



EGYPT

AMNESTY INTERNATIONAL SUBMISSION FOR THE UN UNIVERSAL PERIODIC REVIEW 20TH SESSION OF THE UPR WORKING GROUP, OCTOBER-NOVEMBER 2014

FOLLOW UP TO THE PREVIOUS REVIEW

Amnesty International welcomed the human rights commitments made by Egypt during its first Universal Periodic Review (UPR) in 2010. However, successive governments since the “25 January Revolution” in 2011 have failed to implement these pledged reforms and have been responsible for serious, pervasive violations of human rights. Today, human rights in Egypt are in crisis.¹

In 2010, Egypt accepted a recommendation to ensure that the security forces acted with “restraint”.² Yet, since the 2011 uprising began, the security forces have used unnecessary and excessive force on an unprecedented scale, killing hundreds of peaceful protesters and others. In 2010, Egypt also accepted recommendations to combat torture, but torture continues to be used.³

Egypt further accepted recommendations to protect freedom of expression and association; however, it has not advanced, but continues to arbitrarily restrict these rights.⁴ Moreover, since it rejected recommendations to end prison terms for “acts damaging to an individual’s honour” and to revise legislation on journalists, Egypt has continued to prosecute and imprison journalists, activists and others for allegedly criticising state authorities, public officials or religion.⁵ Egypt also rejected a recommendation to allow NGOs to receive international funding without state approval, and has cracked down on NGOs which have done so.⁶

Egypt also accepted recommendations to promote freedoms of thought, conscience and religion and to address sectarian violence.⁷ However, religious minorities have faced continued discrimination in building and maintaining places of worship, as well as deadly sectarian attacks.

In addition, Egypt accepted a recommendation to strengthen efforts to ensure housing for all citizens.⁸ However, the authorities continue to forcibly evict residents from informal settlements and have failed to remedy the plight of thousands of slum-dwellers who live in unsafe areas that threaten their lives and health.

Egypt did not answer recommendations to respond positively to requests by UN Special Procedures to visit the country.⁹ In practice, it continues to deny them access. Egypt also rejected a recommendation to ratify UN complaints mechanisms.¹⁰

Egypt also rejected a recommendation to develop campaigns to promote tolerance and eliminate gender-based discrimination.¹¹ Since then, women have continued to face discrimination in law and practice, as well as high levels of sexual and other gender-based violence.

THE NATIONAL HUMAN RIGHTS FRAMEWORK

The Constitution

The 2014 Constitution contains improved human rights guarantees, although these are insufficient to meet Egypt's international human rights obligations. The Constitution does not establish the supremacy of international law over national legislation and fails to address endemic human rights problems such as prohibiting military trials of civilians and forced evictions.¹²

Legislative framework and policy

National law facilitates human rights violations by the security forces. The Penal Code does not effectively criminalize torture in accordance with international law and standards.¹³ The law also allows the security forces to use unnecessary and excessive force, including lethal force.¹⁴

Despite lifting the state of emergency in May 2012, the authorities have maintained emergency-style legislation in national law.¹⁵ The Anti-Terrorism Law (Law 97 of 1992) contains an overly broad definition of terrorism, and the authorities are drafting more repressive legislation, apparently to suppress the Muslim Brotherhood.¹⁶ Both the Constitution and Code of Military Justice (Law 25 of 1966) provide for unfair trials of civilians before military courts. The Code of Criminal Procedures also provides for extended periods of preventive detention without formal charge or trial.¹⁷

Egyptian law also facilitates impunity for human rights violations. The Code of Criminal Procedures fails to require the separation of investigation and prosecution roles and the law mandates police officers to collect evidence of alleged crimes, enabling them to tamper with evidence or withhold information, and undermining the principle that investigations into allegations of serious human rights violations must be independent and impartial.¹⁸ The Constitution and Code of Military Justice also give the military judiciary jurisdiction over alleged human rights violations by the army.¹⁹

National law restricts rights to freedom of expression, association and assembly. The Penal Code criminalizes defamation of public officials and religion.²⁰ The Law on Associations (Law 84 of 2002) restricts human rights organizations' legal registration and international funding; successive governments have considered adopting even more restrictive legislation.²¹ In November 2013, the president approved Law 107 of 2013, restricting the right to peaceful assembly.

National law also fails to uphold the rights to work and to form and join trade unions. Successive governments have not implemented a system for a fair minimum wage.²² The Law on Trade Unions (Law 35 of 1976) mandates a single national trade union federation to which all trade unions must belong. The Penal Code and other legislation punish striking workers with imprisonment and heavy fines.²³

Women and girls continue to face discrimination in law and in practice. The Personal Status Law discriminates against women in marriage, divorce and custody rights; under the Inheritance Act (Law 77 of 1943) women only receive half the inheritance of men. Government policies, such as removing electoral quotas in 2011, have adversely affected women's right to participate in public life.

