in Harbite village, Abu Kebir town, Sharqiya, by some Salafi groups. On September 15, 2013, number of Zawyet Musallam Village' citizens have surrounded the house of the Shia'as leader, Farahat Ali Farahat.

Freedom of Opinion and Expression:

2011 witnessed several violations of freedom of opinion, which were committed to preventing the reporting of the revolutionary events. In addition, many journalists and bloggers were arrested, communications were also cut and electronic websites blocked. This arouses the attention to the restrictions on freedom of opinion and expression, and the violation of law 10 of 2003 promulgated on 4 February 2003.

It became darker during president Morsi's era. This appeared in more than one indicator; attempts were made in the constituent assembly of constitution to restrict the freedom of expression and reapply the penalty of confinement, and created a commission in the consultative assembly to elect the presidents of national newspapers, which was rejected by the Supreme Council of Journalism and the Press Syndicate Council. Moreover, the Ministry of Investment threatened to close the satellite channels and narrow the freedoms of television broadcasting, and some journalists were offended along with the lawsuits that were instituted against the editors in chief on charges of offending the President. Such lawsuits are the same as those that were instituted against the editors in chef before the revolution.

Some media figures were subjected to **accountability** from the public prosecution on charges of judiciary offense, including Mahmoud Saad, Wael El Ebrashy, Sherif Mansour and Reem Maged. Then, the Terrorist siege which lasted for two weeks by Abu Ismail promoters to the Media Production City. Moreover smear campaigns appeared for smearing and moral assassination of journalists, writers, media people, and opposing politicians.

³ See Violence control watch requires immediate and urgent investigation of the Virgin Mary Church, website of the Egyptian Human Rights Organization, October 21, 2013.

Right to fair and just trials:

Mubarak regime used to use the military trials tool against its opponents. After the fall of the regime, civilians were referred to the same courts. As, after the January 25 Revolution, about 12000 persons were referred to military courts in different cases, and most of them were judged, although the natural judiciary is concerned with these issues.

On the other side, the 2014 constitution stipulated the possibility of trial of civilians before the military courts as was the case in the previous constitutions. However, this article accurately defines the crimes where civilians are referred to military courts. While the 2012 constitution provided the possibility to try civilians in front of military courts in case of crimes against the armed forces, without specifying these crimes, and left the matter to law.

Discrimination against women:

The legislative apparatus is still full of much legislation that allows discrimination against women, including the uniform labor law 12 of 2003 that handles the organization of labor conditions in Egypt, and at the same time related to employment of Egyptian women in the private sector. The penal law considers adultery as felony for women and misdemeanor for man, which reflects the masculine philosophy in legislation. That is, the penalty against wife is four times that against husband in the same crime.

On the other side, the 2014 constitution stated for the first time that women shall be given the right to appoint in judicial authorities without discrimination, and emphasizes that the state shall act on adopting the measures that can guarantee the proper representation of women in parliaments as provided by law.

However, the 2012 constitution didn't stipulate any article on the representation of women in the parliament, and left the matter of her participation through nomination in the parliamentary elections on lists of parties or as individuals in the parliamentary elections.

Fighting human trafficking:

African immigrants to Egypt suffer several violations that started from fraud by the smuggling guerillas, passing the harsh desert waiting the proper time to go to Israel, ending by killing or detention in Egypt. As, the emigrants who forcibly return to Egypt face detention or abusive confinement and unfair trials, then forced deportation without opportunity to serve applications for asylum. This is considered an astounding violation of the Refugee Convention (section two of article 33 of the 1951). On the other side, the advocates of the ousted president,

Mohamed Morsi, used children in political struggle; they launched demonstrations by a group of children under the motto of "children against coup" where many children under ten participated wearing white coffins.

Political Participation:

EOHR suggests amendment of both laws: penal and criminal procedures regarding the crimes of elections, to make it possible to institute direction actions against civil officials who commit crimes during the progress of elections or the crimes related to elections to influence the integrity and fairness of elections, and to stipulate that the criminal or civil action be not abated over time concerning this type of criminals, Empowering the local and international community organizations to monitor the elections, in this respect an organizing legislation should be issued. Also, EOHR suggests that a central elector database network shall be created to connect the different subcommittees online.

For further information

The Egyptian Organization for Human Rights

8/10 Mathaf El Manial st, Manial El Roda, Cairo, Egypt

Tel: 002 (02) 23636811

Fax: 002 (02) 23621613

E-mail: eohr@link.net

<http://www.eohr.org>