

**ASSESSMENT OF THE HUMAN RIGHTS SITUATION IN EGYPT:
AGAINST THE “[OBJECTIVE CRITERIA](#)”¹ FOR ACTION BY THE UN HUMAN RIGHTS COUNCIL**

- **whether there has been a call for action by the UN Secretary General, the High Commissioner for Human Rights or a relevant UN organ, body or agency;**

The UN Secretary-General [echoed](#) the concerns raised by the High Commissioner over the arrest of staff of the Egyptian Initiative for Personal Rights, a human rights organization in Egypt. The High Commissioner Michelle Bachelet [expressed](#) her concerns several times over the last years including: on [executions](#) following unfair trials and confessions extracted under torture; the [death](#) in custody of the former Egyptian president due to denial of medical care and detention conditions; the [widespread](#) arrests, detention, torture and ill-treatment of activists and protesters; the government’s [silencing](#) of defenders and journalists’ work focused on COVID-19; and the use of counter-terrorism laws and vague charges to harass and [criminalize](#) the work of defenders. The former High Commissioner made several statements expressing his concern [over the arrests, interrogations and detention](#) of defenders and journalists.

- **whether a group of Special Procedures have recommended that the Council consider action;**

Special Procedures have [called](#) on the Human Rights Council to urgently respond to the situation. They have [deplored](#) executions following convictions based on evidence obtained under torture and disregard of due process. The UN Working Group on Arbitrary Detention [found](#) that arbitrary detention is a systematic problem in Egypt, and could constitute crimes against humanity. The [Special Rapporteur on extrajudicial, summary or arbitrary executions and the UN Working Group on Arbitrary Detention](#) found that “the prison regime in Egypt may have directly led to the death of former President Mohamed Morsi, and may be placing the health and lives of thousands more prisoners at severe risk”. They [expressed](#) their concern over the arrests of at least 3000 people following protests, the [state of rule of law](#) in Egypt and the independence of its judiciary and the [use of counter-terrorism](#) legislation to silence human rights defenders and peaceful expression. They [warned](#) that new anti-terrorism regulations could result in more arbitrary detention, enforced disappearances, torture, a wider crackdown on civic space, and that these laws resulted in violations in Sinai of socio-economic rights, including the right to education, the right to secure housing, the right to sustainable development and the rights to food and water. They warned that imprisoned defenders face grave risks due to COVID-19 in lengthy and [unnecessary](#) pre-trial detention; and condemned the government’s [criminalization](#) of human rights defence. They [reiterated](#) that “defending human rights should never be equated to terrorism...[and that] it is vital to open up civic space in Egypt”. The Special Rapporteur on human rights defenders also [deplored](#) Egypt’s continuing “practice to intimidate and criminalise human rights defenders, journalists and their families” who are “wrongfully accused of belonging to terrorist organisations and portrayed as a national security threat under vague legal provisions”.

- **whether the State concerned has a national human rights institution with A-status; [and whether that institution has drawn the attention of the international community to an emerging situation and called for action];** The Egyptian National Human Rights Institution has A status, however

¹ Over 70 States from all regions committed to apply these criteria to decide when the UN Human Rights Council should take action on a country situation.

it lacks independence. It has not made an appeal to the international community.

- **whether the State concerned has been willing to recognise that it faces particular human rights challenges and has laid down a set of credible actions, including a time-table and benchmarks to measure progress, to respond to the situation;**

The Egyptian President [said](#) that the Egypt holds no political prisoners which was reiterated by the Egyptian delegation during the UPR in November 2019. National human rights organisations have estimated at least 60,000 persons arbitrarily arrested for their political activity in recent years. The President also [said](#) that the killings of hundreds of anti-government protesters in Rab'a Square in Cairo in August 2013, which he oversaw as defense minister, were justified because there were "thousands of armed people." However, the Minister of interior at the time [announced](#) in a press conference following the dispersal that security forces had seized 15 guns from the Rab'a sit-in.

- **whether the State concerned is engaging in a meaningful, constructive way with the Council on the situation;**

Acts of intimidation and reprisals are the most flagrant type of non-cooperation. Despite Egypt's assurances during the UPR Working Group in 2019 that reprisals are unacceptable, since 2017, Egypt has been consistently cited in the UN Secretary General's annual reprisals reports. The Special Procedures released several statements in 2019 regarding the pattern of reprisals including detention and torture of defenders for seeking to engage or engaging with the [UPR](#), the [Working Group on Enforced Disappearances](#), the [Forum on Minority Issues and the Special Rapporteur on housing](#). The Assistant Secretary-General raised the patterns of intimidation and reprisal in the [latest](#) SG annual reprisals report.

- **whether the State concerned is effectively cooperating with HRC Special Procedures, including by allowing country visits**

Egypt has 13 outstanding visit requests by Special Procedures, including mandates covering key human rights concerns such as torture, freedom of expression and assembly, arbitrary detention, extrajudicial killings, human rights defenders among others. Egypt invited six Special Procedures to visit. Following the reprisals against those who cooperated with the Special Rapporteur on adequate housing during her [visit](#) to Egypt in 2018, no further visits have taken place since then. The Secretary General in his 2020 annual reprisals report stated that Egypt's pattern of reprisals.

- **whether the State concerned is engaging with OHCHR, including in the field of technical assistance and effective engagement with the UN Human Rights Treaty Bodies;**

There is no OHCHR office in Egypt. Egypt has a number of long-due outstanding reports to treaty bodies. During the UPR Working Group in November 2019, the government [announced](#) that it has submitted 5 reports including to the International Covenant on Civil and Political Rights (due since 2004), Convention Against Torture (due since 2004 but not yet submitted) and the Convention on the Elimination of Discrimination against Women (due since 2014). The Committee against Torture [found](#) in 2017 that torture in Egypt is widespread and systematic yet Egypt still refuses to acknowledge its findings.

- **whether a relevant regional mechanism or institution has identified a situation as requiring the attention of the international community; or whether the State concerned is cooperating with**

relevant regional organisations;

The former Commission's Special Rapporteur on Human Rights Defenders in Africa [expressed](#) his concern by the deteriorating situation of human rights defenders in Egypt. In April 2019, Egypt hosted the 64th ordinary session of the African Commission; NGOs [reported](#) visa denials, physical threats among other hindrances. No independent Egyptian human rights organisations were able to participate due to the threat of reprisals.

- **whether the State is facilitating or obstructing access and work on the part of humanitarian actors, human rights defenders and the media.**

Egyptian human rights organisations have increasingly faced harassment from authorities including arbitrary detention, enforced disappearances, travel bans, judicial harassment, asset freezes and closures of offices. Hundreds of journalists and human rights defenders have been detained, disappeared, and judicially harassed for simply exercising their rights to freedom of expression and association. This includes pro-longed periods of pre-trial detention.

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