The authorities have failed to pass legislation or adopt effective policies to combat sexual and gender-based violence. The Penal Code does not adequately define the crime of rape and criminalizes adultery.²⁴ In December 2011, an administrative court banned forced "virginity testing". Although national law prohibits female genital mutilation (FGM), women and girls continue to face this abuse in practice.²⁵ The Penal Code prohibits abortion in all cases.

The authorities continue to use the Law on Debauchery (Law 10 of 1961) to criminalize consensual sexual relations between individuals in private.

Egyptian law and policies also discriminate against religious minorities. Coptic Christians face restrictions in building and maintaining places of worship.²⁶ Law 263 of 1960 criminalizes the "public activities" of the Bahá'ís.

The law also does not fully guarantee the right to adequate housing, or protect those living in informal settlements,

including against forced evictions.²⁷

Egyptian law continues to provide for the death penalty for a wide range of offences.

National Council for Human Rights

The authorities established the National Council for Human Rights (NCHR) in 2003.²⁸ Since October 2011, the International Co-ordinating Committee of National Institutions for the Promotion and Protection of Human Rights has repeatedly deferred accrediting the NCHR, citing concerns over the lack of criteria for selecting appointees.²⁹

Failure to co-operate with the UN treaty bodies and Special Procedures

Egypt has yet to facilitate the visits of a number of UN human rights experts, such as the Special Rapporteurs on torture, on freedom of assembly and of association, and on extrajudicial, summary or arbitrary executions, and the Working Group on arbitrary detention.³⁰ The authorities are routinely late in reporting to treaty bodies.³¹

THE HUMAN RIGHTS SITUATION ON THE GROUND

Excessive and unnecessary use of force

Since the 2011 uprising, the security forces have repeatedly used unnecessary and excessive, including lethal, force to disperse demonstrations, causing hundreds of deaths. During the "25 January Revolution", the security forces killed at least 840 demonstrators and others, as well as a number of prisoners. Since the ousting of President Morsi on 3 July 2013, over 1,400 people have died in protests and political violence, many due to excessive and unnecessary force by the security forces.³²

On 14 August 2013, the security forces used excessive, including lethal, force to disperse pro-Morsi protests at al-Nadha in Giza and at Rabaa al-Adawiya Square in Nasr City; at the latter, at least 550 protesters and eight security forces died in the ensuing violence.³³

Torture and other ill-treatment

Since the 2011 uprising, detainees have continued to report torture or other ill-treatment by the security forces upon arrest and in detention. Under the rule of the Supreme Council of the Armed Forces (the SCAF), military personnel also tortured detainees.³⁴

Lack of due process, unfair trials and selective justice

Since July 2013, the security forces have arrested thousands of Morsi supporters, detaining many without access to lawyers, families and any means to challenge the lawfulness of their detention.³⁵ Under the SCAF, military courts have tried thousands of civilians unfairly; such unfair trials continue today.³⁶

Successive governments have used the judicial system to target their political opponents and government critics, launching politically motivated criminal investigations and prosecutions.³⁷ In contrast, the Public and Military Prosecutions have largely ignored systemic human rights violations by the security forces and army.

Attacks by armed groups and political violence

Since 3 July 2013, armed groups have increasingly attacked army checkpoints, security personnel and government buildings and, in some cases, ordinary Egyptians and foreign tourists.³⁸ Both supporters and opponents of Mohamed Morsi have committed serious human rights abuses in the political violence that preceded and followed his ousting in July 2013.³⁹

Impunity for human rights violations

There is near-total impunity for human rights violations by the security forces and the army, including for those committed during and since the 2011 uprising. Public Prosecution investigations into violations by the security forces have not been independent, impartial or effective; when, exceptionally, authorities have prosecuted police officers for human rights violations, the courts have generally acquitted them.⁴⁰ Military-led investigations into human rights violations by the army have also failed to deliver truth and justice.⁴¹ Such investigations have not held senior officials criminally accountable for human rights violations.

Both the SCAF and Mohamed Morsi suppressed the findings of the fact-finding committees they appointed to investigate human rights violations.⁴² The fact-finding committee appointed by President Adly Mansour in December 2013 lacks the mandate and powers to conduct effective investigations.⁴³ In January 2014, the minister for transitional justice declared that the time is not right for transitional justice.⁴⁴

Freedoms of expression, association and assembly

Since the uprising, journalists and activists have faced criminal investigation and prosecution for criticising the authorities, public officials or religion. Some journalists have also faced unfair military trials.⁴⁵

Successive governments have maintained arbitrary restrictions on the registration, funding and activities of NGOs, and the security forces have raided NGO offices. In June 2013, a criminal court convicted 43 people of working at unregistered NGOs and receiving international funding without government approval.⁴⁶

Since November 2013, the security forces have enforced the assembly law, regularly dispersing demonstrations and detaining protesters for peacefully exercising their right to freedom of assembly. Some of the protesters now face prison.⁴⁷

The right to work and trade union rights

The security forces have forcibly dispersed striking workers picketing their places of work, such as in May 2013, and striking workers have faced criminal prosecution, such as in June 2011 and September 2012.⁴⁸

Sexual and gender-based discrimination and violence

Women continue to face discrimination in public life and their right to work.⁴⁹ For decades, women have been excluded from representation in law-making bodies, the government and the judiciary. During SCAF rule, women protesters faced state violence from the army and security forces, including forced "virginity tests" in March 2011.⁵⁰ Women and girls continue to face high levels of sexual harassment and, since late 2012, women protesters have faced repeated sexual attacks around Cairo's Tahrir Square.⁵¹

Since the 2011 uprising, Amnesty International has continued to document instances where individuals have faced arrest and criminal charges on the basis of their real or perceived sexual orientation.

