

**SUBMISSION OF REFUGEE RIGHTS NGO COALITION  
TO THE HUMAN RIGHTS COUNCIL FOR USE AS PART OF  
THE UNIVERSAL PERIODIC REVIEW OF EGYPT**

## **1. BACKGROUND AND FRAMEWORK**

The present submission is the work of a coalition of organizations, including non-governmental and refugee community based organizations, based in Egypt who work with and advocate on behalf of refugees in Egypt. This submission focuses exclusively on the rights of refugees. Within the length constraints of the NGO participation in the UPR process it is impossible to fully catalogue all of the human rights concerns faced by refugees in Egypt; this submission attempts the more modest task of cataloguing some of the more serious human rights concerns of refugees in Egypt. Although this submission is the work of a number of organizations, only a small number were willing to formally sign this submission due to the reasons outlined in § 2.1.

Due to its geographic location, Egypt has hosted, and continues to host, many of the refugees fleeing the conflicts in the region. Amongst other populations, Egypt is home to a large number of Palestinian, Sudanese and Iraqi refugees. While figures vary widely, it has been estimated that Egypt is presently hosting between 100,000 and 500,000 refugees.<sup>1</sup> By all accounts, Cairo is home to one of the largest populations of urban refugees in the developing world.

However, very few of the refugees in Egypt enjoy access to their fundamental rights despite being guaranteed these rights by domestic and international law. The inability of refugees in Egypt to access their rights has brought with it isolation, insecurity, poverty and hopelessness. At its worst, there are numerous documented reports of refugees suffering indefinite detention, unfair trial and other serious mistreatment in violation of their rights. However, even less graphic violations of rights, such as the right to association, have led to the needless disempowerment of refugees and a growing sense of despair amongst their offspring. The poor quality of life in Egypt of refugees, due in large part to the denial of socio-economic rights to refugees, has also prompted the deterioration of relations both within the refugee community and between it and broader Egyptian society, increasing the instability and volatility of an already precarious situation in Cairo.

While recognizing the refuge that Egypt has provided and continues to provide sanctuary to many refugees, as this report makes clear, there continue to be serious and repeated violations of the rights of refugees in Egypt.

### **1.1 Scope of International Obligations**

Egypt is a party to all major international and regional treaties concerning refugees. More specifically, Egypt is a party to the *Convention relating to the Status of Refugees*<sup>2</sup> and the *Protocol relating to the*

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<sup>1</sup> UNHCR's latest confirmed year-end statistics (end 2007) record 97,556 registered refugees. The US Committee for Refugees and Immigrants noted in its authoritative *World Refugee Survey 2009* that there were over 150,000 refugees in Egypt. Other reports suggest that there are a large number of unrecorded refugees in Egypt. All sources indicate the difficulty of ascertaining accurately the number of refugees in a country with a very large number of both regular and irregular migrants. UNHCR estimates that Egypt is host to between 3 and 5 million Sudanese nationals alone; the government of Egypt has in the past estimated that Egypt is home to between 80,000 and 100,000 Iraqi nationals.

<sup>2</sup> Egypt has made reservations to the provisions of the *Convention* relating to personal status (Article 12(1)); rationing (Article 20); education (Article 22(1)); public relief (Article 23); and labour legislation and social security (Article 24). Some of these reservations have been overridden by subsequent treaty commitments, notably the reservation to the right to education by Article 28 of the *Convention on the Rights of the Child*.

*Status of Refugees*; it is also party to the regional treaty governing refugees in Africa, the *Convention Governing the Specific Aspects of Refugee Problems in Africa*. With respect to asylum seekers who may not be refugees, Egypt is party to the *International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families*.

Egypt is also party to numerous human rights commitments which affect the protection of refugees within Egypt, notably the *International Covenant on Civil and Political Rights* and the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*. As part of its election to the Human Rights Council, Egypt promised to “[c]ontribute to the enhancement of the system of international protection for refugees, particularly from Africa, in conformity with human rights law, refugee law and international humanitarian law.”

