

EGYPT UPR RECOMMENDATIONS:

Forum of Independent Egyptian Human Rights NGOs¹

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First: In light of human rights violations in Egypt over the past four years, the Forum of Independent Egyptian Human Rights NGOs suggests the following recommendations:

Priority recommendations

1. The state should enforce Article (93) of the constitution and amend laws that contradict the international conventions, related to human rights, that Egypt has ratified.
2. Any modification to the protest law should guarantee freedom of assembly through a transparent and simple notification process according to Article (73) of the constitution, allow for spontaneous assemblies, and set concrete restrictions on using live ammo and/or excessive and lethal force by law enforcement officials. It should also provide criminal responsibility and ensure accountability for the use of excessive and/or lethal force by law enforcement officials against peaceful protestors.
3. The state should declare and publish the fact-finding reports of the three committees formed in 2011, 2012 and 2013 to investigate violations against the right to assembly.
4. The state must take steps to prosecute the perpetrators, including members of the military and police force, of sexual violence and harassment faced by women protesters and women human rights defenders.
5. The state must introduce thorough legislation aimed at eliminating all forms of discrimination and violence against women in private as well as in public spheres.
6. Cease the use of preventive detention orders by prosecutors as a measure to punish or prolong the detention of activists and protesters pending investigations, and ensure that preventive detention orders may only be used where there is a risk of escape, tampering with evidence, intimidating witnesses or harm to another. A public record of the names and numbers of all those arrested since January 26th 2011 and their current status must also be released.
7. Amend Article (204) of the constitution to ban the trial of civilians before military courts, leaving no room for exceptions.
8. The state should halt the ultimatum for unregistered NGOs, issued on the 18 July 2014, that will end on 10 November, guarantee the right to freedom of

- association for unregistered organization/ groups, and adopt voluntary registration for NGOs.
9. Annul articles (78), (86), (98A bis), and (98 C) of the penal code because their broad scope of criminalization and their use of vague terms and definitions affect the legitimate work of NGOs and HRDs.
 10. The state must acknowledge publicly the important and legitimate role of human rights defenders in the promotion of human rights, democracy, and the rule of law as an essential component of ensuring their protection, including by respecting the independence of their organizations and by avoiding the stigmatization of their work.
 11. Amend Article (126) of the criminal code to comply with the definition of torture in the Convention against Torture and Other CID Treatment.
 12. The state should ratify the Optional Protocol to the Convention against Torture and Other CID Treatment

Thematic recommendations

Freedom of assembly

1. Modify the protest law (Law 107 of 2013 on the Right to Public Meetings, Processions, and Peaceful Demonstrations) to ensure that it facilitates the right to protest. Human rights organizations should be consulted in modifying this law to ensure its compatibility with both the international standards of human rights and Egypt's international obligations.
2. Any modification to the protest law should guarantee freedom of assembly through a transparent and simple notification process according to Article (73) in the constitution, and to allow for spontaneous assemblies, and set concrete restrictions on using live ammo and/or excessive and lethal force by law enforcement officials. It should also provide criminal responsibility and ensure accountability for the use of excessive and/or lethal force by law enforcement officials against peaceful protestors.
3. Conduct comprehensive and independent investigations in cases of excessive force against protesters, holding those responsible accountable.
4. Release all detainees imprisoned for participating in peaceful protests.
5. The state should declare and publish the fact-finding reports of the three committees formed in 2011, 2012 and 2013 to investigate violations against the right to assembly.
6. The state should allow the Special Rapporteur on the rights to freedom of peaceful assembly and association rights to visit Egypt and provide technical assistance on drafting new laws for assembly and association.

Sexual violence and women human rights defenders

7. The state must conduct comprehensive and independent investigations into complaints and reports of sexual violence faced by women protesters and women human rights defenders.
8. The state must take steps to prosecute the perpetrators, including members of the military and police force, of sexual violence and harassment faced by women protesters and women human rights defenders.
9. The state must provide effective remedies including reparation to survivors of sexual violence.
10. The state must introduce thorough legislation aimed at eliminating all forms of discrimination and violence against women in private as well as in public spheres.
11. The state should announce a national strategy and related mechanisms to tackle sexual and gender-based violence