Religious minorities

Religious minorities have reported an upsurge in discriminatory attacks. Coptic Christians have faced rising violence, culminating on 14 August 2013, with dozens of attacks on churches, businesses and homes in which the security forces failed to intervene.⁵² Shi'a Muslims have also faced attacks.⁵³

The right to adequate housing

The authorities have failed to uphold the right to adequate housing for residents of informal settlements. The authorities have taken measures to identify and address unsafe areas, but have yet to evacuate some hazardous areas and re-house the residents. The authorities continue to carry out forced evictions in slums; plans to develop the Greater Cairo region by the 2050s may also lead to mass forced evictions.⁵⁴

Refugees, asylum-seekers and migrants

The Egyptian authorities do not respect the rights of refugees, asylum-seekers and migrants in Egypt. The security forces regularly arrest refugees, asylum-seekers and irregular migrants crossing into Egypt, sometimes using excessive force

against them.⁵⁵ Sudanese activists in Egypt have faced harassment and threats of *refoulement*.⁵⁶ Recently, refugees from Syria have faced arbitrary arrests and unlawful detention, and some have faced *refoulement*.⁵⁷ The authorities have failed to end human rights abuses by criminal groups holding refugees, asylum-seekers and migrants captive in the Sinai Peninsula.⁵⁸

The death penalty

The courts have continued to hand down hundreds of death sentences, some in absentia. At least one execution took place in October 2011. In some cases, military courts have sentenced civilians to death.⁵⁹

RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

Amnesty International calls on the government of Egypt to:

Excessive and unnecessary force

- Instruct the security forces to restrict their use of force to when strictly necessary and only to the extent required for the performance of their duty, and to ensure that firearms are used only in response to an imminent threat of death or serious injury, and as a last resort. Intentional lethal force may be used only when strictly unavoidable to protect life.

Torture and other ill-treatment

- Ensure that all those detained are protected from torture or other ill-treatment, and that detention conditions meet international standards;
- Establish a mechanism for independent, unrestricted and unannounced visits to any places of detention;
- Bring the crime of torture in national law into conformity with the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Due process and unfair trials

- Give all detainees prompt and regular access to their legal representatives, families and any medical assistance they may require;
- Ensure that all those detained on recognizably criminal charges are tried in proceedings that fully conform with international fair trial guarantees, without recourse to the death penalty;
- Cease trying civilians before military courts;
- Repeal the Anti-Terrorism Law (Law 97 of 1992) or else amend it to be consistent with international standards.

Impunity

- Ensure that investigations into human rights violations are impartial, independent and effective, and conducted in conformity with human rights law and standards;
- Ensure investigative mechanisms have powers of subpoena, search and seizure, and can compel officials to testify;
- Make the findings of any investigation public and bring those responsible for serious human rights violations, regardless of their rank, to justice in fair trials and without recourse to the death penalty;
- Provide the Human Rights Council with regular updates on the progress of these investigations.

Freedoms of expression, association and assembly

- Immediately and unconditionally release all prisoners of conscience detained solely for peacefully exercising their rights to freedoms of expression, association and assembly;

- Repeal provisions of the Penal Code that arbitrarily restrict peaceful expression, or amend them in line with international law and standards;
- Repeal Law 84 of 2002 or else amend it so that it complies with international standards and does not place undue restrictions on NGO registration, funding or activities;
- Repeal Law 107 of 2013 on public assemblies or amend it to ensure compliance with international law and standards.

The right to work and trade union rights

- Set up and enforce a system to ensure a fair minimum wage;
- Allow workers to organize freely and to form and join independent trade unions.

Sexual and gender-based discrimination and violence

- Introduce legal provisions to combat rape and other forms of sexual and gender-based violence in line with international law;
- Amend all laws and policies which discriminate against women and girls and ensure that they conform with international standards;
- Implement policies to promote the full and equal participation of women in public, political and professional life, including by instituting temporary special measures;
- End the arrest and prosecution of people for their real or perceived sexual orientation or gender identity and repeal laws criminalizing consensual sex between adults in private.

Discrimination and violence against religious minorities

- Take immediate measures to protect Coptic Christians and members of other minorities who face discrimination and violence;
- Amend all discriminatory laws and practices to ensure full conformity with the International Covenant on Civil and Political Rights.