## 1.2 Constitutional and Legislative Framework

The 1971 Constitution guaranteed the right of asylum “for every foreigner persecuted for defending the people’s interests, human rights, peace, or justice”<sup>3</sup> but the President exercised this right only in rare, high-profile cases<sup>4</sup> and Egypt had no national asylum system or procedure.<sup>5</sup> A 1984 presidential decree called for the creation of a permanent refugee affairs committee within the MFA to adjudicate applications for asylum under the 1951 Convention,<sup>6</sup> but under a 1954 Memorandum of Understanding (MOU), the Government generally delegated the responsibility to UNHCR.<sup>7</sup>

## 1.3 Institutional and Human Rights Infrastructure

The largest national human rights institution (NHRI) is the National Council on Human Rights (NCHR). The NCHR has never issued a report on the situation of refugees (or migrants) in Egypt nor has the (mis)treatment of refugees featured in any of its other reports, particularly its annual reports on human rights in Egypt. Other NHRIs, notably the National Council for Childhood and Motherhood (NCCM), have similarly, until recently, paid little or no attention to the enjoyment by refugees of their rights in Egypt.<sup>8</sup>

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<sup>3</sup> Constitution of 11 September 1971, as amended 2005, Article 53 (“The right to political asylum shall be guaranteed by the State for every foreigner persecuted for defending the peoples’ interests, human rights, peace or justice. The extradition of political refugees is prohibited.”)

<sup>4</sup> There is no confirmed information on this matter and the numbers, but reportedly some persons have received political asylum through the Presidency. See Ayman Zohry and Barbara Harrell-Bond, *Contemporary Egyptian Migration: An Overview of Voluntary and Forced Migration*, Forced Migration and Refugee Studies Program, American University in Cairo, 12/03, p. 50: “The Office of the President is in charge of granting asylum to political refugees. However, little is known about the procedures for qualifying as a ‘political refugee’ (Anon 2002). It seems mainly reserved for certain high-profile cases such as the Shah of Iran, Jaafar Nimeri of Sudan, or the wife of the last king of Libya.”

<sup>5</sup> UNHCR COP 2008-2009 p 1: “However, Egypt has-- in all the years—not developed a national asylum system and procedure.”

<sup>6</sup> Presidential Decree 188 of 15 May 1984.

<sup>7</sup> « Accord entre le Haut Commissariat des Nations Unies pour les Réfugiés et le Gouvernement Egyptien » of 10 February 1954. The « Accord » specifies that « Les tâches confiées à la délégation du Haut Commissaire en Egypte seront, notamment, les suivantes : a) Coopérer avec les Autorités gouvernementales égyptiennes en vue de recenser et d’identifier les réfugiés éligible au mandat du Haut Commissaire. »

<sup>8</sup> NCCM has recently shown a willingness to advocate on behalf of refugee mothers who are not allowed to register the births of their children, including in the case of a refugee victim of sexual assault who was refused registration of her child due to her lack of knowledge of the identity of the father (rapist).

## 2. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

### 2.1 Cooperation with human rights mechanisms

The office of UNHCR in Cairo is one of its largest and oldest operations in the region. UNHCR's operations in Egypt are based on the aforementioned co-operation agreement with Egypt dating to 1954, and essentially results in UNHCR carrying the main responsibilities for asylum-seekers and refugees, ranging from registration, documentation and refugee status determination to catering for the basic needs of an ever growing refugees population.

Egypt regularly denies UNHCR staff access to individuals in detention, particularly when those individuals are outside of the greater Cairo area or under military or state-security detention. In addition, even in cases where permission to visit individuals in detention is allowed the process of approval of permission to visit takes extended periods of time. These practices facilitate the arbitrary arrest of refugees, often result in the denial of refugees access to judicial review of their detention, and ultimately can allow for *refoulement*.

Egypt continues to have an ambivalent, and sometimes hostile, attitude towards NGOs working with refugees. On 7 September 2007, the Egyptian Government issued a decree to shut down the offices of the Association for Human Rights and Legal Aid (AHRLA) in Cairo. The order was issued by the Ministry of Social Affairs based on allegations of financial malfeasance, in accordance with Article 17(2) of Law No. 84/2002, which states that Associations may not accept foreign funding without explicit authorization from the Ministry.<sup>9</sup> Amongst its other programs, AHRLA provided legal aid to refugee victims of crime and was in the midst of assisting in the prosecution of a police officer for the rape of a refugee. On 26 October 2008, the Administrative Court in Egypt decided to stop the implementation of the authorities' order to dissolve and liquidate AHRLA. However, the forced closure of AHRLA for more than 1 year denied access to legal aid to refugee victims of crime (and others) and was a significant and deliberate act of harassment towards human rights defenders in Egypt working on refugee issues.

