

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

The Egyptian Organization for Human Rights (EOHR) was registered at the Ministry of Social Affairs in 2003 under registration No. 5220/2003. EOHR was granted special consultative status with the United Nations Economic and Social Council in 2006. In this report EOHR provides an evaluation of the legislation of the Egyptian Government, monitors and analyzes the human rights situation in Egypt.

First: The Legislative Structure:

Egyptian legislation has not been amended in accordance with international human rights conventions; therefore, the legislative structure has, until now, many laws restricting fundamental rights and public freedoms. This can be illustrated as follows:

1. Emergency Law No. 162 of 1958:

In May 2008, the Egyptian Parliament decided to extend this law for two more years. The state of emergency in Egypt has been in existence since 6th October 1981, and will not be up for vote until June 2010. Since the establishment of EOHR, it has worked to stress the seriousness of this law and has revealed its serious effects on human rights in Egypt. According to the Emergency Law, exceptional courts have been established. Its rulings and decisions cannot be appealed against. These courts focus on crimes that go against the decisions of the President of the Republic, and it lacks guarantees of trying individuals before an independent judiciary. The Emergency law has imposed restrictions on the freedom of Assembly, movement, residency and passage in certain times and places, despite the fact that freedom of assembly and the prohibition of the interference of security officers in these meetings is a constitutional right. The State of Emergency provides a dangerous environment for the perpetration and spread of torture, as it gives government security forces authority to use violence under the pretext of preserving security and order, which results in the spread and adoption of violence as a method for police officers while dealing with citizens.

2. A New Anti-Terrorism Law:

In this context, the Egyptian government is creating a new Anti-Terrorism law that intends to solidify the violation of basic rights and freedoms of Egyptian citizens which are guaranteed to them under the provisions of the Constitution and international covenants on human rights. The new draft law, which was leaked by Egyptian newspapers, is the newest endorsement of a police state supported by constitutional violations of the regime. The new draft law not only violates the Constitutional Articles 41 and 44, but also violates Article 8 which guarantees the principle of equal opportunity, Article 40 on equality, Article 47 on freedom of opinion and expression, Articles 48, 206, 207, 208 on freedom of the press, Article 57 which criminalizes any infringement on human liberty, Article 66 on punishment, Article 67 which assumes innocence until

proven guilty and Article 68 which guarantees the right to representation before an independent judiciary..

3. The Legislative inadequacy in combating torture:

Torture in Egypt is widespread and works on a systematic level in prisons and police stations. The legislative structure in Egypt provides a suitable environment for the spread and use of torture, as there is no guaranteed punishment for anyone committing such a crime. Article 126 is inconsistent with the International Convention Against Torture, ratified by the Egyptian government in 1986. According to Article 126, torturing defendants is not considered a crime, it only punishes the public employee. It does not penalize, approval or acquiescence of torture as described in Article I of the Convention. In light of this comparison, Article 126 of the Penal Code only deals with only one case of torture – when a public official tortures a defendant in order to obtain a confession. The Penal Code also provides safeguards to the offender to escape punishment when the penalties are not deterring (Article 129) as well as Article 63 of the Penal Code which provides greater protection to public officials.

4. The right to peaceful assembly:

This right is being widely violated by two main laws:

First: The law of Assembly No. 10 of 1914, which punishes the assembly of five or more people. Further, it is an exceptional law and is similar to customary law as it gives absolute powers to the executive branch to limit the right to peaceful assembly and demonstrations.

Second: The Law of Meeting and Demonstration No. 14 of 1923, which includes three main rules that restrict the fundamental right to association through 1) The need to notify the police prior to a meeting (Article II) 2)The right of Police to prohibit a meeting before it is convened (Article IV). 3) The right of Police to attend and dissolve a meeting while it is convened.

5- Freedom of Opinion and Expression:

There is a set of laws that hamper the freedom of opinion and expression in general and freedom of the press in particular, among these laws is law No. 96 of 1996 on organization of the press and its regulations imposes restrictions on the freedom of news agencies and its ownership. Law No. 159 of 1981, on Share-holding companies, amended by law No. 3 of 1998 which requires the approval of the Prime Minister to establish a newspaper, also hinder freedom of the press. Additionally Law of Publications No. 20 of 1936 allows the administrative body to interfere in the matters of the press and publications.

