



**The Law Society  
of England and Wales**



The Tahrir Institute  
for Middle East Policy

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## **Joint Stakeholder Submission to the UN Human Rights Council's Universal Periodic Review - EGYPT**

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The Law Society is a professional body representing more than 180,000 lawyers in England and Wales. Its aims include upholding the independence of the legal profession, the rule of law, and human rights around the world. The Law Society was established by Royal Charter (the "Charter of the Society") in 1845 and has consultative status with the Economic and Social Council of the United Nations since 2014. Its activities are established by statute: the Solicitors Act 1974, the Courts and Legal Services Act 1990, the Access to Justice Act 1999, and the Legal Services Act 2007.

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The Tahrir Institute For Middle East Policy (TIMEP) is dedicated to influencing policy toward the Middle East and North Africa through rigorous research and targeted advocacy efforts that promote local voices. TIMEP was founded in 2013 and currently has offices in Washington DC and Brussels, with a network of expert fellows located throughout the world. TIMEP is a registered 501(c)(3) nonprofit in the District of Columbia.

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## **A. Introduction**

1. The information contained in this submission is based on evidence gathered by the Law Society of England & Wales (the “Law Society”) as part of its Lawyers at Risk program,<sup>1</sup> which supports members of the legal profession and human rights defenders worldwide who are being hindered in carrying out their profession because of the cases they work on or the clients they represent. The information regarding legislation, constitutional amendments, and judicial institutions in Egypt is based on research and analysis carried out by the Tahrir Institute for Middle East Policy (“TIMEP”) in collaboration with local lawyers and human rights defenders.<sup>2</sup>

## **B. Egypt’s International Legal Obligations and Voluntary Pledges**

2. Egypt has ratified the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT)—international instruments most relevant to this submission. Egypt is legally bound by their respective provisions regarding, particularly, the right to a fair trial (Article 14 ICCPR), the right to liberty and security of the person (Article 9 ICCPR), the right to life (Article 6 ICCPR), the right to be free from torture (Article 7 ICCPR; Article 2 CAT), the right to freedom of expression (Article 19 ICCPR), the right to freedom of assembly (Article 21 ICCPR), and the right to freedom of association (Article 22 ICCPR).

3. Additionally, Egypt has made the following voluntary pledges, relevant to this submission:

- to “[e]ngage in a process of review of national laws to ensure their conformity with the Constitution and the full protection of internationally recognized human rights and fundamental freedoms”;
- to “[r]emain committed to further strengthening national redress mechanisms available to all citizens, with a view to enabling them to report complaints to be examined and investigated by relevant authorities and for the perpetrators to be held accountable”;
- to “[p]romote the constructive role of legally registered NGOs and civil society at large in the promotion of human rights at all levels and develop the necessary partnership with civil society organizations in order to ensure that their voices are represented in the international human rights system”; and
- to “[i]ncrease engagement and cooperation with the special procedures mandate holders of the Human Rights Council, including by intensifying the frequency of visits of special procedures to Egypt.”<sup>3</sup>

## **C. Lack of Implementation of Recommendations**

4. Egypt underwent its 1st UPR cycle in February 2010 and its 2nd cycle in November 2014.

5. The following recommendations made during the second cycle, some of which were repeated from the first cycle (as indicated below), are relevant to this submission and were *supported and/or noted* by Egypt but have yet to be implemented.

6. See the matrix of recommendations at **Annex A** to this submission, for: (i) a more detailed assessment of the implementation of second cycle recommendations, and (ii) the exact wording of each recommendation (summarized below):

- **Ratify the International Convention for the Protection of All Persons from Enforced Disappearance** (166.10-166.11; A/HRC/28/16/Add.1; noted).
- **Issue a standing invitation to all special procedures and facilitate pending requests/visits** (166.60-166.61-166.62-166.63-166.64-166.65; A/HRC/28/16/Add.1; noted). Repeated from the 1st cycle: 99.10; 99.11; 99.16; 99.17; 99.18; 99.19; 99.20; 99.21 (under examination); A/HRC/14/17.
- **Ensure compliance with human rights obligations, including rights included in the ICCPR; harmonize national legislation with international norms; strengthen the institutional and legal framework to protect human rights** (166.19-166.20-166.21-166.26; A/HRC/28/16/Add.1; supported). Repeated from the 1st cycle: 95.5; 95.37; A/HRC/14/17 (supported).
- **Adopt legislation and implement actions to facilitate the work of NGOs and amend legislation that impedes NGOs' functioning** (166.237 (supported/noted)-166.239 (supported)-166.240 (supported)-166.242 (noted)-166.243 (supported/noted); A/HRC/28/16/Add.1).
- **Amend legislation restricting freedom of assembly, association, and expression** (166.211 (noted)-166.223 (noted)-166.222 (noted)-166.224 (supported/noted)-166.227 (noted)-166.228 (supported/noted)-166.229 (noted)-166.230 (supported)-166.225 (supported/noted)-166.226 (noted); 166.231 (supported/noted)-166.247 (supported/noted); A/HRC/28/16/Add.1).
- **Establish a mechanism making mandatory independent visits to places where persons may be deprived of liberty, including military facilities** (166.116; A/HRC/28/16/Add.1, noted).
- **Facilitate the work of civil society organizations and amend legislation that hinders their work; refrain from criminalizing the work of NGOs and human rights defenders** (166.234 (supported)-166.235 (supported/noted)-166.236 (supported)-166.238 (supported/noted)-166.249 (noted)-166.250 (supported)-166.233 (supported/noted), A/HRC/28/16/Add.1). Repeated from the 1st cycle: 95.88; 95.106 (supported); A/HRC/14/17.
- **Ensure that all detainees are protected from torture or ill-treatment, investigate allegations, and ensure access to an effective remedy, as well as investigate excessive use of force against protesters by security forces** (166.118-166.122 (supported)-166.187 (supported/noted); A/HRC/28/16/Add.1, supported). Repeated from the 1st cycle: 95.35; 95.36; 95.39 (supported); 99.15 (under examination); A/HRC/14/17.
- **Investigate excessive use of force by security forces and prosecute those responsible** (166.120-166.125-166.127-166.121-166.126; A/HRC/28/16/Add.1; supported).

- **Use pre-trial detention exceptionally and not prolong incarceration of protestors** (166.138-166.139, A/HRC/28/16/Add.1 (noted). Repeated from the 1st cycle: 95.83; 95.95 (supported); A/HRC/14/17.
- **Ensure that legislation safeguards the right to freedom of expression, association, and assembly and release those detained for exercising these rights** (166.209 (supported)-166.219 (supported)-166.215 (noted) -166.217 (noted)-166.213 (supported)-166.210 (supported) -166.207 (noted) -166.221 (supported) - 166.212 (supported), A/HRC/28/16/Add.1). Repeated from the 1st cycle: 95.86; 95.100; 95.101; 95.102; 95.104 (supported); A/HRC/14/17.
- **Protect human rights defenders from threats and attacks** (166.218 (supported); A/HRC/28/16/Add.1). Repeated from the 1st cycle: 95.48; 95.107 (supported); 98.3 (not supported), A/HRC/14/17.
- **Respect the rights to freedom of association and assembly** (166.220; A/HRC/28/16/Add.1; supported).
- **Guarantee the right to freedom of association and ensure compliance of Egyptian legislation with the ICCPR** (166.246; A/HRC/28/16/Add.1; supported).
- **Guarantee the right to a fair trial and limit the jurisdiction of military courts** (166.177 (supported) -166.178 (supported/noted) -166.179 (supported) -166.180 (supported) -166.181 (noted) -166.183 (supported) -166.186 (noted) -166.188 (supported) -166.182 (supported/noted), A/HRC/28/16/Add.1).
- **Bring perpetrators of human rights violations to justice, including security officers** (166.191 (noted) -166.119 (supported), A/HRC/28/16/Add.1).
- **Ensure the protection of human rights defenders and civil society actors while exercising their rights, including freedom of expression, association, and assembly** (166.245; A/HRC/28/16/Add.1; supported).

#### **D. Development of the Human Rights Situation in Egypt since the 2<sup>nd</sup> cycle UPR (November 2014)**

7. Egypt has yet to implement the UPR recommendations set out above. This has had a detrimental impact on human rights in the country.

8. Since Egypt's second UPR cycle in 2014, legislation has been proposed and implemented that has eroded judicial and prosecutorial independence. This has consolidated authoritarian rule, contributed to the breakdown of the rule of law, and has directly affected the separation of powers. The expansion of the use of military jurisdiction over civilians, as well as the use of state security emergency courts and special circuit courts have made the right to a fair trial illusory for many Egyptians. Moreover, the rights to freedom of expression, assembly, and association are being violated, and arbitrary arrest, prolonged pre-trial detention, torture, and

disappearance are used against members of the legal profession and human rights defenders who engage in peaceful protest and human rights related work.