The right to adequate housing

- Enact and enforce a clear prohibition on forced evictions;
- Ensure a minimum degree of security of tenure for all to protect against forced eviction;
- Ensure genuine consultation with all potentially affected people when developing plans for unsafe areas, slums and the "Cairo 2052" plan.

Refugees, asylum-seekers and migrants

- Allow asylum-seekers meaningful access to the Office of the UN High Commissioner for Refugees and afford them international protection;
- Halt ongoing abuses against refugees, asylum-seekers and migrants in the Sinai.

The death penalty

- Impose an immediate moratorium on executions, commute all death sentences and reduce the number of crimes punishable by death with a view to abolition of the death penalty.

Co-operation with UN mechanisms

- Implement recommendations by UN treaty bodies and Special Procedures, issue a standing invitation to the UN Special Procedures and facilitate immediately all visits requested by them;
- Ratify or accede to the international human rights treaties to which Egypt is not a state party, as well as the Rome Statute, and implement them in national law.

ENDNOTES

¹ This submission to the UN UPR on Egypt covers events from the “25 January Revolution”, from 25 January 2011 to 11 February 2011; the rule of the Supreme Council of the Armed Force (the SCAF), from 11 February 2011 to 30 June 2012; the rule of President Mohamed Morsi, from 30 June 2012 to 3 July 2013; and the ongoing rule of the interim authorities under President Adly Mansour.

² Egypt claimed that it had either already implemented the recommendation, or was in the process of doing so. See: Recommendation 95.118 (USA) and explanatory paragraph 96, *Report of the Working Group on the Universal Periodic Review* Egypt* (UN Doc: A/HRC/14/17), Working Group on the Universal Periodic Review, United Nations Human Rights Council, 26 March 2010: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/125/48/PDF/G1012548.pdf?OpenElement>

³ Egypt accepted a number of state recommendations on combating torture. See: A/HRC/14/17, Recommendations 95.9 (Japan); 95.35 (Austria); 95.36 (Switzerland); 95.39 (Switzerland); 95.84 (France).

Egypt stated it had already implemented other state recommendations to combat torture, or was in the process of doing so. See: A/HRC/14/17, Recommendations 95.92 (Czech Republic); 95.94 (Switzerland); and explanatory paragraph 96.

Egypt deferred several other recommendations on combating torture until the 14th session of the Human Rights Council in June 2010. See: A/HRC/14/17, Recommendations 99.3 (Czech Republic); 99.5 (Switzerland); 99.7 (Brazil); 99.8 (Chile); 99.9 (France); 99.10 (Netherlands); 99.11 (Spain); 99.13 (Spain); 99.14 (Ireland); 99.15 (Germany); 99.17 (Spain); 99.18 (Ireland); 99.19 (Sweden); and 99.21 (Belgium). In June 2010, Egypt stated that it was rejecting Recommendations 99.3, 99.5 and 99.9, which called on it to accede to the Optional Protocol to the Convention Against Torture (OPCAT), citing “complex legal issues”. Egypt stated it was “partly accepting” Recommendations 99.7 and 99.8, urging it to accede to or ratify international human rights treaties to which it was not a state party, but repeated its reservations over joining the OPCAT. Egypt noted Recommendations 99.10, 99.17, 99.18, 99.19 and 99.21, which urged it to facilitate the visit of the Special Rapporteur on torture, and other cruel, inhuman and degrading treatment or punishment, but stated it “would be difficult to a specific early date for this visit” and that it was studying requests “on a case by case basis”. Egypt further stated that it would consider Recommendation 99.11, urging it to give the Special Rapporteur on the promotion and protection of human rights while countering terrorism access to detention centers, at the “appropriate time”. Egypt stated it would present Recommendations of 99.13, 99.14 and 99.15 to amend the definition of torture in national law to parliament. As of March 2014, the Egyptian authorities have yet to bring the definition of torture in national law in line with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. See: *Report of the Working Group on the Universal Periodic Review* Egypt: Addendum: Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review* (UN Doc: A/HRC/14/17/Add.1), Working Group on the Universal Periodic Review, United Nations Human Rights Council, 7 June 2010, para3-5, 8-9, 10, 12-14, 15-17 and 21: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/140/72/PDF/G1014072.pdf?OpenElement>

⁴ Egypt supported a state recommendation to ensure its legislation complied with the International Covenant on Civil and Political Rights for “bloggers and public access to Internet”. See: A/HRC/14/17, Recommendation 95.10 (Czech Republic). Egypt supported some state recommendations on freedom of expression, claiming that it had already implemented them or was in the process of implementing them. See: A/HRC/14/17, Recommendations 95.86 (Norway); 95.100 (Germany); 95.101 (Canada); 95.102 (Chile); 95.103 (Netherlands); 95.104 (Ireland); and 95.105 (Sweden).