There are also laws restricting the right to access to information, circulation and publication. The laws solidify the Egyptian Government's monopoly on information. Among these laws is law No. 121 of 1975, which deals with the prohibition of the use or publication of official documents, Penal Code No/ 58 of 1937 with its various

amendments, especially law No. 29 of 1982, law No. 199 of 1983, law No. 97 of 1992, law No. 93 of 1995 and law No. 153 of 2006.

6. The Right to Assembly and Organization:

Parties:

Partisan law No. 40 of 1977, with its amendments made by law No. 177 of 2005, includes further restrictions illustrated as follows:

Adherence to the principle of conditional license instead of notification.

The wide powers of the Party's Committee in the establishment and dissolution of parties. The Committee has the power to determine the extent to which "parties abide by the rules of internal democracy.

Associations:

Law of NGOs No. 84 of 2002 imposes many restrictions on civil work in Egypt through giving broad powers to the administration to restrict the right to association. Additionally, associations are limited through the prohibition of activities of associations and institutions, restrictions on the right to litigation, activity risks through funding, confiscating the powers of the General Assembly, interfering in the affairs of the Board of Directors, dissolving associations according to an administrative decision of a minister, penalties that deprive from the freedom of voluntary work and joining international alliances.

Labor Unions:

Law No. 35 of 1976 and its implementing decisions are considered legislative measures which impose a kind of supervision and intervention of the government on the freedom of unions, the right of workers in forming union's organizations either in establishing their own constitutions, regulations, and electing their representatives freely and independently, as well choosing its activities, programs or their right in forming unions and joining it.

7. The Right to Just and Fair Trials:

The government's ability to refer civilians to military courts is yet another example of violations against the right to just and fair trials. It not only contradicts with international conventions on human rights, but also with law No.25 of 1966 amended by law No.1 of 1983 which specifies the specializations and authorities and formation of the Military Courts. This law violates the principle of unity and coherence of the judiciary, takes over the work of ordinary courts and deprives individuals from their ensured guarantees to be judged before an independent court. The law provides "the expanding of the Military courts to include ordinary citizens working in the armed forces as well as the crimes of state security provided in Chapter I and II of the Penal Code".

8. The Right to Managing Public Affairs:

This right is severely violated, despite being guaranteed under Article 62 of the Constitution and international covenants. In the light of weak political participation due to the lack of real guarantees of impartiality of elections and referendums, in addition to the absence of an independent and full judicial supervision over elections which is one of guarantees of free and fair elections, the administration has the power to manipulate the will of its citizens and rigs elections.

Second: Human Rights Situations in Egypt:

Civil and Political Rights:

The right to the safety of the body and the right to life:

Torture in Egypt became very widespread over the past few years and cases of torture increase every year. According to the cases monitored by EOHR from 2000 until April 2009, the number of cases reached 285 cases of torture and 118 deaths due to torture. In 2007, 3 cases of death due to tortured and 40 cases of torture were monitored and in 2008, 17 cases of deaths and 46 cases of torture were recorded, while from January to April 2009 EOHR recorded 5 deaths and 10 cases of torture.

The Right to Personal Freedom and Security:

Through the observation of cases of oppression and arbitrary detention by EOHR over the past three years, there has been 89 cases of oppression and arbitrary detention; in 2007 there were 15 cases of arbitrary detention and 2 cases of oppression, in 2008 there were 14 cases of arbitrary detention and 14 cases of oppression, while from January to April 2009, 13 cases of arbitrary detention and 9 cases of oppression were observed.

The Conditions of Prisoners and Detainees:

EOHR has found that the fair treatment of prisoners is deteriorating throughout Egypt due to malnutrition, cells packed with disease, lack of specialized doctors, ill-equipped hospitals, banning visits, and banning education. EOHR monitored 26 cases of poor health-care, 2 deaths, 11 cases of ill-treatment and 1 case of prevention of education in 2007. In 2008 there were 20 cases of poor health-care, 2 deaths, 6 cases of ill-treatment and 1 case of prevention of education. From January to April 2009 there were 8 cases of poor health-care, 1 death and 6 cases of ill-treatment. With regards to arrests, most political prisoners suffer from repeated arrests. They may remain in prisons up to 20 years, suffer harsh mistreatment and transferring them to the different prisons of Egypt. The families of the detainees are usually unable to uncover their places of detention easily or are unable to visit them.