9. Regarding developments in Egypt since November 2014, we focus on five specific areas: (i) lack of judicial and prosecutorial independence, (ii) military jurisdiction, state security emergency courts, special circuit courts, and lack of fair trial guarantees, (iii) breakdown of the rule of law and legislation introduced by the executive, (iv) use of the Counter-terrorism Law, the Protest Law, the NGO Law, the Media Law, the Cybercrime Law, and the Penal Code to arrest and prosecute lawyers and human rights defenders, and (v) examples of arrest, detention, death in custody, and enforced disappearance of lawyers and human rights defenders.

### **Lack of Judicial and Prosecutorial Independence**

10. In 2017, the Judicial Authorities Law (Law No. 46 of 1972) was amended (Law No. 13 of 2017),<sup>4</sup> ushering in an unprecedented erosion of judicial and prosecutorial independence. The law, as amended, authorizes the President to select the heads of four leading judicial bodies (the State Lawsuits Authority, the Administrative Prosecution, the Court of Cassation, and the State Council). The amendments replaced the previous system under which the President only formally approved individuals who had been already selected internally by the relevant body, usually based on seniority.

11. The amended Judicial Authorities Law currently faces a constitutional challenge,<sup>5</sup> but on February 14, 2019, the Egyptian parliament approved - in principle - constitutional amendments that would entrench and expand measures included in the Judicial Authorities Law. These constitutional amendments provide authority to the President to select the Prosecutor-General, the president of the Supreme Constitutional Court, and the heads of a number of undefined judicial entities. Moreover, the President himself would chair the Supreme Council for Judicial Bodies and Entities.<sup>6</sup> These measures make executive interference in judicial and prosecutorial authority constitutional, thereby eliminating their independence.

12. The amended Judicial Authorities Law has already been used by the President to select judges of his own choosing; most recently the heads of the Court of Cassation and State Council. In the latter case, the judge who would have been selected based on seniority had issued a number of judicial rulings challenging executive actions, including on the Tiran-Sanafir island agreement and an executive action halting parliamentary elections.<sup>7</sup> Using his new authority, the President opted not to select that judge.

13. The amended Judicial Authorities Law and constitutional amendments ensure that judges who are politically aligned with the government are rewarded. Meanwhile, judicial independence in review of legislation and in deciding cases, including cases brought against the state, will effectively be discouraged. Disciplinary measures against judges are imposed by the Judicial Inspection Department, which operates under the authority of the Ministry of Justice and has taken action against judges critical of state authorities.<sup>8</sup>

14. Moreover, a lack of clear criteria for the selection of judges facilitates political influence.<sup>9</sup> Some judges are trained in police academies, rather than legal education institutions, raising issues of independence, especially in cases brought against security forces.<sup>10</sup>

15. Prosecutorial appointments take place on the basis of “unwritten rules that cover the social and political background of the candidates.”<sup>11</sup> This absence of transparency affects prosecutorial independence. Applicants for prosecutorial positions have had to undergo evaluations by non-judicial bodies, including intelligence authorities, of their loyalty to the Egyptian state and political preferences.<sup>12</sup>

16. The Public Prosecution authority in Egypt is authorized to investigate and prosecute. The lack of prosecutorial independence is especially concerning, since the Prosecution enjoys broad discretion in the exercise of its powers. Criminal proceedings have been brought against thousands of political dissidents and allegations of torture and excessive use of force by law enforcement officials are routinely not being investigated. This ensures the impunity of most members of the security apparatus who have committed human rights violations. The Prosecution authority has also conducted interrogations in the absence of detainees’ legal counsel.<sup>13</sup>

17. The Public Prosecution refers cases related to national security to the State Security Prosecution, which is a branch of the former. Such referrals have recently increased. The State Security Prosecution has broader powers than the Public Prosecution, including the ability to order an initial 15-day pre-trial detention period, rather than the normal four-day period.<sup>14</sup>

18. The erosion of judicial and prosecutorial independence directly affects members of the legal profession in Egypt who can no longer exercise their duties in conformity with international standards or risk being dismissed, harassed, or not being appointed.<sup>15</sup> Moreover, the lack of judicial independence has affected the right to freedom and security of the person and the right to a fair trial, including the use of incommunicado detention,<sup>16</sup> prolonged pre-trial detention (in at least 1,464 cases as of May 2016, in excess of the maximum period established in the Criminal Procedure Code; more recent data is difficult to collate due to the crackdown on civil society in the last few years),<sup>17</sup> the use of mass trials<sup>18</sup> with hundreds of defendants,<sup>19</sup> as well as an increase in the application of the death penalty in cases which lack due process.<sup>20</sup> Moreover, reports of torture and ill-treatment against detainees during interrogation and enforced disappearances after arrest continue and are rarely investigated.<sup>21</sup> In February 2019 alone, 85 cases of torture and 74 cases of enforced disappearances were reported.<sup>22</sup>

19. Articles 5, 94, and 184 of the Egyptian Constitution affirm the “separation and balance of powers,” and add that “the independence, immunity and impartiality of the judiciary are essential guarantees for the protection of rights and freedoms.”<sup>23</sup> However, the provisions and practices regarding judicial and prosecutorial selection and disciplinary proceedings included in the amended Judicial Authorities Law, constitutional amendments, and other legislation violate the right to a fair trial under Egypt’s domestic law (Articles 54-55 and 96 of the Constitution) and international and regional human rights law (Article 14 of the ICCPR; Articles 10 and 11 of the Universal Declaration on Human Rights; Article 7 of the African Charter on Human and Peoples’ Rights – African Charter). Moreover, the violations of the right to life, right to freedom and security of the person, and right to be free from torture and ill-treatment, committed as a direct or indirect consequence of the lack of judicial and prosecutorial independence, constitute breaches of Articles 51 and 52 of the Constitution, as well as violations of Articles 3, 5, 9, 10, and 11 of the Universal Declaration of Human Rights; Articles 6, 7, 9, 10, and 14 of the ICCPR; Article 2 of CAT; and Articles 4, 5, 6, and 7 of the African Charter.

## **Military Jurisdiction, State Security Emergency Courts, Special Circuit Courts, and Lack of Fair Trial Guarantees**

20. The lack of judicial independence and access to a fair trial is especially concerning, given the continued subjection of civilians to military jurisdiction, the re-emergence of state security emergency courts, and the creation of special circuit courts.

21. Pursuant to Article 204 of the Constitution, civilians can be tried by military tribunals if they have engaged in “direct attacks” on the Armed Forces (the proposed constitutional amendments would delete the requirement that attacks be “direct,” thus expanding the scope of military jurisdiction). Moreover, Law No. 136 of 2014 designates any attack on public facilities as an attack on the military (this law was temporarily in force for two years, but was extended for another five years in August 2016).<sup>24</sup> As of April 2016 and since Law No. 136’s ratification, at least 7,420 Egyptian civilians were reported to have been tried before military courts.<sup>25</sup> The expansion of military jurisdiction is especially detrimental due to the lack of fair trial guarantees, such as sufficient access to legal counsel and a right to appeal.

22. In April 2017, President Sisi declared a 3-month state of emergency that remains in effect today.<sup>26</sup> The Constitution establishes that a 3-month state of emergency can only be renewed once (Article 154), but authorities have waited a few days between each 6-month period, subsequently invoking a “new” state of emergency each time. During this effectively permanent state of emergency, and via Egypt’s Emergency Law (Law No. 162 of 1958), state security emergency courts have been reintroduced. In October 2017, the Prime Minister issued a decree authorizing the Public Prosecution to refer other types of cases beyond those related to the state of emergency to these courts, including violations of the Protest Law (Law No. 107 of 2013) and the Counter-terrorism Law (Law No. 94 of 2015).<sup>27</sup>

23. Additionally, special circuit courts have been created within the ordinary criminal court system. The Counter-terrorism Law (Law No. 94 of 2015), for example, created terrorism circuit courts that have jurisdiction over “terrorist acts”; the latter are vaguely defined (Article 2 of the Counter-terrorism Law, for example, includes actions that “obstruct[s] the interests of the Government”).<sup>28</sup> The Counter-terrorism Law additionally establishes severe punishments and expands monitoring and surveillance of civilians.<sup>29</sup> The law has been used to prosecute a lawyer sentenced to 10 years imprisonment for a social media post<sup>30</sup> and a Christian university student sentenced to 5 years imprisonment for allegedly promoting the commission of terrorist crimes on social media.<sup>31</sup>

24. The use of counter-terrorism measures and military jurisdiction, under the state of emergency, to prosecute civilians violates Egypt’s international legal obligations under Article 14 of the ICCPR and Article 7 of the African Charter.