⁵ Egypt rejected state recommendations to end prison terms for criminal defamation or “incitement to discrimination regarding sex, origin, language, religion or belief, and for acts damaging to an individual's honour”: See: A/HRC/14/17, Recommendations: 97.3 (USA); and 97.14 (Ireland). Egypt further rejected as “factually inaccurate” a recommendation to release bloggers and activists detained under the Emergency Law and political activists. See: A/HRC/14/17, Recommendation 98.2 (USA).

Egypt deferred a state recommendation to release people detained for exercising their right to freedom of expression on the Internet to June 2010. It then accepted the recommendation in principle, but claimed that there it knew of no cases. See: A/HRC/14/17, Recommendation 99.4 (Sweden); and A/HRC/14/17/Add.1, para6.

⁶ Egypt accepted a state recommendation to consult widely with NGOs and give them a substantive role in drafting any new NGO law. See: A/HRC/14/17, Recommendation 95.38 (Ireland).

Egypt stated it was in the process of implementing, or had already implemented, other state recommendations to review the NGO law and bring it in line with international law and standards. See: A/HRC/14/17, Recommendations 95.102 (Chile); 95.88 (Spain); 95.106 (Norway); and 95.107 (Germany).

Egypt rejected a recommendation to allow NGOs to receive international funding without government approval. See: A/HRC/14/17, Recommendation 97.10 (USA).

⁷ Egypt accepted several state recommendations calling for it to promote freedom of thought, conscience and religion: See: A/HRC/14/17, Recommendations 95.40 (Finland) and 95.47 (Armenia).

Egypt claimed that it had implemented other recommendations on ending discrimination and sectarian violence, or else was in the process of doing so. See: A/HRC/14/17, Recommendations 95.90 (Austria); 95.96 (Finland); 95.97 (Germany); 95.98 (Chile); 95.99 (Austria); and 95.119 (USA).

Egypt deferred other recommendations on discrimination against religious minorities until June 2010, when it stated it would "partly accept" recommendations to allow Coptic Christians to build and maintain places of worship and further accepted a state recommendation to allow Bahá'ís to obtain official documents. See: A/HRC/14/17, Recommendations 99.1 (Netherlands); 99.2 (USA); and 99.25 (USA); as well as A/HRC/14/17/Add.1, para1-2 and para25.

⁸ See: A/HRC/14/17, Recommendation 95.52 (Saudi Arabia).

⁹ See: A/HRC/14/17, Recommendations 99.10 (Netherlands); 99.18 (Ireland); 99.19 (Sweden) on the visit of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and Recommendations 99.16 (Czech Republic); 99.17 (Spain); 99.18 (Ireland); 99.19 (Sweden); 99.20 (Spain); 99.21 (Belgium), calling for Egypt to facilitate visits by Special Procedures. In June 2010, Egypt stated it was studying the requests on a "case by case" basis, but did not accept or reject some recommendations and stated it "partially accepted" others. See: A/HRC/14/17/Add.1, para15-17 and para18-21.

¹⁰ See: A/HRC/14/17, Recommendation 99.6 (Austria) and A/HRC/14/17/Add.1, para7.

¹¹ See: A/HRC/14/17, Recommendation 97.4 (Czech Republic).

¹² For a fuller analysis of the 2014 Constitution, see: Amnesty International, *Egypt constitution draft – improved text amid ongoing violations* (Index: MDE 12/076/2013), 9 December 2013: <http://www.amnesty.org/en/library/info/MDE12/076/2013/en>

¹³ For a fuller analysis, see: Amnesty International, "Prohibition of torture and other ill-treatment", in "4. The case for police reform", *Agents of repression: Egypt's police and the case for reform* (Index: MDE 12/029/2012), 2 October 2012, pp31-33: <http://www.amnesty.org/en/library/info/MDE12/029/2012> (Amnesty International, *Agents of repression*).

¹⁴ For a detailed analysis of the laws, see: Amnesty International, "Freedom of assembly and states' obligations when policing protests" in "4. The case for police reform", *Agents of repression*, pp27-31; as well as Amnesty International, *Egypt: New protest law gives security forces free rein*, 25 November 2013: <http://www.amnesty.org/en/news/egypt-new-protest-law-gives-security-forces-free-rein-2013-11-25>

¹⁵ The authorities have also continued to impose limited states of emergency in times of unrest, for example between August to November 2013.

¹⁶ For an analysis of the current law, see: Amnesty International, "Egypt's counter-terrorism laws", *Egypt: Systematic abuses in the name of security* (Index: MDE 12/001/2007), 11 April 2007, pp7-9: <http://www.amnesty.org/en/library/info/MDE12/001/2007> (Amnesty International, *Systematic abuses*).

For concerns about the draft law, see: Amnesty International, "3. Policing and impunity", *Egypt: Roadmap to repression: No end in sight to human rights violations* (Index: MDE 12/005/2014), 23 January 2014, pp28-29: <http://www.amnesty.org/en/library/info/MDE12/005/2014/en> (Amnesty International, *Roadmap to repression*).

¹⁷ For a fuller explanation, see: Amnesty International, "Public Prosecution's special powers" in "4. Unfair trials", *Systematic abuses*, p23.