Independence of the judiciary and the right to free and fair trials

12. Inform detainees of the reason for their arrest, detention and of the charges brought against them immediately upon their detention according to Article (54) of the constitution.
13. Allow detainees and defendants access to their lawyers and the right to meet confidentially with them immediately, prior to any interrogation, and throughout the detention process, all according to Article (54) of the constitution.
14. Ensure detainees have immediate access to the means of recourse necessary to promptly challenge the lawfulness of their detention.
15. Cease the use of preventive detention orders by prosecutors as a measure to punish or prolong the detention of activists and protesters pending investigations, and ensure that preventive detention orders may only be used where there is a risk of escape, tampering with evidence, intimidating witnesses or harm to another. A public record of the names and numbers of all those arrested since January 26th 2011 and their current status must also be released.
16. Cease using criminal charges to judicially harass activists, journalists, protesters and political figures.
17. Guarantee an independent judiciary, including by ensuring that judges are not subject to arbitrary disciplinary measures, or have their judicial immunity revoked, for undertaking their proper activities as judges.
18. Immediately end military trials of civilians.
19. Refer to ordinary civilian courts all those who were tried or are on trial before military courts in relation to internationally recognized criminal offenses.
20. Amend Article (204) of the constitution to ban the trial of civilians before military courts, leaving no room for exceptions.

21. Abolish articles (5), (7,) (8 bis (a)) and (48) of the Code of Military Justice to prevent the referral of civilians to military courts.
22. Ensure that members of the military or security forces implicated in violations of the rights of civilians are tried in civilian courts.

Freedom of association

23. The state should halt the ultimatum for unregistered NGOs, issued on the 18 July 2014, that will end on 10 November, guarantee the right to freedom of association for unregistered organization/ groups, and adopt voluntary registration for NGOs.
24. The NGO law should be amended in line with Article (75) of the constitution, which states that NGOs are registered and have legal personality upon notification, can only to be dissolved by judicial verdict and for serious reasons, and have the ability to work freely.
25. Amend the NGO Law to be in line with international standards and best practices in a democratic country.
26. Eliminate security interference in the work of NGOs.
27. INGOs should have the same rights and be able to register with the same procedures as national NGOs.
28. Take all legal procedures and measures to guarantee NGOs access to foreign funding by a simple notification process.
29. Any amendments to the NGO law 84/2002 should eliminate security apparatus interference in the work of NGOs and INGOs.
30. Any amendments to the NGOs law should abolish the liberty depriving penalties for NGOs workers and the administrative interference in an organization's work.
31. Amend the NGO law to ensure the right to privacy for NGOs and eliminate governmental interference in their work.
32. Annul articles (78), (86), (98A bis), and (98 C) in the penal code because their broad scope of criminalization and their use of vague terms and definitions affect the legitimate work of NGOs and HRDs.

Protection to Human Rights Defenders (HRDs)

33. Egypt should comply with its international obligations including United Nation human rights council resolution A/HRC/22/L.13 on protecting human rights defenders.
34. Legislation affecting the activities of human rights defenders and its application must be consistent with international human rights law, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and guided by the Declaration on the Right and Responsibility of Individuals, Groups and Organs

of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and, in this regard, imposition of any limitations on the work and activities of human rights defenders enforced in contravention of international human rights law must be condemned.

35. The state should ensure that legislation designed to guarantee public safety and public order contains clearly defined provisions consistent with international human rights law, including the principle of non-discrimination, and that such legislation is not used to impede or restrict the exercise of any human right, including freedom of expression, association and peaceful assembly, which are essential for the promotion and protection of other rights.
36. The state must acknowledge publicly the important and legitimate role of human rights defenders in the promotion of human rights, democracy, and the rule of law as an essential component of ensuring their protection, including by respecting the independence of their organizations and by avoiding the stigmatization of their work.
37. The state must ensure that human rights defenders can perform their important role in the context of peaceful protests, in accordance with national legislation consistent with the Charter of the United Nations and international human rights law and, in this regard, to ensure that no one is subject to excessive or indiscriminate use of force, arbitrary arrest or detention, torture or other cruel, inhuman or degrading treatment or punishment, enforced disappearance, abuse of criminal and civil proceedings or threats of such acts.
38. The state should respect, protect and ensure the right to freedom of association of human rights defenders and, in this regard, to ensure, where procedures governing the registration of civil society organizations exist, that these are transparent, accessible, non-discriminatory, expeditious and inexpensive, allow for the possibility to appeal and avoid requiring re-registration, in accordance with national legislation, and in conformity with international human rights law.
39. The state should refrain from, and ensure adequate protection from, any act of intimidation or reprisals against those who cooperate, have cooperated or seek to cooperate with international institutions, including their family members and associates.

Conditions of detention; torture and other CID treatment

40. Amend Article (126) of the criminal code to comply with the definition of torture in the Convention against Torture and Other CID Treatment.
41. The state should make the necessary amendments to the penal code and criminal procedures code to comply with Article (52) of the constitution which prohibits torture in all forms and types.