## **Breakdown of the Rule of Law and Legislation Introduced by the Executive**

25. In recent years, Egypt’s President has issued decrees with force of law and has passed legislation that further entrenches authoritarianism and consolidates control of the executive. This has led to a severe deterioration of the rule of law. The waning independence of the judiciary guarantees that such laws and decrees, despite their contravention of Egypt’s constitutional and international legal obligations, remain largely unchallenged.

26. Egypt did not have a sitting parliament from July 4, 2013 until January 10, 2016. As per Article 156 of the Constitution, President Adly Mansour and - subsequently - President Sisi had sole legislative authority to issue decrees with force of law. In this period, despite the extraordinary nature of this temporary legislative authority, Presidents Mansour and Sisi issued 341 decrees with force of law.<sup>32</sup> These decrees included the Protest Law (Law No. 107 of 2013), the decree designating attacks on public facilities as attacks on the military (Law No. 136 of 2014), and the Counter-terrorism Law.<sup>33</sup>

27. On January 10, 2016, within 15 days of the House of Representatives taking office, it approved almost all 341 decrees in a manner that lacked transparency and due process (Article 156 of the Constitution stipulates that decrees which are not discussed and approved within 15 days are retroactively considered as revoked). Some members of parliament were not allowed to voice their opposition or adequately scrutinize this legislation. The Speaker of the House of Representatives rushed discussions about the Counter-terrorism Law, stating that it should be voted on in “a second, not [even] half a minute”<sup>34</sup> and a live broadcast of the sessions was taken off air.<sup>35</sup>

28. Since its formation in January 2016, the House of Representatives has continued to rubber-stamp executive initiatives, disproportionately approving bills introduced by the government.<sup>36</sup> It has approved legislation that violates Egypt’s Constitution, as well as international legal obligations, both substantively and procedurally,<sup>37</sup> including: the NGO Law (Law No. 70 of 2017), the amendment to the Judicial Authorities Law, the Law Regulating the Press, Media, and the Supreme Council for Media Regulation (Law No. 180 of 2018, the “Media Law”), the Cybercrime Law (Law No. 175 of 2018), and an amendment to the Law Governing the Treatment of Certain Senior Commanders of the Armed Forces (Law No. 161 of 2018).

29. The latter authorizes the President to give high-ranking military officers lifelong reserve status, thereby protecting them from prosecution for all acts committed between the suspension of Egypt’s Constitution (July 3, 2013) and the first convening of the House of Representatives (January 10, 2016). During this period, serious human rights violations were committed by the Armed Forces, including the Republican Guard clashes and the Raba’a Square sit-in, both of which involved excessive use of force, arbitrary arrest, and killings.<sup>38</sup>

### **The Use of the Counter-terrorism Law, the Protest Law, the NGO Law, the Media Law, the Cybercrime Law, and the Penal Code to Arrest and Prosecute Lawyers and Human Rights Defenders**

30. In addition to eroding judicial independence and expanding the use of military jurisdiction over civilians, the 2019 draft constitutional amendments describe the military as the “protector of the Constitution.” They also extend the limit of presidential terms to six years, with a maximum of two consecutive terms, and establish a transitional provision which allows the current President to run for re-election.<sup>39</sup> This means that President Sisi could remain in office until 2034, when his government has engaged in an unprecedented crackdown on members of the legal profession, human rights defenders, and civil society.<sup>40</sup>

31. The Protest Law has been used to restrict the ability of Egyptians to mobilize, contributing to a closed space for peaceful dissent. Article 7 of the law refers broadly to “violations of general security [or] public order ... as well as calling for disrupting public interests” and authorizes the Ministry of Interior to request the judiciary to order the cancellation or



postponement of a protest in case of a “national security threat” (a term which is left undefined). The Protest Law also authorizes the use of force by security officials during dispersals and establishes disproportionate sentences.<sup>41</sup> As of September 24, 2016, more than 37,059 arrests under the Protest Law were documented.<sup>42</sup>

32. The current NGO Law (Law No. 70 of 2017), which replaced the Mubarak-era NGO Law (Law No. 84 of 2002), prohibits NGOs from carrying out “any work of a political nature” or anything that “may cause harm to national security, law and order, public morals, or public health.” It requires NGOs to seek prior approval to receive foreign funding, creates an oversight body with a disproportionately high representation of security officials, and includes prison sentences for violations of the law. Although the government has proposed to amend the NGO Law, its current form and application have contributed to a climate of fear and self-censorship, exacerbated by a crackdown on civil society that has included prosecution, asset freezes, travel bans, and closures of organizations.<sup>43</sup>

33. The Media Law prevents “press entities” from broadcasting or publishing content that violates the Constitution, professional ethics, or public morals and order; prohibits publishing or broadcasting false news; and creates administratively burdensome licensing and oversight requirements. In criminalizing the publication of false news, the law designates all social media users with more than 5,000 followers as press entities. It also gives wide discretion to authorities to block or censor content found to be in violation of the law.<sup>44</sup>

34. The Cybercrime Law authorizes investigating authorities to submit a request to the judiciary to censor or block a website if it compromises national security or the economy.<sup>45</sup> Prior to the adoption of this law, more than 500 websites, including those of NGOs and media outlets, were blocked by the authorities,<sup>46</sup> foreshadowing how this law is expected to be applied.

35. Various articles of the Penal Code (Law No. 58 of 1937), including provisions criminalizing the publication of false news, belonging to an organization established contrary to the law, and attempting to overthrow the governance system, have been used against individuals, including those producing independent journalistic coverage,<sup>47</sup> working with NGOs to document enforced disappearances,<sup>48</sup> and posting a photo on social media in solidarity with yellow vest protests in France.<sup>49</sup>

36. The laws described above, and others, have been used to harass, silence, and prosecute lawyers, human rights defenders, and members of civil society. After arrest, some persons have been forcibly disappeared for days or weeks before resurfacing. If and when they resurface, they are detained without sufficient access to legal counsel, are not adequately informed of charges brought against them, and detention periods are frequently renewed without due process, resulting in prolonged pre-trial detention. Many detainees are denied visits by family and legal counsel, as well as adequate medical care. There have also been reports of torture and ill-treatment, the use of such to obtain confessions,<sup>50</sup> and prison conditions violating international standards on conditions of detention.<sup>51</sup>

## **Examples of Arrest, Detention, Death in Custody, and Enforced Disappearance of Lawyers and Human Rights Defenders in Egypt Since the 2<sup>nd</sup> Cycle UPR**

37. Since Egypt's 2<sup>nd</sup> UPR cycle, lawyers have increasingly been questioned, arrested, detained, prosecuted, and forcibly disappeared for conducting their work. In a few cases, they have even been killed. As of September 2016, it was estimated that at least 400 lawyers were detained in Egypt.<sup>52</sup>

38. In February 2015, lawyer Karim Hamdy was arrested by security officers for participating in an unauthorized protest. He died after two days in detention. Medical officials who examined his body reported signs of torture, including broken ribs and bleeding in the brain.<sup>53</sup> Another lawyer, Emad el-Attar, died in the same police station on the same day, apparently due to overcrowding, poor ventilation, and denial of medical care. He had been arrested in January 2015 after allegedly participating in a protest against military rule.<sup>54</sup>

39. In March 2015, lawyer Azza Soliman was charged with protesting illegally and disturbing public order. She was acquitted in May 2015 but re-tried in July 2015 and acquitted again in October 2015.<sup>55</sup> In November 2016, she was prevented from travelling and her assets and those of her organization, the Centre for Egyptian Woman's Legal Assistance (CEWLA), were frozen. In December 2016, she was questioned for allegedly receiving foreign funding "with the aim of harming national security, founding an illegal entity engaging in NGO activities, and tax evasion." Her release on bail was subsequently ordered.<sup>56</sup>

40. In April 2015, lawyer Imam Afifi was arrested after a demonstration in Matariya and held in custody. One day later, he was transported with serious head trauma to the hospital where he died less than two weeks later.<sup>57</sup>

41. Between May 2015 and May 2016, lawyer Negad el-Borai was repeatedly summoned for interrogation after drafting an anti-torture law to bring existing legislation into conformity with CAT and other international standards. During interrogations, he was informed that he faced potential charges of receiving illegal foreign funding, establishing a group contrary to the law, and spreading false news. The Supreme Judicial Council also filed a complaint against judges Hisham Raouf and Assem Abdel-Gabbar for collaborating with him.<sup>58</sup> In January 2017, while attempting to board a flight to Jordan, el-Borai was told by authorities that he was banned from travelling.<sup>59</sup>