¹⁸ For a detailed analysis of the law and its shortcomings, see: Amnesty International, "The 'festival of acquittal for all'", *Egypt: Rampant impunity: Still no justice for protestors killed in the '25 January Revolution'* (Index: MDE 12/004/2013), 24 January 2013, pp8-11: <http://www.amnesty.org/en/library/info/MDE12/004/2013/en> (Amnesty International, *Egypt: Rampant impunity*).

¹⁹ Article 204 of the Constitution gives jurisdiction over crimes linked to the armed forces to military courts. Article 48 of the Code of Military Justice (Law 25 of 1966, as amended) allows the military judiciary to determine its own jurisdiction. The article is the subject of a legal challenge.

²⁰ In August 2012, Mohamed Morsi issued a decree to end preventive detention for journalists accused of committing “criminal acts involving newspapers”, but in practice the Prosecution has ordered the detention of journalists on a wide range of other charges, including terrorism-related offences. See, for example: Amnesty International, *Grave risk to media freedom in Egypt as journalists face ‘terror charges’* (Index: PRE01/053/2014), 29 January 2014: <http://www.amnesty.org/en/for-media/press-releases/grave-risk-media-freedom-egypt-journalists-face-terror-charges-2014-01-29>

²¹ See, for example: Amnesty International, *Egypt: Amnesty International concerns: Law on associations* (Index Number: MDE 12/025/2013), 29 May 2013: <http://www.amnesty.org/en/library/info/MDE12/025/2013/en>

²² See: Amnesty International, “Article 7 – The right to work”, *Egypt: Submission to the UN Committee on Economic, Social and Cultural Rights, 51st Session, November 2013* (Index: MDE 12/049/2013), October 2013, pp8-9: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=INT%2fCESCR%2fNGO%2fEGY%2f15542 (Amnesty International, *Submission to the UN Committee on Economic, Social and Cultural Rights*).

²³ For an analysis of the legislation, see: Amnesty International, “Article 8 – Trade union rights”, *Submission to the UN Committee on Economic, Social and Cultural Rights*, pp10-12.

²⁴ The Penal Code only defines rape as the non-consensual penetration of a vagina by a penis, but excludes anal or oral penetration; penetration with objects; and the rape of boys and men. The Penal Code does not explicitly criminalize marital rape. The Penal Code also provides “adulterous” husbands with more lenient sentences than “adulterous” wives.

²⁵ For an analysis, see, for example: Amnesty International, “Article 12 – The right to health”, *Submission to the UN Committee on Economic, Social and Cultural Rights*, p20. See also: “Chapter 15: Female circumcision”, El-Zanaty, Fatma and Ann Way. 2009. “Egypt Demographic and Health Survey 2008”. Cairo, Egypt: Ministry of Health, El-Zanaty and Associates, and Macro International: <http://dhsprogram.com/pubs/pdf/FR220/FR220.pdf>; and “Convincing Egyptian Doctors to ‘Do No Harm’”, UNFPA, 7 May 2010: <http://www.unfpa.org/public/home/news/pid/5566>

²⁶ Coptic Christians still require presidential decrees to build new churches. Presidential Decree 391 of 2005 made the repair, expansion or building of churches subject to a permit from the regional governor. In February 2013, an administrative court ruled against the decree following a lawsuit filed by a Coptic Christian lawyer. However, the authorities have yet to take steps to implement the ruling effectively.

²⁷ Legislation allowing for forced evictions includes provisions in the Civil Code; the Law on Local Government (Law 43 of 1979); the Law on Agriculture of 1966; the Penal Code; the Law on Expropriation for the General Interest; and the Law on Building. For a fuller analysis, see: Amnesty International, “Article 11 – The right to an adequate standard of living”, *Submission to the UN Committee on Economic, Social and Cultural Rights*, pp13-15.

²⁸ The authorities established the council under Law 94 of 2003 Promulgating the National Council for Human Rights. See: <http://www.nchregypt.org/index.php/en/about-us/establishment.html>

²⁹ The NCHR was still awaiting accreditation at time of writing. See: “Chart of the status of national institutions accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights: Accreditation status as of 28 January 2014”, International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, 28 January 2014: <http://nhri.ohchr.org/EN/Contact/NHRIs/Documents/Chart%20of%20the%20Status%20of%20NHRIs%20%2828%20January%202014%29.pdf>; and: “Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA) Geneva, 13-16 May 2013”, International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, May 2013: <http://nhri.ohchr.org/EN/AboutUs/ICC Accreditation/Documents/Report%20May%202013-Consolidated-English.pdf>

³⁰ See list of outstanding requests at: <http://www2.ohchr.org/english/bodies/chr/special/countryvisitsa-e.htm>

³¹ Egypt has been overdue on reports to almost all treaty bodies. See full list of instruments and reporting status at: <http://www.unhcr.ch/tbs/doc.nsf/NewhvVAIISPRByCountry?OpenView&Start=1&Count=250&Expand=54#54>

³² For examples of the security forces' use of excessive and unnecessary force during the 2011 uprising, see: Amnesty International, "4. Excessive use of force against protesters" and "6. Killings of prisoners", *Egypt rises: Killings, detentions and torture in the '25 January Revolution'* (Index: MDE 12/027/2011), 19 May 2011, pp28-69 and pp82-89: <http://www.amnesty.org/en/library/info/MDE12/027/2011> (Amnesty International, *Egypt rises*).