### 2.2 Implementation of international human rights obligations

As noted previously, Egypt continues to rely upon UNHCR to fulfill many of its international and regional treaty obligations towards refugees. This situation effectively denies refugees access to any independent, judicial oversight of decisions concerning numerous matters of great importance to their well-being, including their status as refugees, financial entitlements and health care decisions.

#### 2.2.1 Equality and non-discrimination

Much of the mistreatment of and violence towards refugees described in this submission must be understood in the context of a significant feeling of xenophobia and racism towards refugees amongst the Egyptian public. The largest refugee (and migrant) population in Egypt is the Sudanese, a population noticeably darker and more "African" in its features. Almost all Sudanese refugees (and most other African) refugees report experiencing moderate to severe racism in Egypt, including refusal of access to public places and transport, higher prices, refusal of permission to rent property, derogatory remarks, and physical violence due to their race.

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<sup>9</sup> Law 84/2002 has been criticized by many NGOs and the international community as being overly restrictive on the activities of NGOs.

### 2.2.2 Right to life, liberty and security of the person

The most significant interference in the right to life, liberty and security of the person of a refugee occurs when he or she is *refouled* to the country in which he or she fears persecution. This has been a large scale and repeated occurrence in Egypt since 2008. Egypt has also violated these rights through large scale acts of rejection at the border and frequent shootings of refugees at or near its borders.

*Refoulement:* In March 2008, police forces arrested 70 Eritreans in the south, near Sudan, subjected them to medical examinations, and announced plans to refer them to a "special court." In April 2008, authorities deported 30 Sudanese, including 11 whom UNHCR had recognized as refugees and one 17-year old Canada had accepted for resettlement. Authorities accused them of participating in gang violence in February but deported them before their hearing, scheduled for May 2008. By May 2008, Egypt held at least 400 Eritreans in prisons around the country. In June 2008, Egypt forcibly returned nearly 200 Eritreans despite UNHCR guidelines against the forcible return of Eritreans.

The Government also denied UNHCR access to refugees in a security forces camp in Aswan and reportedly beat them to force them to sign travel documents. Guards told the detainees that they would send them to UNHCR in Cairo before they put them on specially arranged EgyptAir flights which, instead, took them back to Eritrea. Only after this mass *refoulement* did the Foreign Ministry indicate that it would grant UNHCR access to Eritrean asylum seekers in Egypt. The following day, however, authorities forcibly returned another 20, bringing the total to about 700. In total as part of this operation, Egypt forcibly returned at least 1,400 Eritreans; it granted UNHCR access to some 140 Eritreans and the agency granted most of them refugee status.

Since June 2008, there have been regular reports of Eritrean asylum-seekers being arrested and detained at or near Egypt's southern border. These individuals are normally held in inadequate conditions (often at military camps), denied access to either counsel or UNHCR, and summarily deported (either to Eritrea directly or to Sudan where many of them are arrested and deported to Eritrea). There have been numerous reports of Eritrean asylum seekers from Egypt facing serious human rights violations upon deportation to Eritrea; Eritrean authorities generally detained such individuals upon arrival. As noted below, Egypt also rejects Palestinian refugees in Gaza and *refoules* African refugees intercepted while attempting to enter Israel.

*Rejection at the border with Gaza:* In January 2008, following a break in the Gaza-Egypt border wall, Egyptian authorities attempted to force over 1,000 Palestinians in the Sinai region of Egypt back into Gaza. In December 2008 and January 2009, during the Israeli invasion of Gaza, Egypt refused to open its borders to allow the flight of civilians fleeing the armed conflict. Article 2(3) of the *Convention Governing the Specific Aspects of Refugee Problems in Africa* specifically requires that "[n]o person shall be subjected by a Member State to measures such as rejection at the frontier, return or expulsion, which would compel him to return to or remain in a territory where his life, physical integrity or liberty would be threatened". This act of large scale rejection at the frontier increased the risk of tens of thousands of individuals, resulted in widespread human rights violations in Gaza, and was a contributing cause of the 1300 civilian deaths in that conflict. There are reports of a number of Iraqi refugees being refused entry to Egypt at the Cairo International Airport.