42. In May 2016, after submitting a legal challenge to the Tiran-Sanafir agreement, lawyer Malek Adly was arrested, interrogated, and detained. He was accused of attempting to overthrow the government, associating with an illegal organization, and spreading false news. He was held in solitary confinement for nearly four months, until August 2016, during which time his health was severely affected.<sup>60</sup> Together with five other lawyers, he had previously been summoned for interrogation in April 2015, after a peaceful protest in front of the Public Prosecutor's Office in Cairo against the alleged torture and death of their colleague Karim Hamdy.<sup>61</sup>

43. In December 2017, lawyer Mahinour el-Masry was sentenced to two years imprisonment on charges of illegally protesting and using force during a protest against the Tiran-Sanafir agreement in June 2016. Two weeks later, she was acquitted of all charges.<sup>62</sup> She had previously been detained as part of a separate case dating back to early 2014.<sup>63</sup>

44. In March 2018, Ezzat Ghoneim and Azzouz Mahgoub – director and lawyer, respectively, at the Egyptian Coordination for Rights and Freedoms – were arrested. Although their release on probation was ordered in September 2018, they were forcibly disappeared. Ghonim and Mahgoub resurfaced in February and March 2019, respectively, and a judge ordered their detention for having violated their probation.<sup>64</sup>

45. In October 2018, lawyer Sayed el-Banna was arrested for his legal defense work. He had previously been arrested in May 2016 in a case involving the Tiran-Sanafir agreement.<sup>65</sup> Also in October 2018, at least two lawyers, Hoda Abdelmoneim and Mohamed Abu Harira, were arrested and forcibly disappeared for approximately 20 days as part of a larger raid which targeted between 19 and 31 individuals. When they resurfaced at the State Security Prosecution, their pre-trial detention was ordered on possible charges of belonging to an illegal organization and inciting harm to the national economy.<sup>66</sup> All three lawyers remain in pre-trial detention.

46. In February 2019, lawyer Ahmed Moawad was arrested while carrying out his work in a courtroom in Zagazig. He was assaulted by police officers and accused of belonging to a terrorist organization.<sup>67</sup>

47. Human rights defenders and members of civil society continue to be subjected to arrest, prosecution, and disappearance. The second phase of Case 173, regarding the alleged foreign funding of NGOs, continues. Since February 2016, individuals who have worked, or been affiliated, with Egyptian NGOs have been interrogated, subjected to travel bans, had their assets frozen, and faced harassment and threats by authorities.<sup>68</sup> Other cases, including Case No. 441 and Case No. 621, are still in the pre-trial phase and involve the prosecution of members of civil society and journalists on various possible charges, including belonging to an illegal organization and spreading false news.

48. Reprisals have also been taken against human rights defenders who have collaborated with international entities, including the United Nations. In September 2017, Ibrahim Metwally was arrested and detained for allegedly establishing an illegal organization and spreading false news, while attempting to travel to Geneva to address the UN working group on enforced disappearances. He remains in pre-trial detention.<sup>69</sup> Following the mission of the UN Special Rapporteur on the right to housing to Egypt in September and October 2018, state authorities engaged in forced evictions, housing demolitions, arbitrary arrests, and harassment against the individuals who had met with - and assisted - the Special Rapporteur in the completion of her mandate.<sup>70</sup>

49. In February 2019, at least four members of the Constitution Party were arrested after that party challenged the 2019 constitutional amendments.<sup>71</sup> Subsequently, after a train crash in which 25 persons died, at least 70 individuals were arrested for alleged involvement in small-scale anti-government demonstrations and critical social media posts. While some have been released, others remain in pre-trial detention facing possible charges of joining a terrorist organization and spreading false news (Case No. 1739 of 2018 and Case No. 488 of 2019). Others who were arrested have been forcibly disappeared and have not resurfaced.<sup>72</sup>

50. The broad definitions of offenses included in Egyptian legislation, including - but not limited to - the NGO Law, Protest Law, Media Law, Cybercrime Law, Counter-Terrorism Law, and Penal Code, facilitate arbitrariness in their application. The UN Human Rights Committee has stated, referring to limitation clauses that allow for the restriction “provided for by law” of

certain human rights, that “laws” can only be understood as such if they are sufficiently precise. This not only ensures foreseeability, i.e. a citizen can regulate his or her behavior in accordance with the law, but also prevents abuse of vague provisions by State authorities and arbitrariness in a law’s application: “[a] law may not confer unfettered discretion for the restriction of freedom of expression on those charged with its execution.”<sup>73</sup>

51. The way in which these laws are being applied against lawyers, human rights defenders, and members of civil society violate Egypt’s Constitution and its international legal obligations; more specifically, the right to assembly (Article 73 of the Constitution, Article 21 of the ICCPR, and Article 11 of the African Charter); the right to freedom of association (Article 75 of the Constitution, Article 22 of the ICCPR, and Article 10 of the African Charter); and the rights to freedom of expression, freedom of the press, and the right to privacy (Articles 57, 58, 65, and 70 to 72 of the Constitution, Articles 17 and 19 of the ICCPR, and Article 9 of the African Charter).

52. Together, these laws and practices have resulted in the silencing of dissent and independent thought, an impossibility to peacefully challenge government policies, a lack of accountability of perpetrators of human rights violations, and a lack of government transparency, coupled with a prohibition on independent reporting of developments in the country. This has led to a severe deterioration of the rule of law, a breakdown of the separation of powers, and the entrenchment of authoritarianism.

## **E. Recommendations**

- 1. Ratify Protocol I of the ICCPR and the Convention for the Protection of All Persons from Enforced Disappearance;**
- 2. Amend the NGO Law to bring it into conformity with international standards, including provisions regarding foreign funding and the creation of an oversight body with significant security sector representation;**
- 3. Amend the Protest Law to bring it into conformity with international standards, including provisions prohibiting certain protests and allowing excessive use of force by security officials;**
- 4. Amend the Media Law to bring it into conformity with international standards, including provisions defining certain social media users as press entities, establishing vague restrictions on content, and establishing disproportionate oversight and licensing requirements;**
- 5. Amend the Cybercrime Law to bring it into conformity with international standards, including provisions authorizing censorship and blocking of websites;**
- 6. Amend the Counter-Terrorism Law to bring it into conformity with international standards, including provisions establishing a broad definition of “terrorist act,” creating special terrorism circuit courts, and expanding monitoring and surveillance authorities;**
- 7. Repeal any decrees, legislation, or provisions thereof, that violate the rights to freedom of expression, association, and assembly;**

8. **Repeal any decrees, legislation, or provisions thereof, including of the Judicial Authorities Law, that authorize the President to select the heads of judicial institutions and prosecution, as well as other provisions that affect judicial and prosecutorial independence, including regarding disciplinary measures;**
9. **Withdraw provisions of the 2019 constitutional amendments on the judicial selection process, the extension of presidential term limits, the expansion of military court jurisdiction, and the broadening of the role of the military as “protector of the Constitution”;**
10. **Release immediately and drop the charges against lawyers, human rights defenders, and members of civil society who are detained and prosecuted for carrying out their legitimate professional activities;**
11. **Ensure that violations of physical and psychological integrity of those detained ceases, and ensure that allegations of lawyers, human rights defenders, and members of civil society being threatened, arbitrarily arrested, and intimidated are fully and promptly investigated and perpetrators brought to justice;**
12. **Ensure that prison conditions of those detained comply with applicable international standards and that they have access to a legal representative of their own choosing;**
13. **Discontinue the practice of enforced disappearances and disclose the location where the disappeared are being held; and**
14. **Comply with Egypt’s international legal obligations and voluntary pledges so that lawyers, human rights defenders, and members of civil society can carry out their professional functions without harassment and improper interference.**

We can provide technical assistance, as needed, to facilitate Egypt’s compliance with these recommendations, in particular with the review of legislation to bring it into conformity with international and regional human rights standards.