For the rule of the SCAF, see: Amnesty International, "2. Maspero protests: assault of Copts", "3. Crackdown on Cabinet Offices sit-in" and "4. Violent dispersal of Abbaseya sit-in", *Brutality unpunished and unchecked*, pp11-16, pp17-22 and pp23-26; and: "2. Abuses during protests", *Agents of repression*, pp7-19.

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³³ Figure based on Amnesty International meetings with forensic authorities, and includes bodies examined separately at the Imam Mosque. Activists estimate the casualty numbers among protesters to be higher. In March 2014, the National Council for Human Rights stated that the death toll was 632, including eight police officers.

³⁴ For torture and other ill-treatment during the 2011 uprising, see: Amnesty International, "5. Arbitrary detentions and torture", *Egypt rises*, pp70-81.

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³⁵ See, for example: Amnesty International, *Egypt: Detained Morsi supporters denied their rights* (Index: PRE01/461/2013), 12 September 2013: <http://www.amnesty.org/en/for-media/press-releases/egypt-detained-morsi-supporters-denied-their-rights-2013-09-12>

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³⁶ While Mohamed Morsi issued an amnesty for civilians tried by military courts in October 2012, it did not apply to some 1,100 civilians. See: Amnesty International, *Egypt: President must go beyond decree and carry out greater human rights reform* (Index: PRE01/481/2012), 10 October 2012: <http://www.amnesty.org/en/for-media/press-releases/egypt-president-must-go-beyond-decree-and-carry-out-greater-human-rights-re>

³⁷ For the rule of the SCAF, see, for example: Amnesty International, "Freedom of expression threatened", *Broken promises: Egypt's military rulers erode human rights* (Index: MDE 12/053/2011), 22 November 2011, pp9-14: <http://www.amnesty.org/en/library/info/MDE12/053/2011/en> (Amnesty International, *Broken promises*).

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³⁸ See: Amnesty International, *Deadly bombing in Egypt's South Sinai condemned* (Index: MDE 12/009/2014), 17 February 2014: <http://www.amnesty.org/en/library/info/MDE12/009/2014/en>

³⁹ For the violent clashes around the presidential palace in December 2012, see: Amnesty International, "More protestors are killed since President Morsi's advent to power", *Egypt: Rampant impunity*, pp16-24.

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⁴⁰ See: Amnesty International, "The 'festival of acquittal for all'", *Egypt: Rampant impunity*, pp7-15.

⁴¹ See: Amnesty International, "7. An army above the law", *Brutality unpunished*, pp41-45.

⁴² For details, see: Amnesty International, *Egypt: Hold army accountable for abuses* (Index: MDE 12/019/2013), 16 April 2013: <http://www.amnesty.org/en/library/info/MDE12/019/2013/en>

⁴³ The fact-finding committee lacks the mandate to establish individual criminal responsibility, and to ensure co-operation from government officials and the security forces. For analysis, see: Amnesty International, "3. Policing and impunity", *Roadmap to repression*, p31.

⁴⁴ See "وزير العدالة الانتقالية: اتهام الإخوان بالمسئولية عن حادث المنصورة أمر سياسي استند لتصريحات قادتها" *al-Shorouk*, 3 January 2014: <http://www.shorouknews.com/news/view.aspx?cdate=03012014&id=05486of4-deb2-4812-a1c5-97cdb1ac112a>

⁴⁵ For the rule of the SCAF, see, for example: Amnesty International, "Freedom of expression threatened", *Broken promises*, pp9-14.

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⁴⁶ For arrests of human rights activists during the 2011 uprising, see: Amnesty International, *Human rights activists detained in Egypt* (Index: MDE 12/008/2011), 3 February 2011: <http://www.amnesty.org/en/library/info/MDE12/008/2011>

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⁴⁷ Those detained include both government critics as well as supporters of Mohamed Morsi. See, for example: Amnesty International, *Egypt: Further information: First jailings under new protest law* (Index: MDE 12/002/2014), 13 January 2014: <http://www.amnesty.org/en/library/info/MDE12/002/2014/en>; Amnesty International, *Egypt: Further information: Two protesters left in custody, others freed* (Index: MDE 12/074/2013), 6 December 2013: <http://www.amnesty.org/en/library/info/MDE12/074/2013/en>; and: Amnesty International, *Egypt must immediately and unconditionally release women protesters* (Index: PRE01/629/2013), 29 November 2013: <http://www.amnesty.org/en/for-media/press-releases/egypt-must-immediately-and-unconditionally-release-women-protesters-2013-11>

⁴⁸ For cases, see: "Article 8 – Trade union rights", Amnesty International, *Submission to the UN Committee on Economic, Social and Cultural Rights*, pp12.

