

Egypt received 5 recommendations regarding the protection of human rights defenders (HRDs) during the 1st cycle of the UPR. These remain as pertinent and in need of implementation today as they did then. Repression in the country has reached unprecedented levels since the 2011 uprising, with security forces embarking upon a 'severe and comprehensive crackdown' against human rights defenders.¹ The UN High Commissioner for Human Rights, and UN Special Procedures have called for restraint and prompt, independent and effective investigations into human rights violations committed, including in relation to HRDs. On 7 March 2014 a cross-regional grouping of 27 States delivered a statement at the Human Rights Council expressing concern about restrictions on fundamental freedoms, about the disproportionate use of lethal force by security forces against demonstrators, and calling for proper investigations and accountability in this regard.² 15 national and international NGOs signed a joint statement in March 2014 in support of human rights defenders and others 'struggling for a future in Egypt based on human rights and democracy.'³

1. Risks facing human rights defenders

- Excessive use of force, including by the security forces, has led to the death of hundreds of protestors. Increasingly severe restrictions are being placed on freedom of association, freedom of assembly and freedom of expression, and protestors arbitrarily imprisoned.
- In July 2013 almost 100 women protestors were sexually assaulted and raped at a protest in Tahrir Square⁴. In December 2013 up to 1,000 people were killed by Egyptian security forces dispersing protests.⁵
- In January 2014, Amnesty International reported an 'alarming escalation in attacks on press freedom since Mohamed Morsi was deposed in July 2013', and urged Egypt to allow journalists to carry out independent reporting without the threat of intimidation or arrest.⁶
- In 2012, 17 NGO offices were raided by security forces. Despite Egypt's decision to lift a travel ban on international staff of foreign organizations, national and international workers in foreign human rights and democracy groups were referred to court on criminal charges such as 'foreign funding' and 'foreign agents'.⁷
- In June 2013 an Egyptian criminal court sentenced 43 people to prison on charges of membership in illegal organizations, essentially treating NGO staff as potential foreign agents.⁸

2. Official restrictions on the space for human rights defenders

- In November 2013, Egypt's interim president issued a new law on public assembly that restricts peaceful political demonstrations, grants security officials with discretion to ban any protests on vague grounds, allows police officers to forcibly disperse any protests, and sets heavy prison sentences for vague offences such as 'attempting to influence the course of justice'.⁹
- Article 179 of Egypt's penal code explicitly penalizes those who insult the President.¹⁰
- Egypt's NGO Law 84 of 2002 affords the State excessive discretion and control over civil society. It effectively transforms NGOs into quasi-governmental organisations and includes burdensome reporting, and approval provisions.¹¹

3. Intimidation and reprisals against defenders accessing international human rights mechanisms

- There were no cases of reprisals against Egyptian HRDs cited in the reports of the UN Secretary General on cooperation with the UN, its representatives and mechanisms in the field of human rights.

¹ http://www.ishr.ch/sites/default/files/article/files/hrc25_joint_ngo_letter_egypt_-_english.pdf

² http://www.ishr.ch/sites/default/files/article/files/hrc25_-_joint_statement_on_egypt_under_item_2.pdf

³ http://www.ishr.ch/sites/default/files/article/files/hrc25_joint_ngo_letter_egypt_-_english.pdf

⁴ <http://www.ibtimes.co.in/articles/486610/20130704/egypt-violence-against-women-egyptian-arab-spring.htm>

⁵ <https://www.middleeastmonitor.com/articles/africa/8749-mass-killings-in-egypt-get-neither-justice-nor-recognition>

⁶ <http://www.amnesty.org/en/for-media/press-releases/grave-risk-media-freedom-egypt-journalists-face-terror-charges-2014-01-29>

⁷ <http://www.achpr.org/sessions/51st/ngo-statements/11/>

⁸ <http://www.hrw.org/news/2013/06/11/why-egypts-new-law-regulating-ngos-still-criminal>