**The Law Society of England & Wales  
The Tahrir Institute For Middle East Policy**

**Annex A: Matrix of Recommendations (Assessment /Level of Implementation)**

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## Annex A: Matrix of Recommendations (Assessment/Level of Implementation)

### UPR of Egypt – Second Cycle (Thematic List of Recommendations)

Recommendation	Position	Full list of rights/affected persons	Assessment/comments on level of implementation
<b><i>Right or area: 2.1. Acceptance of international norms</i></b>			
166.10. Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) (Sierra Leone); (Togo); <b>Source of position:</b> A/HRC/28/16/Add.1	Noted	2.1. Acceptance of international norms <b>Affected persons:</b> - disappeared persons	Not implemented. Egypt has not yet ratified the International Convention for the Protection of All Persons from Enforced Disappearance.
166.11. Ratify ICPPED (Portugal); <b>Source of position:</b> A/HRC/28/16/Add.1	Noted	2.1. Acceptance of international norms <b>Affected persons:</b> - disappeared persons	Idem.
<b><i>Right or area: 3.2. Cooperation with special procedures</i></b>			
166.60. Extend a permanent invitation to all special procedures mandate holders (Tunisia); (Turkey); <b>Source of position:</b> A/HRC/28/16/Add.1	Noted	3.2. Cooperation with special procedures <b>Affected persons:</b> - general	Not implemented. Egypt has not issued a standing invitation to all special procedures.
166.61. Issue a standing invitation to all special procedures (Ghana); <b>Source of position:</b> A/HRC/28/16/Add.1	Noted	3.2. Cooperation with special procedures <b>Affected persons:</b> - general	Idem.
166.62. Facilitate the visits of all special procedures that have,	Noted	3.2. Cooperation	Not implemented. A number of special procedure visits have been requested but have

<p>to date, requested a visit (Switzerland);  <b>Source of position:</b>  A/HRC/28/16/Add.1</p>		<p>with special procedures  <b>Affected persons:</b>  - general</p>	<p>not been responded to by Egypt or no invitation has been extended. For example:</p> <p>SR on human rights and terrorism sent a reminder in late 2014.</p> <p>SR on independence of judges and lawyers sent a reminder in 2016.</p> <p>SR on torture sent a reminder in 2016.</p> <p>SR on freedom of expression sent a request in 2016.</p> <p>WG on arbitrary detention sent a reminder in 2018.</p> <p>SR on freedom of assembly sent a reminder in 2019.</p> <p>SR on human rights defenders and WG on enforced disappearances have also sent reminders.</p> <p>Egypt granted a request for a visit by the Special Rapporteur on housing, who travelled to the country in 2018. However, individuals who engaged with the SR faced forced evictions, home demolitions, arbitrary arrest, intimidation, and reprisals after her visit.</p>
<p>166.63. Enhance its cooperation with the Human Rights Council and its mechanisms by responding favourably to outstanding requests from Special Rapporteurs to visit</p>	<p>Noted</p>	<p>3.2. Cooperation with special procedures  <b>Affected persons:</b>  - general</p>	<p>Idem.</p>

the country (Hungary); <b>Source of position:</b> A/HRC/28/16/Add.1			
166.64. Strengthen cooperation with the special procedures of the Human Rights Council by responding positively to the pending visit requests and eventually consider extending a standing invitation to all the special procedures mandate holders (Latvia); <b>Source of position:</b> A/HRC/28/16/Add.1	Noted	3.2. Cooperation with special procedures <b>Affected persons:</b> - general	Idem.
166.65. Invite and set dates for visits by the Special Rapporteurs on the situation of human rights defenders, on the rights to freedom of peaceful assembly and of association, and on the promotion and protection of the right to freedom of opinion and expression (Norway); <b>Source of position:</b> A/HRC/28/16/Add.1	Noted	3.2. Cooperation with special procedures <b>Affected persons:</b> - general	Not implemented. The special procedures in question have not been invited by Egypt to visit the country, despite SRs submitting requests and reminders
166.69. Fully cooperate with the special procedures mandate-holders (Lithuania); <b>Source of position:</b> A/HRC/28/16/Add.1	Supported	3.2. Cooperation with special procedures <b>Affected persons:</b> - general	Idem.
	<b><i>Right or area: 5.1. Constitutional &amp; legislative framework</i></b>		
166.19. Strengthen measures, including the adoption of necessary legislation, to give effect to the	Supported	5.1. Constitutional & legislative framework	Not implemented. Recently adopted legislation and amendments to existing legislation raise significant questions on Egypt's

rights enshrined in ICCPR (South Africa); <b>Source of position:</b> A/HRC/28/16/Add.1		<b>Affected persons:</b> - general	adherence to the ICCPR and other human rights instruments, including but not limited to the NGO Law (Law No. 70 of 2017), Protest Law (Law No. 107 of 2013), Counter-Terrorism Law (Law No. 94 of 2015), Cybercrime Law (Law No. 175 of 2018), new media law (Law No. 180 of 2018), amendments to the Judicial Authorities Law (Law No. 13 of 2017), and proposed constitutional amendments.
166.20. Continue to ensure its compliance with its human rights obligations, especially those enshrined in ICCPR and other human rights agreements to which it is a state party (Philippines); <b>Source of position:</b> A/HRC/28/16/Add.1	Supported	5.1. Constitutional & legislative framework <b>Affected persons:</b> - general	Idem.
166.21. Continue efforts to harmonize national legislation with international norms (Sudan); <b>Source of position:</b> A/HRC/28/16/Add.1	Supported	5.1. Constitutional & legislative framework <b>Affected persons:</b> - general	Idem.
166.237. Enact an NGO law that allows international and national human rights NGOs to operate without interference in line with international standards (Austria); <b>Source of position:</b> A/HRC/28/16/Add.1	Supported/Noted	5.1. Constitutional & legislative framework 7.1. Context, statistics, budget, cooperation with civil society <b>Affected persons:</b> - general - human rights defenders	Not implemented. Egypt's current NGO Law (Law No. 70 of 2017), which replaced the Mubarak-era NGO Law (Law No. 84 of 2012), does not allow international and national human rights NGOs to operate without interference in line with international standards (Articles 27, 31, 34, 42), places constraints on the receipt of funding (Articles 23-25, 43, 70), and restricts

			<p>associational activities more broadly (Articles 13-14, 62).</p> <p>Although the government of Egypt is now in the process of amending this NGO Law, it is unclear whether the amendments will be sufficient to bring the country in line with its international legal obligations.</p>
<p>166.239. Implement actions to facilitate the work of civil society, including through legislative measures (Costa Rica);  <b>Source of position:</b>  A/HRC/28/16/Add.1</p>	Supported	<p>5.1. Constitutional &amp; legislative framework  7.1. Context, statistics, budget, cooperation with civil society  <b>Affected persons:</b>  - general</p>	Idem.
<p>166.240. Adopt the legislation facilitating the work of NGOs in a way that will promote human rights and benefit the overall political process in Egypt (Croatia);  <b>Source of position:</b>  A/HRC/28/16/Add.1</p>	Supported	<p>5.1. Constitutional &amp; legislative framework  7.1. Context, statistics, budget, cooperation with civil society  <b>Affected persons:</b>  - general</p>	Idem.
<p>166.243. Amend the law of association in compliance with international standards, including allowing NGOs to function without impediments such as prior authorization, funding control and administrative</p>	Supported/Noted	<p>5.1. Constitutional &amp; legislative framework  7.1. Context, statistics, budget, cooperation with civil society  <b>Affected persons:</b></p>	Idem.

dissolution (Denmark); <b>Source of position:</b> A/HRC/28/16/Add.1		- general	
166.211. Review penal code restricting freedom of opinion, enact legislation and recognize independent unions as well as remove restrictions to peaceful demonstrations (Lithuania); <b>Source of position:</b> A/HRC/28/16/Add.1	Noted	5.1. Constitutional & legislative framework 14.3. Freedom of opinion and expression 14.4. Right to peaceful assembly 23.3. Trade Union Rights <b>Affected persons:</b> - general - media	Not implemented. Egypt has not reviewed its penal code, despite the existence of numerous provisions that place limitations on the right to freedom of opinion and expression, including but not limited to Article 80d on publishing false news and Article 178 on producing content that harms public morality.  Additionally, the current Protest Law (Law No. 107 of 2013) and the Assembly Law (Law No. 10 of 1914) both continue to restrict peaceful demonstrations and allow excessive use of force during the dispersal of protests (Articles 11-13).
166.223. Repeal or amend the Demonstration law (Law 107 of 2013), and the civil society law (Law 84 of 2002), which restrict freedom of assembly, association and expression, to be consistent with Egypt's international obligations (United States of America); <b>Source of position:</b> A/HRC/28/16/Add.1	Noted	5.1. Constitutional & legislative framework 14.3. Freedom of opinion and expression 14.4. Right to peaceful assembly 14.5. Freedom of association <b>Affected persons:</b> - general	Not implemented. Egypt's Protest Law (Law No. 107 of 2013) continues to be in effect. While Article 10 of the Protest Law (Law No. 107 of 2013) was amended in April 2017, other problematic provisions of the Protest Law remain, including but not limited to Articles 7 and 11-13.  While Egypt's Mubarak-era NGO Law (Law No. 84 of 2002) has since been repealed, it has been replaced by NGO Law (Law No. 70 of 2017).
166.222. Amend the Act No. 107/2013 on the Right to Public Meetings and Peaceful Assemblies	Noted	5.1. Constitutional & legislative framework 14.4. Right to	Idem.