Forced Disappearance:

Forced disappearance is another major human rights violation that has occurred in Egypt since 1990. Through a lack of any law that specifically defines forced disappearance and

with no law that sets out a punishment for offenders, forced disappearances continue in Egypt. Additionally, the current State of Emergency allows government authorities to arrest someone without pretext, adding to the likelihood of forced disappearances. EOHR has monitored, through its field work since 1992 to April 2009, the disappearance of 73 persons; with 17 of them having their status revealed, while 56 are still missing.

Freedom of Opinion and Expression:

Violations against the right to freedom of opinion and expression have occurred as well. Journalists have been transferred to courts and issued verdicts that deprive publications, bloggers have been arrested, books have been confiscated, and some non-government satellite channels have been shut down. EOHR observed a number of violations to the right of freedom of opinion and expression. For example, in 2007 the total number of violations reached about 43 (22 trials before courts, 3 investigations before the Prosecution, 2 assaults against journalists, 5 arrests of bloggers, 8 books confiscated and 3 satellite channels were closed). The number of violations increased in 2008 to reach about 156 violations (43 trials before courts, 5 investigations before the Prosecution, 20 assaults, 18 cases of chasing bloggers, 64 books confiscated and 6 cases of closing satellite channels).

During the period from January to April 2009, there were 132 cases of violation (110 trials before courts, 2 cases of investigations 4 assaults, 9 cases of chasing bloggers, 5 books confiscated and two satellite channels were closed).

Economic and Social Rights:

The Right to Health:

Egyptian citizens are still facing many violations due to poor services in public health-care centers under the supervision of the State, leading to medical negligence, the unavailability of free healthcare, and a lack of qualified medical doctors, nurses and assistances. The number of violations monitored by EOHR during 2007 was about 41 cases and 49 in 2008 while from January to April 2009 it monitored 8 cases only.

The Right to Strike:

It is worth mentioning that the International Convention on Economic, Social and Cultural rights provided in Article 8, Paragraph C hold the right to strike according to the laws of the each country., All cases monitored and listed in the reports of EOHR followed procedure by sending a written request to the competent security and administrative bodies in order to obtain the required approval, in addition to the previous declaration of the intended strike in the press, which usually illicit little response from the government without any sign of approval or rejection. In some cases, there could be a warning of the consequences of organizing any strikes, taking strikers to investigations and charging them with many accusations such as civil unrest, disrupting state institutions and wasting public funds. EOHR has monitored 66 cases in 2007, 49 case in 2008 and 13 cases from January to April 2009.

The Right to Housing:

Slums are an inadequate form of housing that house many citizens in Egypt. According to the statistics, 18 million families live in slums. In addition to this there are about 300,000 houses in Cairo that lack basic safety standards and are at the risk of collapse and may force the displacement of its residents. The level of education for the children of the slums is very low and very often reaches to illiteracy. In addition to this, some people started living in the grave yards because of the deteriorating economic conditions and their inability to rent any adequate housing.

Situations of Refugees and Migrants:

Despite the inaccuracy of the statistics of Egyptian migrant workers, it was revealed that more than 95% of them originate from the Gulf and Arab countries. Egypt and Saudi Arabia are the highest receivers of workers permanently and temporarily. These workers suffer from a terrible labor management system which is known as “Kafeel”, or the guarantor’s system, which is enforced in most Gulf countries. In addition to this they have obligatory medical check ups and tests “Analysis of hepatitis, virus C”. Those infected are deprived of all forms of work and all privileges available to local citizens, as well as violating their right to movement, liberty and safety of the body.

In this regard, EOHR has observed a number of violations of the rights of the refugees in Egypt which varies between Egypt’s reservations on the terms of the Convention on granting jobs for the refugees. In addition to the number of obstacles set by the Egyptian law on the employment of foreigners, refugees are deprived from many of the services provided for local citizens Other unregistered refugees with health programs in Cairo only targets refugees recognized by the UN High Commissioner on Refugees. This makes refugees more vulnerable in cases of epidemic, as unregistered refugees are not being included in the Egyptian National Program to counter the epidemic, in addition to this, they suffer from arbitrary arrests and ill-treatment.¹

For Further Information:

The Egyptian Organization for Human Rights

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

Tel: 002 (02) 2363 6811 / 002 (02) 2362 0467

Fax: 002 (02) 2362 1613

e-mail : eohr@link.net

<http://www.eohr.org>

¹ EOHR Report (<http://en.eohr.org/?p=5>)