



Fédération internationale des ligues des droits de l'Homme

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for Human Rights

Federación Internacional
de los Derechos Humanos

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FIDH

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The Situation of Human Rights in EGYPT

The **International Federation for Human Rights (FIDH)** is a non-governmental federation for human rights organizations. Founded in 1922, FIDH is the oldest international human rights organisation worldwide and today brings together 178 member organisations in over 100 countries. FIDH is nonpartisan, nonsectarian, and independent of any government. Its core mandate is to promote respect for all the rights set out in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights. FIDH co-ordinates and supports the actions of its members and is their contact with intergovernmental organisation.

The activities of FIDH include monitoring and promoting human rights and assisting victims, including fact-finding and trial observation missions, research, advocacy and litigation, which are implemented by independent human rights experts from all regions. FIDH works on mobilizing the international community by providing guidance and support to its member organizations and other local partners in their interactions with international and regional inter-governmental organizations.

FIDH, together with its members and partners, implements cooperation programs at the national level, aimed at strengthening the capacity of human rights organizations. FIDH provides training and assists in creating opportunities for dialogue with authorities

FIDH raises awareness by drawing public attention to the outcomes of its missions, its research findings and eyewitness accounts of human rights violations, by means of press releases, press conferences, open letters, mission reports, urgent appeals, petitions and the FIDH website.

This submission tackles the following human rights issues: international human rights standards, torture and ill-treatment, freedom of expression, women's rights, freedom of assembly, arbitrary detention, impunity for human rights violations and freedom of association.

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1. FIDH welcomes the fact that some positive steps have been taken to implement some recommendations made during Egypt's first review in 2009 even though these positive developments, mainly the non-renewal, for the first time in more than 30 years, of the state of emergency after it expired in May 2012 and the possibility for human rights organizations to monitor elections in 2011 and 2012, were the direct consequence of the popular uprising that led to the toppling of former President Mubarak. However, FIDH deplors that the human rights situation has not improved after the 2011 uprising and most of the recommendations remain to be fully implemented since Egypt's last review.

International human rights standards

2. Very few measures have been taken to align national legislations with Egypt's international human rights obligations. The current Egyptian legislation is predominantly restrictive and may eventually limit the rights that the new constitution is supposed to guarantee. In addition, the new constitution adopted in January 2014 still upholds military trials for civilians; a practice that has been used excessively since January 2011 with thousands of civilians referred to military courts during the SCAF rule in 2011 and again at least 140 cases since the fall of the MB President Morsi in July 2013.

Torture and Ill-treatment

3. Egypt accepted 14 recommendations regarding the investigation into allegations of torture and legislative amendments of the Penal Code to bring it in line with Article 2 of the CAT. While the new constitution prohibits torture in all its forms, measures still have to be taken to amend the definition of torture in the Penal Code. Cases of torture in detention centers continue to be reported and yet no investigations have been opened into these allegations of torture, a situation compounded by the impossibility for independent human rights NGOs and medical experts on torture to access detention centers.

Freedom of expression

4. Although the new constitution enshrines the right to freedom of expression and limits the scope of criminal prosecution of journalists, Egyptian authorities in recent months have demonstrated almost zero tolerance for any form of dissent, arresting and prosecuting journalists, demonstrators, and academics for peacefully expressing their views. Prosecutors on January 29, 2014, referred three *Al Jazeera English* journalists to trial on politicized charges such as disseminating "false information" and belonging to a "terrorist organization," some of which carry prison sentences ranging from five to 15 years. At least 17 other journalists and opposition figures face similar charges in the same case, with the trial scheduled to begin on February 20. On January 19, prosecutors referred 25 people to trial on [charges](#) of "insulting the judiciary," including Amr Hamzawy, an academic and former member of parliament.

Women's Rights

5. The new constitution provides for equality between men and women and provides for the establishment of a commission to combat discrimination against women. It also imposes a quota of 25% representation of women in local councils, and "fair representation of women" in the parliament. However, Egypt has not lifted its reservations to CEDAW, despite its acceptance of 3 recommendations on this specific issue. Furthermore, national legislation including the Personal Status Law and Penal Code still contain several discriminatory provisions.