<p>(Slovakia); Review all laws on public assemblies including the Law No. 10 of 1914 on gatherings and the Law No. 107 of 2013 on public meetings to align them with Egypt's international human rights obligations (Canada);  <b>Source of position:</b>  A/HRC/28/16/Add.1</p>		<p>peaceful assembly  <b>Affected persons:</b>  - general</p>	
<p>166.224. Protect freedom of assembly by immediately repealing the Protest law, or amending it so that it is in accordance with article 73 of the 2014 Constitution and with ICCPR (Australia);  <b>Source of position:</b>  A/HRC/28/16/Add.1</p>	<p>Supported/Noted</p>	<p>5.1. Constitutional &amp; legislative framework  14.4. Right to peaceful assembly  <b>Affected persons:</b>  - general</p>	<p>Idem.</p>
<p>166.227. Modify Law 107 on the Rights to Public Meetings, bring it in line with international standards (Austria);  <b>Source of position:</b>  A/HRC/28/16/Add.1</p>	<p>Noted</p>	<p>5.1. Constitutional &amp; legislative framework  14.4. Right to peaceful assembly  <b>Affected persons:</b>  - general</p>	<p>Idem.</p>
<p>166.228. Revise the law regulating the right of public assembly by, inter alia, specifying the prohibited conduct and repealing excessive sanctions to ensure better compliance with international standards (Italy);</p>	<p>Supported/Noted</p>	<p>5.1. Constitutional &amp; legislative framework  14.4. Right to peaceful assembly  <b>Affected persons:</b>  - general</p>	<p>Idem.</p>

<b>Source of position:</b> A/HRC/28/16/Add.1			
166.229. Protect the freedom of assembly, enshrined in the Constitution, by modifying the protest law to allow public assemblies through a simple notification process (Germany); <b>Source of position:</b> A/HRC/28/16/Add.1	Noted	5.1. Constitutional & legislative framework 14.4. Right to peaceful assembly <b>Affected persons:</b> - general	Idem.
166.230. Amend the protest law on the Right to Public Meeting, Processions and Peaceful Demonstrations in accordance with article 73 of the Constitution guaranteeing freedom of assembly (Netherlands); <b>Source of position:</b> A/HRC/28/16/Add.1	Supported	5.1. Constitutional & legislative framework 14.4. Right to peaceful assembly <b>Affected persons:</b> - general	Idem.
166.225. Review the Law on Associations and the Protest law, in order to comply with the Constitution, as well as international law, and immediately release persons detained or imprisoned for exercising their freedom of expression through participating in peaceful protests (Sweden); <b>Source of position:</b> A/HRC/28/16/Add.1	Supported/Noted	5.1. Constitutional & legislative framework 14.4. Right to peaceful assembly 13.3. Arbitrary arrest and detention <b>Affected persons:</b> - general - persons deprived of their liberty	Idem.  Additionally, Egypt has not released all individuals detained for exercising their freedom of expression through participating in peaceful protests; it continues to detain individuals under the Protest Law.
166.226. Repeal or amend without delay the Assembly Law of November 2013, with	Noted	5.1. Constitutional & legislative framework	Idem.



a view to guarantee the right to free assembly and freedom of expression (Turkey); <b>Source of position:</b> A/HRC/28/16/Add.1		14.4. Right to peaceful assembly 14.3. Freedom of opinion and expression <b>Affected persons:</b> - general	
166.231. Protect freedom of assembly and association by revising the Protest Law, eliminating all interference with the registration and work of NGOs and guaranteeing their right to seek and receive funding, and halting the ultimatum for unregistered NGOs (Norway); <b>Source of position:</b> A/HRC/28/16/Add.1	Supported/Noted	5.1. Constitutional & legislative framework 14.4. Right to peaceful assembly 14.5. Freedom of association 7.1. Context, statistics, budget, cooperation with civil society <b>Affected persons:</b> - general - human rights defenders	Idem.
166.247. Protect the freedom of association, in accordance with the Egyptian Constitution, by adopting a new NGO law fully in line with international standards and best practices, including on foreign funding (Germany); <b>Source of position:</b> A/HRC/28/16/Add.1	Supported/Noted	5.1. Constitutional & legislative framework 14.5. Freedom of association <b>Affected persons:</b> - general	Idem.
<b><i>Right or area: 5.2. Institutions &amp; policies</i></b>			
166.116. Establish a mechanism making mandatory independent visits to	Noted	5.2. Institutions & policies 12.6.	Not implemented. Egypt has not created a mechanism that makes independent visits to all places where individuals

all places where persons may be deprived of their liberty, including all military or national security facilities (Switzerland); <b>Source of position:</b> A/HRC/28/16/Add.1		Conditions of detention <b>Affected persons:</b> - general - persons deprived of their liberty	are detained mandatory, which is concerning because of numerous allegations of torture and lack of access to medical care and legal counsel.
<b>Right or area: 7.1. Context, statistics, budget, cooperation with civil society</b>			
166.234. Adopt the new law on NGOs to fully guarantee to the civil society a set of rights in conformity with international standards (Italy); <b>Source of position:</b> A/HRC/28/16/Add.1	Supported	7.1. Context, statistics, budget, cooperation with civil society <b>Affected persons:</b> - general - human rights defenders	Idem.
166.235. Facilitate the work of civil society actors by removing excessive requirements for their registration, operation and funding and aligning the Law on Associations with the Constitution (Czech Republic); <b>Source of position:</b> A/HRC/28/16/Add.1	Supported/Noted	7.1. Context, statistics, budget, cooperation with civil society <b>Affected persons:</b> - general - human rights defenders	Idem.
166.236. Ensure full implementation of the Constitution's provisions for the free operation of civil society, including through a revised NGO law that conforms to international standards and protects freedom of expression (United Kingdom of Great	Supported	7.1. Context, statistics, budget, cooperation with civil society <b>Affected persons:</b> - general - human rights defenders	Idem.

Britain and Northern Ireland); <b>Source of position:</b> A/HRC/28/16/Add.1			
166.238. Lift the restrictions hindering the work of civil society organizations, in particular the reception of funding to effectively carry out their work in defence of human rights (Chile); <b>Source of position:</b> A/HRC/28/16/Add.1	Supported/Noted	7.1. Context, statistics, budget, cooperation with civil society <b>Affected persons:</b> - general - human rights defenders	Idem.
166.249. Refrain from stigmatizing and criminalizing the work of NGOs, human rights defenders and journalists (Norway); <b>Source of position:</b> A/HRC/28/16/Add.1	Noted	7.1. Context, statistics, budget, cooperation with civil society <b>Affected persons:</b> - general - human rights defenders - media	Not implemented. The work of civil society, human rights defenders, and journalists continues to be criminalized under broadly worded provisions of the Penal Code, the Counter-terrorism Law (Law No. 94 of 2015), the NGO Law (Law No. 70 of 2017), and a new media law (Law No. 180 of 2018), among other legislation; as well as through prosecutions, including but not limited to Case No. 173 (regarding NGOs' receipt of foreign funding).
166.250. Give due consideration to ensuring a safe and enabling environment for civil society (Japan); <b>Source of position:</b> A/HRC/28/16/Add.1	Supported	7.1. Context, statistics, budget, cooperation with civil society <b>Affected persons:</b> - general	Idem.
166.233. Reorient the new NGO law to allow the full exercise of the right to freedom of association for both domestic and	Supported/Noted	7.1. Context, statistics, budget, cooperation with civil society 5.1.	Idem.