⁹ <http://www.hrw.org/news/2013/11/26/egypt-deeply-restrictive-new-assembly-law>

¹⁰ <http://www.cihrs.org/wp-content/uploads/2013/05/Freedom-of-Expression-in-Egypt-and-Tunisia.pdf>

¹¹ <http://www.dailynewsegypt.com/2013/06/25/new-draft-ngo-law-squeezes-civil-society/>

4. Human rights defenders facing particular risks

- The situation of women human rights defenders (WHRDs) in Egypt is particularly alarming. The State specifically targets WHRDs through virginity tests and other violations by the Supreme Council of Armed Forces. There have been numerous cases of rape and sexual-based violence, particularly against female demonstrators since June 2012.¹²
- The effective participation of women in the public sphere has diminished due to continued impunity for gender-based violations.¹³
- In March 2014, the African Commission for Human and Peoples' Rights found that Egypt failed to protect four women at a protest from violence, and in doing so violated their human rights.¹⁴

5. The lack of response of the State regarding the protection of human rights defenders

- The Office of the Public Prosecutor has yet to investigate and hold members of the security forces accountable for excessive and unjustified use of lethal force¹⁵. The absence of impartial judicial oversight makes it hard to determine the exact numbers of individuals killed and arrested in the context of peaceful protests. Additionally, Egypt has not fulfilled its obligation under international law to provide victims of human rights violations and crimes to access to an effective remedy.¹⁶

6. Recommendations to the Government of Egypt

- Amend the new law on public assembly in line with international standards, and prohibit police use of force except in cases of extreme necessity and only in so far as is strictly reasonable and proportionate.
- Abolish article 179 of Egypt's penal code which explicitly penalizes those who insult the president.
- Abolish Egypt's NGO Law 84 of 2002 which affords excessive state discretion and control over civil society.
- Ensure that prompt, independent and impartial investigations are carried out into all occurrences of serious injury and death of protestors in line with international standards, and sexual assaults on women. Ensure that the findings and recommendations of the national Fact-Finding Commission are made public and that those responsible are brought to justice. In a bid to ensure accountability, ensure that the findings and recommendations of the two previous national Fact Finding Commissions created in 2011 and 2012 be made public.
- Cease ongoing harassment of human rights defenders, including defamation campaigns and threats, and acknowledge publicly the important and legitimate role of civil society in the promotion of human rights, democracy and the rule of law.¹⁷
- Drop charges against and release all those arrested whilst exercising their right to protest peacefully, and exercise their right to freedom of expression, including national and international media personal arrested in the context of performing their duties as journalists.
- Ensure the full and effective protection of women human rights defenders, including those exercising their right to peaceful protest.
- Promptly and comprehensively comply with the ruling of the African Commission on Human and Peoples' Rights in case *Egyptian Initiative for Personal Rights and Interights v Egypt (323/2006)*.
- Set a date for the visit of UN Special Procedures mandate holders, in particular the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the UN Special Rapporteur on the rights to freedom of peaceful assembly and association and the UN Special Rapporteur on the situation of Human Rights Defenders, the latter two of whom have put in repeated requests to visit the country.

Unless Egypt's draconian anti-civil society laws are repealed, immediate independent investigations commenced into recent deaths of protestors, and a commitment made by Egypt to create and sustain an environment where human rights defenders can operate free from attack and hindrance, a future for the country based on human rights and fundamental freedoms is under severe threat.

¹² <http://www.cihrs.org/?p=6159&lang=en>

¹³ http://www.ishr.ch/sites/default/files/article/files/hrc25_joint_ngo_letter_egypt_-_english.pdf

¹⁴ <http://www.interights.org/eipr-and-interights-v-egypt/index.html>

¹⁵ <http://www.hrw.org/news/2013/12/10/egypt-no-acknowledgment-or-justice-mass-protester-killings>

¹⁶ <http://www.hrw.org/news/2013/12/10/egypt-no-acknowledgment-or-justice-mass-protester-killings>

¹⁷ HRC/24/L.24