6. Egypt also accepted 6 recommendations that are primarily concerned with measures to combat

violence against women. Very limited measures have been taken despite numerous documented cases of violence against women in the public sphere. The Constitution makes explicit reference to combating violence against women and in May 2013, the Ministry of Interior announced the establishment of the “Department for monitoring crimes of violence against women”. However, the mandate of this unit and its capacity remain unclear. There have been no efforts to undertake a comprehensive review of existing legislation and obstacles to justice.

7. Incidents of mass sexual assault have increased significantly since the fall of the Mubarak regime. Women protesting in Tahrir Square have been targeted by mobs who have raped and sexually assaulted them. Security forces have failed to protect women protesters and none of the perpetrators have been held to account. Since Mubarak's resignation, national and international NGOs have documented more than 253 cases of sexual assault and rape against women protesters in and around Tahrir square. Such attacks have continued in recent months. For example, despite the presence of security forces in Tahrir on 25 January 2014, women protesters were sexually assaulted by mobs of men. There have also been reports of sexual assault by members of the military and the police. These crimes are committed with impunity.

Freedom of assembly and arbitrary detention

8. Since January 2011, peaceful protests have been attacked by security and military forces on several occasions. In March 2011, military forces and armed men in plain-cloth attacked a peaceful sit in in Tahrir. In April 2011, military forces dispersed a protest in Tahrir resulting in the death of one protester. In October 2011, military police attacked a peaceful demonstration of Coptic Christians by live ammunition and crushing them with military armored vehicles, causing at least 27 deaths. On 19 November 2011, security forces attacked peaceful demonstrations that lasted one week, causing the death of at least 51 protesters and the injury of hundreds; at least 60 of them suffered from permanent eye loss. On 16 December 2011, military forces clashed with protesters for five days leading to the death of 17 and injury of 928. In February 2012, security forces attacked peaceful demonstrators killing at least 17 and injuring hundreds. Between 28 April and 4 May 2012, a sit-in in front of the Ministry of Defense was attacked first by men in civilian cloths, and then by military forces. The violence resulted in the death of at least 12 people; mostly with live ammunition. In November 2012, security forces attacked protesters commemorating the anniversary of the November 2011 protests, leaving at least 2 protesters dead. In January 2013, security forces attacked peaceful protesters leading to at least 53 deaths and 1,757 injuries in major cities across Egypt including Cairo, Suez and Port Said.

9. In 2013, protests held regularly to demand the reinstatement of Mohamed Morsy were dispersed and participants were subjected to waves of arrest and detention. On July 8 at the Republican Guard in Cairo, security forces killed 61 protesters, and two police officers were killed. On July 27 in Nasr Street in Cairo, security forces killed 95 protesters, and one police officer died. On August 14, security forces dispersed the Raba'a and Nahda square sit-ins killing at least 904, according to the Egyptian Center for Economic and Social Rights.¹ While there are reports confirming that some protesters were armed, security forces failed to ensure safe exits and fired at unarmed protesters who were carrying the injured. On August 16, security forces killed at least 120 people around Ramsis square in Cairo, and on October 6th, killed at least 57 people. Over 1104 protesters have been detained in pre-trial detention over the 14-16 August violence.

1 The Forensic Medical Authority said the number of bodies brought to the official morgue or hospitals was 726, but that the number excluded bodies buried directly by their families.

10. The crackdown against protests has increased dramatically after the adoption of the new restrictive protest law on 24 November 2013. On 26 November 2013, security forces violently dispersed a protest held in front of the Shura Council. . On the third anniversary of the revolution on 25 January 2014, security and military forces attacked pro-Morsy and pro-democracy protesters with tear gas, bird shot and live ammunition, resulting in the death of at least 64 protesters. Security forces also arrested at least 1,079 persons and it is currently almost impossible to know how many remain in detention to this day. Meanwhile, security and military forces allowed large crowds of pro-regime supporters to rally in Tahrir square.

Impunity

11. Very limited measures have been taken to bring justice for victims or to hold the perpetrators to account leading to a culture of impunity. Three official fact-finding commissions were set up over the past 3 years; two have already finalized their reports however they were never made public. The third fact-finding commission is currently conducting its investigations into the events of post- June 30. All of the three commissions lack powers to compel witnesses to testify, including former and current state officials, and powers of subpoena, search and seizure.