international organizations, with autonomy and without risk for their continuity (Spain); <b>Source of position:</b> A/HRC/28/16/Add.1		Constitutional & legislative framework 14.4. Right to peaceful assembly <b>Affected persons:</b> - general - human rights defenders	
<b><i>Right or area: 12.5. Prohibition of torture and cruel, inhuman or degrading treatment</i></b>			
166.118. Ensure that all detainees are protected from torture or other ill-treatment and that detention conditions meet the Standard Minimum Rules for the Treatment of Prisoners and the Basic Principles for the Treatment of Prisoners (Denmark); <b>Source of position:</b> A/HRC/28/16/Add.1	Supported	12.5. Prohibition of torture and cruel, inhuman or degrading treatment 12.6. Conditions of detention <b>Affected persons:</b> - general - persons deprived of their liberty	Not implemented. Although Egypt’s Constitution and its laws protect detainees from torture and set forth regulations for detention conditions, independent researchers and NGOs continue to document cases of torture, inadequate medical care, and poor detention conditions—the vast majority of which are left uninvestigated.
166.122. Investigate allegations of torture and ensure access to effective remedy for victims (Botswana); <b>Source of position:</b> A/HRC/28/16/Add.1	Supported	12.5. Prohibition of torture and cruel, inhuman or degrading treatment 16. Right to an effective remedy, impunity <b>Affected persons:</b> - general	Idem.
166.187. Investigate all cases of the use of excessive force against protestors by the security forces and hold accountable those responsible for the incidents, stop the	Supported/Noted	12.5. Prohibition of torture and cruel, inhuman or degrading treatment 16. Right to an effective	Not implemented. Impunity for security forces remains. Law No. 161 of 2018 authorizes the President to give high-ranking military officers lifelong reserve status, thereby protecting them from prosecution for all

<p>practice of military trials of civilians (Lithuania);  <b>Source of position:</b>  A/HRC/28/16/Add.1</p>		<p>remedy, impunity  15.1. Administration of justice &amp; fair trial  <b>Affected persons:</b>  - general</p>	<p>acts committed between the suspension of Egypt’s Constitution (July 3, 2013) and the first convening of the House of Representatives (January 10, 2016). During this period of time a number of serious human rights violations were committed, including the Republican Guard clashes and the dispersal of the Raba’a square sit-in.</p> <p>In practice and per Article 204 of the Constitution and legislation, including Law No. 136 of 2014, civilians continue to be subjected to military trials. Under the state of emergency and in implementation of the Counter-terrorism Law (Law No. 94 of 2015), civilians are also tried by state security emergency courts, as well as special circuit courts (including on terrorism-related charges).</p>
<b>Right or area: 13.1. Liberty &amp; security – general</b>			
<p>166.120.  Appropriately investigate excessive use of force by security forces, publically release findings, and prosecute those identified as being responsible (United States of America);  <b>Source of position:</b>  A/HRC/28/16/Add.1</p>	<p>Supported</p>	<p>13.1. Liberty &amp; security – general  <b>Affected persons:</b>  - general</p>	<p>Not implemented. While few prosecutions of security forces have proceeded, most reports of torture in detention or excessive use of force by security forces are left uninvestigated.</p> <p>Law No. 161 of 2018 authorizes the President to give high-ranking military officers lifelong reserve status, thereby protecting them from prosecution for all acts committed between the suspension of Egypt’s Constitution (July 3, 2013) and the first convening of the House of Representatives</p>

			(January 10, 2016). During this period of time a number of serious human rights violations were committed, including the Republican Guard clashes and the dispersal of the Raba'a square sit-in.
166.125. Ensure that the defence and security forces act in accordance with international human rights norms regarding the use of force (Central African Republic); <b>Source of position:</b> A/HRC/28/16/Add.1	Supported	13.1. Liberty & security – general <b>Affected persons:</b> - general	Idem.  Additionally, laws like the Protest Law (Law No. 70 of 2017) authorize the use of force by security forces in the dispersal of demonstrations (Articles 11-13).
166.127. Ensure that the security forces act in accordance with international human rights norms on the use of force and do not carry out arbitrary detentions (Costa Rica); <b>Source of position:</b> A/HRC/28/16/Add.1	Supported	13.1. Liberty & security – general 13.3. Arbitrary arrest and detention <b>Affected persons:</b> - general	Idem.  Additionally, widespread reports of forced disappearances and arbitrary arrests continue. Most recently, at least 70 individuals were detained across the country for participating in small anti-government protests or for posting critical social media posts. Some of them remain forcibly disappeared today.
166.121. Carry out investigations, in accordance with international norms, regarding the perpetrators, police or military, of the violence which resulted in serious injuries or deaths during demonstrations and as appropriate bring those responsible to justice (Belgium);	Supported	13.1. Liberty & security – general 14.4. Right to peaceful assembly 16. Right to an effective remedy, impunity <b>Affected persons:</b> - general	Idem.

<b>Source of position:</b> A/HRC/28/16/Add.1			
166.126. Ensure that the security forces act in accordance with human rights laws and international norms on the use of force, and investigate allegations of abuse committed by them (Chile); <b>Source of position:</b> A/HRC/28/16/Add.1	Supported	13.1. Liberty & security – general 16. Right to an effective remedy, impunity <b>Affected persons:</b> - general	Idem.
<b><i>Right or area: 13.3. Arbitrary arrest and detention</i></b>			
166.138. Implement effectively the instrument of pretrial detention on exceptional basis (Slovakia); <b>Source of position:</b> A/HRC/28/16/Add.1	Noted	13.3. Arbitrary arrest and detention 15.1. Administration of justice & fair trial <b>Affected persons:</b> - persons deprived of their liberty	Not implemented. The use of pre-trial detention as a punitive measure is widespread. Additionally, pre-trial detention, at times, occurs in violation of the two-year maximum established in Article 143 of the Criminal Procedure Code. As of May 2016, at least 1,464 cases of pre-trial detention in excess of this maximum period had been reported.
166.139. In accordance with article 54 of its Constitution, stop using the preventive detention orders by prosecutors as a measure to punish or to prolong the incarceration of activists and protestors (Netherlands); <b>Source of position:</b> A/HRC/28/16/Add.1	Noted	13.3. Arbitrary arrest and detention 15.1. Administration of justice & fair trial <b>Affected persons:</b> - persons deprived of their liberty	Idem.
<b><i>Right or area: 14.3. Freedom of opinion and expression</i></b>			
166.209. Take necessary measures to enhance the enjoyment of the	Supported	14.3. Freedom of opinion and expression <b>Affected persons:</b>	Not implemented. Numerous laws, including but not limited to the new media law (Law No. 180 of 2018), the Cybercrime Law (Law No.

freedom of expression (Brazil); <b>Source of position:</b> A/HRC/28/16/Add.1		- general - media	175 of 2018), the Protest Law, the NGO Law, and the Penal Code (Law No. 58 of 1937), place severe constraints on the right to freedom of expression.
166.219. Ensure that freedom of expression is safeguarded in all its forms, including artistic expressions (Norway); <b>Source of position:</b> A/HRC/28/16/Add.1	Supported	14.3. Freedom of opinion and expression <b>Affected persons:</b> - general	Idem.
166.215. Release those detained solely for exercising rights to freedom of expression or for membership in a political group, and ensure remaining detainees full fair trial guarantees on an individual level (United States of America); <b>Source of position:</b> A/HRC/28/16/Add.1	Noted	14.3. Freedom of opinion and expression 13.3. Arbitrary arrest and detention 15.1. Administration of justice & fair trial <b>Affected persons:</b> - general	Not implemented. Lawyers, human rights defenders, members of civil society, journalists, and political dissidents continue to face harassment, prosecution, and arrest for exercising their rights to freedom of expression and association.
166.213. Respect freedom of opinion and expression, in particular for journalists, and freedom of peaceful demonstration, without recourse to the excessive use of force (France); <b>Source of position:</b> A/HRC/28/16/Add.1	Supported	14.3. Freedom of opinion and expression 14.4. Right to peaceful assembly <b>Affected persons:</b> - general - media	Idem.
166.210. Effectively guarantee the exercise of freedom of expression, association and peaceful assembly and, in this context,	Supported	14.3. Freedom of opinion and expression 14.4. Right to peaceful assembly 5.1.	Idem.