*Shootings of refugees at the Israel border:* During 2008, Egyptian border police killed as many as 33 African migrants attempting to enter Israel. For example, in February 2008, Egyptian border guards shot

and killed an Eritrean woman attempting to cross into Israel near the Aouja crossing point. Guards chased the woman, who attempted to jump the barbed-wire border marking. Guards opened fire and killed her with a shot to the head. They also arrested her two daughters, aged 8 and 10. Later in February 2008, border police shot and wounded one Sudanese and one from the Ivory Coast, in separate incidents. The Government did not prosecute any of the shooters nor did it investigate any of the killings in 2007 or 2008 of refugees at or near the border. Authorities arrested and detained more than 1,300 Africans attempting to cross the border, trying them in military courts and often imposing one-year sentences followed by deportation which, in some cases, amounted to *refoulement*. For example, in November 2008, Egypt arrested 23 Sudanese for allegedly entering Israel illegally. Authorities interrogated and beat them before taking them to the Sudanese embassy, which arranged for their return. Under Sudanese law, visiting Israel is treason, a crime punishable by long-term imprisonment or death.

*Detention:* Detention of refugees is widespread and is the result both of deliberate government policy (particularly in border areas) and the haphazard harassment of refugees (often with a view to receiving bribes) that is conducted by lower level police and security officials. Conditions of detention are very poor and generally fail to meet international standards, particularly for those refugees without friends or family who can bring them food, currency and other necessities of life. Refugees have regularly and credibly reported being beaten and threatened by prison officials. Children are often detained with adults; there have been credible reports of sexual violence occurring against children detained in such circumstances. Refugees are frequently detained beyond the legislative limits allowed by Egyptian law; the detention of refugees often only receives *pro forma* review by judicial officials without the intervention of family, friends or counsel.

### 2.2.3 Administration of justice and the rule of law

*Equal protection of the law:* Refugees do not receive equal protection of the law in Egypt. Refugees enjoy very little access to protection by the police of Egypt and access to the administration of justice. Refugee victims of crime are almost always, contrary to Egyptian law, denied the ability to file police reports concerning crimes that have been committed against them. The criminal acts complained of by the refugees included: assault causing bodily harm; sexual assault; death threats; extortion; attempted murder; and the failure to pay wages. The criminal acts complained of were perpetrated by a variety of actors, including family members, other refugees, refugee gang members, consular officials, Egyptian citizens, and Egyptian police officers. Refugees are frequently subject to harassment and extortion by police officers and are frequently threatened with “deportation” by police officers for even the most minor offenses. Many refugees complain of being arrested only after refusing (or being unable) to pay a bribe to a police officer.<sup>10</sup>

*Lack of protection of vulnerable refugees:* The lack of equal protection of the law is particularly acute for vulnerable refugees, including most notably unaccompanied and separated children and women. On 11 January 2007, a female refugee was taking a taxi to her home in a suburb of Cairo when it was stopped at a police checkpoint. A senior police officer and his two deputies detained the refugee under the pretense of her not having legal identification. The police officers proceeded to force the refugee at gunpoint to perform oral sex on them. The police officers then robbed the refugee. Subsequent to the sexual assault, from January 2007 to August 2008, the police officers in question attempted to locate and arrest (with the presumed intention of ‘disappearing’ her) the refugee through repeated inquiries regarding her whereabouts to her neighbours and family. The threats and violence culminated in a series

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<sup>10</sup> Refugees sometimes report that this extortion forces some to engage in “crime sprees” to come up with the money to pay police bribes, particularly when friends or family have been arrested.

of attacks against the refugee, her children and her lawyer (an employee of a local NGO). In the end, in order to ensure her safety, the refugee needed to be resettled on an emergency basis from Egypt. Although one of the police officers were convicted of the crime and sentenced to a period of lengthy imprisonment, he remained at large with the connivance of the police for about one year after his conviction.