12. Only three low level security officers were sentenced for their responsibility in the death of 846 protesters in January 2011, and all the other police officers, including high-ranking officials, were acquitted.² On February 22, 2014, the Alexandria Criminal Court acquitted six police officials charged with killing 83 protesters and injuring more than 300 during the 25 January 2011 uprising. None of the high-ranking military officials were held to account for the death of 27 protesters at Maspero in October 2011; only three conscript soldiers were sentenced to two- and three-year sentences for the killing 13 protesters due to “negligence”. Only one police officer was sentenced to three years imprisonment for the injury of the protesters in November 2011. In 2012, a military court acquitted the military doctor who allegedly conducted virginity tests on 7 female protesters, and there were no investigations or prosecutions of military officers responsible for the torture of other detainees, nor for any of the other incidents of excessive use of force in December 2011 at the Cabinet of Ministers and May 2012 at Abbasiya. There has also been no official investigations by the Prosecution of any police officers for the killing of 53 protesters in January 2013 in Port Said, Suez and Ismailia. Nor where there any investigation or prosecutions of police officers for the death of two protesters in November 2012.

13. Incidents of unlawful killing of protesters since July 2013 have not been investigated, rather the Prosecution has focused on opening investigations against protesters and pro-Morsy supporters³. Furthermore, while the Prosecution referred to trial former president Mohamed Morsy and other Muslim Brotherhood members on charges relating to the killing of 3 and torture of 54 protesters near the Presidential Palace on December 5, 2012, it did not investigate the killing of at least seven protesters from the side of the Muslim Brotherhood.

Freedom of association

14. Egypt had accepted several recommendations regarding freedom of association, in particular to repeal the restrictive Law no. 84 of 2002. Several draft laws have been initiated since 2011, and

2 Mubarak and his former interior minister were sentenced for failing to protect protesters.

3 On February 24, 2014, the Public Prosecutor ordered 504 Muslim Brotherhood members to appear before the Cairo Criminal Court for their alleged involvement in the Ramses Square and Al-Fath Mosque clashes on August 16, 2013.

- Ensure that personnel in the criminal justice system (police, forensic examiners, prosecutors, lawyers, judges) receive adequate training on investigating and prosecuting crimes of sexual violence and protecting the survivor's dignity;
- Reform legislation to ensure that all forms of violence against women are criminalised, including domestic violence, marital rape and sexual harassment, in accordance with international standards;
- Withdraw reservations to articles 2 and 16 of CEDAW and ratify the Optional Protocol to CEDAW;
- Issue an invitation to the UN Special Rapporteur on Violence against women and to the UN Working Group on discrimination in law and practice.

The right to freedoms of peaceful assembly and expression

- Drop all charges against journalists and media professionals and release the journalists who remain in detention, in particular the staff (including foreigners) of *Al Jazeera English*
- Amend Law 107 of 2013 on the Right to Public Meetings, Processions and Peaceful Demonstrations to bring it in line with international human rights standards on the right to freedom of peaceful assembly;
- Amend Police Law 109 of 1973 and the Minister of Interior's Decree 156 of 1964 on the use of firearm to conform it to international standards and national best practices;
- Release all prisoners of conscience including those detained for exercising their basic rights such as freedom of peaceful assembly and expression;
- Allow human rights organizations, lawyers and medical doctors to conduct unannounced visits to detention centers.

Impunity

- Publish the reports of the three fact-finding commissions and make them available to the public;
- Open independent, effective impartial investigations into human rights violations committed by security and military forces and ensure that those responsible are held to account;
- Ensure the right to effective remedy to victims in its five forms: restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition;
- Enact security sector and legislative reform aimed at ensuring that the human rights violations of the past will not be repeated, including amending national legislation to bring it in line with international law and standards;
- Establish a vetting mechanism to ensure that all officials and security services personnel found to be responsible for gross human rights violations and crimes under international law are removed from their duties.

Freedom of association and Human Rights Defenders

- Ensure that the Bill on Associations fully complies with international standards related to the right to freedom of association as ratified by Egypt, such as Article 22 of the ICCPR;
- Foreign NGOs carrying out human rights activities should be subject to the same set of rules that apply to national NGOs;
- The registration authority should be allowed to involuntarily terminate an NGO only for the most flagrant violations strictly defined by law and all involuntary terminations should be subject to judicial review;
- Until a new law is adopted, immediately guarantee the right of civil society organizations to act free of any government interference and to have access to foreign funding, in line with international law and best practices;
- Release immediately and unconditionally all human rights defenders currently in detention.