<p>ensure that the law regulating demonstrations in Egypt complies with its commitments under the Covenant on Civil and Political Rights (Luxembourg);  <b>Source of position:</b>  A/HRC/28/16/Add.1</p>		<p>Constitutional &amp; legislative framework  <b>Affected persons:</b>  - general  - media</p>	
<p>166.207. Stop limits on Constitutional rights of peaceful assembly and freedom of expression and release all those imprisoned for exercising their constitutional rights, including media representatives (Estonia);  <b>Source of position:</b>  A/HRC/28/16/Add.1</p>	Noted	<p>14.3. Freedom of opinion and expression  14.4. Right to peaceful assembly  13.3. Arbitrary arrest and detention  <b>Affected persons:</b>  - general  - media</p>	Idem.
<p>166.221. Ensure that the legislative framework guarantees the full enjoyment of freedom of expression and association (Mexico);  <b>Source of position:</b>  A/HRC/28/16/Add.1</p>	Supported	<p>14.3. Freedom of opinion and expression  14.5. Freedom of association  <b>Affected persons:</b>  - general</p>	Not implemented. Numerous laws violate the enjoyment of the rights to freedom of expression and association, including but not limited to the Media Law (Law No. 180 of 2018), the Cybercrime Law (Law No. 175 of 2018), the Protest Law (Law No. 107 of 2013), the NGO Law (Law No. 70 of 2017), and certain provisions of the Penal Code (including but not limited to Articles 80d and 178).
<p>166.218. Take all the necessary measures to protect journalists and human rights defenders from threats and attacks, and ensure that the perpetrators of such</p>	Supported	<p>14.3. Freedom of opinion and expression  16. Right to an effective remedy, impunity</p>	Idem.

violence are brought to justice (Luxembourg); <b>Source of position:</b> A/HRC/28/16/Add.1		<b>Affected persons:</b> - human rights defenders - media	
166.212. Guarantee an environment conducive to the work of journalists, human rights defenders and civil society organizations (Tunisia); <b>Source of position:</b> A/HRC/28/16/Add.1	Supported	14.3. Freedom of opinion and expression 36. Human rights defenders 7.1. Context, statistics, budget, cooperation with civil society <b>Affected persons:</b> - human rights defenders - media	Idem.
<b><i>Right or area: 14.4. Right to peaceful assembly</i></b>			
166.220. Respect the freedom of association and assembly of its citizens (Romania); <b>Source of position:</b> A/HRC/28/16/Add.1	Supported	14.4. Right to peaceful assembly 14.5. Freedom of association <b>Affected persons:</b> - general	Idem.  Numerous legal cases are still pending before the courts, in which individuals are prosecuted for exercising their right to freedom of association, including but not limited to Case No. 173 (on NGOs' receipt of foreign funding) and Case Nos. 441 and 621 (under which members of civil society and journalists are being prosecuted for allegedly publishing false news and belonging to illegal organizations).
<b><i>Right or area: 14.5. Freedom of association</i></b>			
166.246. Respect the free exercise of the associations defending human rights, ensure that the Egyptian legislation complies with the	Supported	14.5. Freedom of association <b>Affected persons:</b> - general - human rights defenders	Not implemented. Numerous laws violate the enjoyment of the rights to freedom of expression and association, including but not limited to the Media Law (Law No. 180 of 2018), the Cybercrime

International Covenant on Civil and Political Rights, and guarantee the right to freedom of association (France); <b>Source of position:</b> A/HRC/28/16/Add.1			Law (Law No. 175 of 2018), the Protest Law (Law No. 107 of 2013), the NGO Law (Law No. 70 of 2017), and certain provisions of the Penal Code (including but not limited to Articles 80d and 178).
<b><i>Right or area: 15.1. Administration of justice &amp; fair trial</i></b>			
166.177. Improve significantly the respect of the right to due process, in accordance with article 14 of the International Covenant on Civil and Political Rights (Belgium); <b>Source of position:</b> A/HRC/28/16/Add.1	Supported	15.1. Administration of justice & fair trial <b>Affected persons:</b> - general - judiciary	Not implemented. The right to a fair trial is violated in Egypt in practice, as well as through the existence of legislation. For example, civilians continue to be tried before military courts, as well as special circuit courts (including on terrorism related charges), as well as state security emergency courts. The proceedings before these courts do not respect due process; violations include, for example, inadequate access to legal counsel and a possibility of prolonged pre-trial detention. In addition, the amended Judicial Authorities Law (Law No. 13 of 2017) erodes the independence of the judiciary and prosecution by, among other things, authorizing the President to select the heads of four leading judicial bodies.
166.178. Guarantee the right to fair trial and ensure that civilians are tried in civilian courts at all times (Czech Republic); <b>Source of position:</b> A/HRC/28/16/Add.1	Supported/Noted	15.1. Administration of justice & fair trial <b>Affected persons:</b> - general - judiciary	Idem.
166.179. Ensure fair, equitable and	Supported	15.1. Administration	Idem.

independent judicial procedures, in accordance with international standards (France); <b>Source of position:</b> A/HRC/28/16/Add.1		of justice & fair trial <b>Affected persons:</b> - general - judiciary	
166.180. Ensure compliance with its international obligations on the right to a fair and timely trial based on clear charges and independent investigations, respecting the right of access and contact to lawyers and family (Ireland); <b>Source of position:</b> A/HRC/28/16/Add.1	Supported	15.1. Administration of justice & fair trial <b>Affected persons:</b> - general - judiciary - persons deprived of their liberty	Idem.
166.181. Undertake the necessary reforms to guarantee defendants a fair trial within a reasonable time, and reduce the use of remand (Luxembourg); <b>Source of position:</b> A/HRC/28/16/Add.1	Noted	15.1. Administration of justice & fair trial <b>Affected persons:</b> - general - judiciary	Idem.
166.183. Ensure due process of law for detainees, because a fair and independent judicial system is a fundamental pillar of a future democratic and stable Egypt (Canada); <b>Source of position:</b> A/HRC/28/16/Add.1	Supported	15.1. Administration of justice & fair trial <b>Affected persons:</b> - general - judiciary - persons deprived of their liberty	Idem.
166.186. Urgently review the Presidential decree expanding the role of military courts with a view to ensuring fair	Noted	15.1. Administration of justice & fair trial <b>Affected persons:</b>	Not implemented. Article 204 of the Constitution allows the military trial of civilians and Law No. 136 of 2014 continues to allow attacks on public facilities to be tried by

trial guarantees and limiting the jurisdiction of military courts (Austria); <b>Source of position:</b> A/HRC/28/16/Add.1		- judiciary	the military court system. The 2019 draft constitutional amendments further extend the jurisdiction of military courts over civilians.
166.188. Ensure the transparency, effectiveness, impartiality and independence in the processes of investigation of human rights violations (Uruguay); <b>Source of position:</b> A/HRC/28/16/Add.1	Supported	15.1. Administration of justice & fair trial <b>Affected persons:</b> - judiciary	Not implemented. The amendments to the Judicial Authorities Law, the control by the executive over the judiciary and prosecution services that it establishes, and practices around the appointment of prosecutors all severely erode the independence of investigations.
166.182. Ensure that trials and pretrial detention comply with due process rights in ICCPR and articles 54 and 55 of the Constitution, and end all military trials of civilians (Norway); <b>Source of position:</b> A/HRC/28/16/Add.1	Supported/Noted	15.1. Administration of justice & fair trial 13.3. Arbitrary arrest and detention <b>Affected persons:</b> - general - judiciary - persons deprived of their liberty	Not implemented. The right to a fair trial is violated in Egypt in practice, as well as through the existence of legislation. For example, civilians continue to be tried before military courts, as well as special circuit courts (including on terrorism related charges), as well as state security emergency courts. The proceedings before these courts do not respect due process, for example there is inadequate access to legal counsel and the possibility of prolonged pre-trial detention.
<b><i>Right or area: 16. Right to an effective remedy, impunity</i></b>			
166.191. Take necessary steps to ensure that individuals suspected of committing crimes under international law and other civil and human rights violations are thoroughly investigated and	Noted	16. Right to an effective remedy, impunity <b>Affected persons:</b> - judiciary	Law No. 161 of 2018 authorizes the President to give high-ranking military officers lifelong reserve status, thereby protecting them from prosecution for all acts committed between the suspension of Egypt's Constitution (July 3, 2013) and the first convening of the House of Representatives (January 10, 2016). During

brought to justice (Lesotho); <b>Source of position:</b> A/HRC/28/16/Add.1			this period of time a number of serious human rights violations were committed, including the Republican Guard clashes and the dispersal of the Raba'a square sit-in.
166.119. Prosecute and punish possible crimes committed by security officers, especially the practice of torture (Spain); <b>Source of position:</b> A/HRC/28/16/Add.1	Supported	16. Right to an effective remedy, impunity 12.5. Prohibition of torture and cruel, inhuman or degrading treatment <b>Affected persons:</b> - general	Idem.
<b><i>Right or area: 36. Human rights defenders</i></b>			
166.245. Fully implement its international obligations to ensure the protection of human rights defenders and other civil society actors while exercising their human rights, including the freedoms of expression, association and assembly (Finland); <b>Source of position:</b> A/HRC/28/16/Add.1	Supported	36. Human rights defenders 7.1. Context, statistics, budget, cooperation with civil society 14.3. Freedom of opinion and expression 14.4. Right to peaceful assembly <b>Affected persons:</b> - general - human rights defenders	Not implemented. Numerous laws violate the enjoyment of the rights to freedom of expression and association, including but not limited to the Media Law (Law No. 180 of 2018), the Cybercrime Law (Law No. 175 of 2018), the Protest Law (Law No. 107 of 2013), the NGO Law (Law No. 70 of 2017), and certain provisions of the Penal Code (including but not limited to Articles 80d and 178).