*Increasing resort to gang and vigilante protection:* As a direct result of the lack of protection by (and active threats from) the police, ownership of weapons has become a growing problem, particularly among Sudanese youth, some of whom have formed gangs in different areas of Cairo. These weapons range from kitchen knives that have been sharpened to machetes up to three feet in length. Sudanese youth consistently report that the reason weapons are owned is for “protection”, specifically from Egyptians breaking into their flats with the intention of robbing them, which has occurred repeatedly in the poorer areas of Cairo. The mother of one young man who owned three large machetes noted, “My husband is in Sudan and I have three daughters between the ages of 14 and 21. Knowing that he is able to protect us is what allows me to sleep at night.”

While a majority of youth who own weapons do not carry them outside the home, some conceal them underneath their clothing to protect themselves from rival Sudanese gang members, other refugee gangs (Somali and Nigerian in particular), or Egyptian “baltageya” (thugs) who control smaller areas of Cairo. Refugees have reported that not only do they not feel comfortable to approach the police if they have had items stolen or are in need of protection, but they also feel that even if a police report is filed, the likelihood that the crime will be prosecuted is minimal. Therefore, weapons are used to protect individuals as well as administer “street” or vigilante justice.

*Prosecution of refugees for seeking asylum:* In Egypt, where the UNHCR is solely responsible for recognizing refugees, refugees are increasingly being detained near the border and prosecuted for illegal entry. This penalization of seeking asylum is contrary to Article 31(1) of the *Convention relating to the status of refugees*.

### **2.2.5 Freedom of religion, assembly, association, expression and participation in public and political life**

*Freedom of association and religion:* In general, it is difficult for refugee organizations to organize and to legally incorporate themselves in Egypt. However, specific refugee populations, notably Shia Iraqis refugees and Palestinians, are denied all legal permission to form associations. Iraqi refugees report being regularly visited and questioned by Egyptian security agents in order to ascertain their religious beliefs and activities.

*Refugee protests in Cairo:* On 29 September 2005, refugees began to gather and protest in a park outside of the offices of UNHCR as a result of UNHCR’s decision to suspend full status determination of Sudanese asylum seekers and their poor access to social and economic rights. At its height, several thousand refugees, including numerous children, occupied the park. Protracted negotiations between UNHCR and the refugees produced no solution. In the early morning hours of 30 December 2005, thousands of Egyptian security personnel forcibly removed the protestors to various holding centers in and around Cairo. Tragically, 27 refugees and asylum seekers were killed in the removal, at least half being children and women. A 28<sup>th</sup> person, a 14 year-old boy, died in hospital a month later, and one man committed suicide in detention. Most documented refugees and asylum seekers were released within a few days, but more than six hundred remained in detention until their status was clarified between

UNHCR and the government of Egypt. The tragedy continued for weeks, with families trying to find loved ones, children being left unaccompanied overnight or held in separate facilities from their parent(s), and people not knowing whether their relatives were in another detention facility, in hospital, or in the morgue. Two months after the event, no one remained in detention, but several children were missing and families still were not allowed to take possession of the bodies of relatives for burial.

Under Egyptian emergency law, the gathering was manifestly illegal, and it is to the government's credit that such a long period of time was given for the peaceful resolution of the issues between the demonstrators and UNHCR. However, given the failure of negotiations, intervention was inevitable. During the removal, Egyptian security forces did not offer protesters the choice to disperse peacefully, which might have averted the violence that occurred. Instead, a decision was apparently made at the highest levels to remove the demonstrators to unidentified detention centers. The authorities gave no clear or consistent information to protesters about the "camps" they were being transported to and refused to grant any requests for guarantees. Egyptian security used excessive and disproportionate force in removing the protesters, leaving no alternatives or avenues for escape. No allowances were made for the safety of the park's occupants, especially vulnerable groups such as children, the elderly, and the sick. Security forces entered the park from all directions at once, leaving nowhere for people to flee. They used indiscriminate violence, and there was no immediate medical attention available to injured protesters. Inadequate training in crowd control methods does not adequately explain the high number of casualties and injuries that resulted.<sup>11</sup>

In 2007, two refugees involved in the negotiations to (unsuccessfully) settle the 2005 demonstration were arrested outside of the offices of UNHCR while seeking to meet UNHCR in order to resolve issues which remained outstanding from the demonstration, including payment of agreed-upon compensation for loss of life and burial expenses. These two refugees were subsequently threatened repeatedly with deportation, physically abused, and detained for almost one year without judicial review of their detention. These two individuals were only released from imprisonment after they were offered resettlement in the USA.