⁴⁹ See disaggregated data in "Labor force" and "Public indicators", *Statistical Yearbook 2013*, Central Agency for Public Mobilization and Statistics (CAPMAS), September 2013: bit.ly/1eUPDVL; and bit.ly/168AGHH. For analysis, see "Article 3 – equal rights of men and women", Amnesty International, *Submission to the UN Committee on Economic, Social and Cultural Rights*, p8.

⁵⁰ For detailed information on sexual and gender-based violence against women under the rule of the SCAF, see "5. Sexual and gender-based violence against women activists", *Brutality unpunished*, pp27-32. In a meeting with Amnesty International's Secretary General in June 2011, the-then head of military intelligence stated that the army would no longer carry out forced "virginity tests" on women detainees. See: Amnesty International, *Egypt: Military pledges to stop forced 'virginity tests'* (Index: PRE01/321/2011), 27 June 2011: <http://www.amnesty.org/en/for-media/press-releases/egypt-military-pledges-stop-forced-virginity-tests-2011-06-27>

⁵¹ In April 2013, the findings of a survey released by UN Women (the United Nations Entity for Gender Equality and the Empowerment of Women) stated that 99.3 per cent of Egyptian women had experienced some form of sexual harassment. The findings were published by UN Women on Facebook: on.fb.me/19TeRjQ

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⁵² See: Amnesty International, *How long are we going to live in this injustice?: Egypt's Christians caught between sectarian attacks and state inaction* (Index: MDE 12/058/2013), 9 October 2013: <http://www.amnesty.org/en/library/info/MDE12/058/2013/en>; and: Amnesty International, *Egypt: 'There was no door on which I did not knock': Coptic Christians caught in attacks and state's failures* (Index: MDE 12/037/2013), 23 July 2013: <http://www.amnesty.org/en/library/info/MDE12/037/2013/en>

⁵³ See: Amnesty International, *Egypt: President Morsi must send clear message against attacks on Shi'a Muslims*, 24 June 2013: <http://www.amnesty.org/en/news/egypt-shia-killings-2013-06-24>

⁵⁴ For continued forced evictions under the interim authorities, see: Amnesty International, *Egypt: 1,200 families forcibly evicted in Cairo* (Index: MDE 12/010/2014), 21 February 2014: <http://www.amnesty.org/en/library/info/MDE12/010/2014/en>. For an overview of the situation, see Amnesty International, "Article 11 – the right to an adequate standard of living", *Submission to the UN committee on economic, social and cultural rights*, pp13-19; Amnesty International, *Egypt: 'We are not dirt': Forced evictions in Egypt's informal settlements* (Index: MDE 12/001/2011), 23 August 2011: <http://www.amnesty.org/en/library/info/MDE12/001/2011>; and: Amnesty International, *Buried alive: Trapped by poverty and neglect in Cairo's informal settlements* (Index: MDE12/009/2009), 17 November 2009: <http://www.amnesty.org/en/library/info/MDE12/009/2009>

⁵⁵ See for example, Amnesty International, "Refugees, asylum-seekers and migrants failed", *Broken promises: Egypt's military rulers erode human rights* (Index: MDE 12/053/2011), 22 November 2011, pp41-45: <http://www.amnesty.org/en/library/info/MDE12/053/2011/en>

⁵⁶ Amnesty International, *Repression still stalks Sudanese activists who sought safety in Egypt*, 18 January 2013: <http://www.amnesty.org/en/news/repression-still-stalks-sudanese-activists-who-sought-safety-egypt-2013-01-17>; and: Amnesty International, *Egypt: Further information: Darfuri refugee resettled in Norway* (Index: MDE 12/023/2012), 12 July 2012: <http://www.amnesty.org/en/library/info/MDE12/023/2012/en>

⁵⁷ Amnesty International, *Egypt: 'We cannot live here any more': Refugees from Syria in Egypt* (Index: MDE 12/060/2013), 17 October 2013: <http://www.amnesty.org/en/library/info/MDE12/060/2013/en>

⁵⁸ Amnesty International, *Egypt/Sudan: Refugees face kidnapping for ransom, brutal treatment and human trafficking* (Index: AFR 04/001/2013), 3 April 2013: <http://www.amnesty.org/en/library/info/AFR04/001/2013/en>

⁵⁹ See: Amnesty International, *Death sentences and executions in 2011* (Index: ACT 50/001/2012), 27 March 2012: <http://www.amnesty.org/en/library/info/ACT50/001/2012/en>; and: Amnesty International, *Death sentences and executions in 2012* (Index: ACT 50/001/2013), 10 April 2013: <http://www.amnesty.org/en/library/info/ACT50/001/2013/en>. At time of writing, Amnesty International has not released its report on death sentences and executions in 2013.