### **2.2.6 Right to work and to just and favorable conditions of work**

*Right to work:* Under the *Convention relating to the status of refugees*, various categories Refugees are guaranteed the right to self-employment, the practice of "the liberal professions", and paid employment in Egypt. However, Egyptian employers routinely refuse to employ non-Egyptians due to provisions of the local law which are in conflict with Egypt's international commitments, racism and xenophobia. While Egypt has reserved application of the right to labour legislation and social security (Article 24) to refugees under the *Convention relating to the status of refugees*, it has made no reservation to the substantive right to work of refugees. However, as there are no local laws specifically dealing with rights of refugees to various forms of work, thus refugees are dealt with under the generic and relatively narrow provisions pertaining to "non-Egyptians". The procedures for work permits for non-Egyptians are very complex and subject to several criteria, including payment of large fees. Female refugees working as domestic servants have reported sexual harassment and physical violence; the wages of refugee works are also frequently un- or under-paid.

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<sup>11</sup> More a complete analysis of the demonstration and its breakup, see F. Azzam "A Tragedy of Failure and False Expectations: Report on the Events Surrounding the Three-month Sit-in and Forced Removal of Sudanese Refugees in Cairo" (The Forced Migration and Refugee Studies Program, The American University in Cairo: Cairo, 2005).

### 2.2.7 Right to social security and adequate standard of living

As noted at the outset, Egypt has made reservations to the rights of refugees under the *Convention relating to the status of refugees*. Egypt has, *inter alia*, reserved with respect to the enjoyment by refugees to rationing (Article 20); public relief (Article 23); and labour legislation and social security (Article 24). Many refugees, like many Egyptians, live in conditions of destitution and extreme poverty.

### 2.2.8 Right to education and to participate in the cultural life of the community

Although guaranteed access to public education by both Egyptian constitutional law and Egypt's treaty commitments (as outlined above), refugee children are routinely denied access to education. It is the exception rather than the rule that a refugee child has access to any public education in Egypt. As a result, refugees are forced to self-educate in underfunded community schools or in expensive private schools. Individuals from smaller refugee communities are unable to even collectively self-educate; even some larger refugee communities, notably the Iraqis, lack any community schools. In both cases, the educational credentials of refugees received are almost always not recognized by the government of Egypt for the purposes of advancement into further education and employment. Youth gangs form among youth who have "aged out" of adolescent and teen programming in refugee community schools and, in a destructive cycle, the stigma of the SE gangs has resulted in most young men over the age of 16 not being welcome at refugee community schools or other educational programs and community organizations.

The Committee on the rights of the child in its 2001 report noted concern about the access to rights, including education, of vulnerable groups:

The Committee recommends that the State party take all necessary measures to ensure that all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination, in accordance with Article 2. The Committee recommends that the State party prioritize and target resources and social services for children belonging to the most vulnerable groups, especially in areas which lack basic services.<sup>12</sup>

Egypt must act upon this recommendation and guarantee refugee children access to education without discrimination. Egypt must ensure that public schools educating refugee children, as one of the most vulnerable groups of children in Egypt receive targeted resources.

### 2.2.9 Right to health

Article 24 of the *Convention on the rights of the child* requires that state parties shall secure the highest standard of health for children, including refugees. While poor nationals receive free treatment, non-nationals are required to pay full fees for health services. Most refugee children are unable to pay for medical services. In Egypt, a few NGOs provide limited health services. They are unable to meet the needs of everyone that approaches them and frequently they are believed to discriminate on the basis of religion. Government programmes offer free immunisation to refugee children, though many may not be aware of this. Because of their socio-economic situations, skin diseases, malnutrition, vitamin deficiencies, tuberculosis, parasitic infections, and the common cold are prevalent among refugee children as well as the urban poor. As one researcher put it, 'receiving medical care can often become a

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<sup>12</sup> Concluding Observations of the Committee on the Rights of the Child : Egypt. 21/02/2001. CRC/C/15/Add.145. (Concluding Observations/Comments) at ¶ 32.



degrading and humiliating experience. In many settings the patient may be viewed as someone beneath the care giver.’<sup>13</sup> This constitutes a barrier to even seeking help.

Refugee children may suffer special mental health problems, not only related to the trauma of witnessing violence in the past, but due to the conditions of exile. Often they remain all day in cramped living quarters with no space for play or other normal activity. As one mother related to a researcher, ‘Our children really suffer. They have no place to run and play like normal children. They can only sit and watch the T.V. This is not good. Here in Cairo our children don’t want to go out. They are afraid that the Egyptian children will call them names. What can we do?’<sup>14</sup>

### 2.2.10 Human rights and counter-terrorism

Egypt has been in declared state of emergency for over two decades. The state of emergency allows for the suspension of various rights and provides Egypt with expanded powers of arrest and detention. Putting aside the international legality of such a state of affairs, the state of emergency increases the vulnerability of marginalized groups such as refugees. These emergency powers are often used to conduct the *refoulement* described earlier, in particular the *refoulement* which occurs at or near Egypt’s borders.

## 4. RECOMMENDATIONS

Based on the foregoing, it is our collective recommendation that, in order to fully implement and improve its compliance with, its obligations towards refugees, that the government of Egypt take the following actions:

- Take action to combat the racism and xenophobia directed towards refugees in Egypt;
- In the spirit of its declared commitment to “the indivisibility of all human rights, particularly in the area of economic, social and cultural rights”<sup>15</sup> remove its reservations to various socio-economic rights in the *Convention relating to the status of refugees*’;
- Extend a standing invitation to all thematic special procedures of the United Nations, including most importantly the Working Group on Arbitrary Detention, the Special Rapporteur on the right to education, the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on the human rights of migrants, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, and, the special Rapporteur on violence against women, its causes and consequences.
- Guarantee that it will absolutely and perpetually respect the principle of *non-refoulement* at all of its borders and within Egypt, including by ceasing the direct and indirect *refoulement* of Eritreans;
- Revoke and denounce any standing order to border guards that may authorize the shooting of refugees who are peacefully departing or seeking to peacefully enter Egypt;
- Train its border and police officials about the rights of refugees and investigate, prosecute and severely punish officials who are found to have acted arbitrarily or violently against refugees, extorted money from refugees, threatened refugees, or who have otherwise abused their position;

<sup>13</sup> Jefferson 1999 at 65.

<sup>14</sup> *Ibid* at 56.

<sup>15</sup> Note verbale dated 18 April 2007 from the Permanent Mission of Egypt to the United Nations General Assembly at I.I.A.6 (A/61/878).

- Cease prosecuting and punishing refugees for illegal entry contrary to Article 31(1) of the *Convention relating to the status of refugees*, especially when such acts occur in military courts with no procedural protections and no access to counsel.
- Explicitly acknowledge that the principles of the *UN Declaration on Human Rights Defenders*, specifically those contained in Articles 1, 12 and 13, apply to human rights defenders working with refugees, including refugees who are working to defend their own human rights;
- Encourage and support the efforts of the Egyptian public, including civil society organizations, to provide assistance to refugees in Egypt.
- Encourage Egyptian NHRIs to incorporate the rights of refugees into their analysis and to incorporate activities relating to refugee issue in their future work-plans;
- Guarantee full and immediate access by both UNHCR staff and legal counsel to all refugee and asylum seeker detainees in Egypt;
- Guarantee access to primary education by all refugee children, progressively provide access to secondary and tertiary education by refugees, and develop a framework for the recognition of alternative educational qualifications whereby refugees educated in refugee-run schools can have their educational achievements recognized;
- Develop a national plan for a national asylum system in order to relieve UNHCR of its performance of Egypt's obligations towards refugees, including by developing registration and refugee status determination procedures, incorporating refugees into national welfare programs, and allowing refugees equal access to public health facilities;
- Provide avenues for the local integration of refugees, particularly those who have resided for extended periods of time in Egypt, in accordance with Article 34 of the *Convention relating to the status of refugees* and best practice, including providing such refugees access to a full range of civil, political, social, cultural and economic rights; and,

This report is submitted for the consideration of the Human Rights Council in its universal periodic review of Egypt on this 1<sup>st</sup> day of September 2009 by the following non-governmental organizations:

1. The Egyptian Foundation for Refugee Rights
2. Outreach Program, Center for Migration and Refugee Studies, the American University in Cairo
3. Abanos Association for Childhood and Motherhood