42. Conduct fair and transparent investigations into claims of torture by the police force, results of which should be made public.
43. Conduct judicial investigations on places of detention and ensure that accused persons are not being detained in unlawful places.
44. Allow independent human rights organizations to conduct visits to places of detentions.
45. The state should ratify the Optional Protocol to the Convention against Torture and Other CID Treatment
46. The state should accept articles (21) and (22) of the Convention against Torture and Other CID Treatment which allows and protects individual complaints about torture.
47. The state should form an independent national preventive entity in accordance to the Convention against Torture and Other CID Treatment and has the power to visit places of detention, regularly examine the treatment of the persons deprived of their liberty in places of detention, and submit proposals and observations concerning existing or draft legislation. This entity should be given the power to make recommendations to the relevant authorities with the aim of improving the treatment and the conditions of the persons deprived of their liberty and to prevent torture and other cruel, inhuman or degrading treatment or punishment, taking into consideration the relevant norms of the United Nations.

Promoting human rights while countering terrorism

48. The state should allow a visit by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.
49. The state should amend the provisions establishing terrorist crimes, whether those established in Law No. 97 of 1992 or those being drafted for the purpose of the proposed anti-terrorism law, and ensure that they adhere strictly to the principle of legality. Any criminalization of terrorist activity must be formulated in explicit and precise terms.
50. The definitions of terrorist crimes should be confined exclusively to activities that entail or are directly related to the use of deadly or serious violence against civilians.
51. The proscription of terrorist organizations, including the application of criminal responsibility of its members, must be made on the basis of factual evidence of activities that are of a genuine terrorist nature as well as of the actual involvement of the individuals concerned.
52. The state should not criminalize organizations based on goals or ends because this would risk targeting legitimate associations, including human rights

organizations and opposition groups that should not fall within the ambit of a counter-terrorism law.

53. Any counter-terrorism measure that results in the restriction of human rights, in particular pertaining to freedom of expression and peaceful assembly and association, must be brought into compliance with the requirements of necessity and proportionality and applied in accordance with clearly defined legal criteria. Furthermore, the enactment and consistent implementation of explicit legal safeguards against abuse must be ensured in order to prevent any deliberate use of counter-terrorism measures aiming at negatively affecting open dialogue and criticism, including against the government.
54. The state should abolish any legal provisions allowing for administrative detention and ensure they are not included in any new draft laws for counter terrorism. Any detention without charge or trial should be strictly prohibited.
55. The state must ensure accountability for human rights abuse while countering terrorism.
56. The state should compensate the victims of terrorist attacks and their families according to Article (237) of the constitution
57. Any strategies on combating terrorism should respect right and freedoms according to Article (237) of the constitution

Freedom of expression and media freedoms

58. Pass a law that facilitates the right to information, compatible with international standards.
59. Release all journalists, prisoners of conscience and human rights defenders, who were detained based on repressive laws, like the protest law, and drop all charges laid against them.
60. Grant freedom to newspapers and media owners, and ensure that no newspaper or other media channel is forcefully shutdown or raided.
61. The state should annul articles (178), (178 (2)), (181), (182), (184), (196) and Article (197) of the penal code, to comply with Article (71) of the constitution that protects freedom of expression, especially in publications, except in cases of incitement to violence and hate.

Child rights

62. Sign and join the third Optional Protocol to the Convention on the Rights of the Child
63. Female police should be given extra responsibility in order to reduce violence against children.
64. Appoint an officer specialized in children's rights in every police station. Legal assistance should be available for the child from the moment of arrest.

65. The state should provide health care for children in all places of detention, as well as street children and child workers.
66. Prohibit exposing child witnesses, victims, and accused to the media to protect them from danger, defamation, and discrimination.

Academic freedoms and student unions

67. Withdraw the cabinet decision issued in November 2013 that enabled the police to enter campuses without the chancellors' permission.
68. Withdraw the president's decision which cancelled the process of electing university chancellors and which brought back direct state appointments.
69. Modify student regulations which were issued in January 2013 to diminish the influence of student unions, and allow more spaces of freedom for students.

Women's rights

70. Issue laws to ensure the equality of wages between men and women.
71. Monitor places of work to ensure that they provide women with their rights as relates to motherhood, including providing childcare in the workplace and paid maternity leave.
72. Provide working women, in industry and agriculture, with legal protection.
73. Issue laws to protect women from harassment in the workplace.
74. Give women equal rights to divorce.
75. Take serious steps to facilitate and accelerate the process of the family court.
76. Reconsider the decision 148/2006 and provide the necessary financial protection for Egyptian women.
77. Prioritize reproductive rights for women and men and take steps against the medicalization of Female Genital Mutilation (FGM) and boost work on the national anti-FGM campaign.
78. Design, introduce, and implement a government national strategy for combating violence against women in consultation with women's groups in Egypt, and conducted in cooperation with the ministries of interior, health, and justice in order to improve the delivery of medical services for survivors of rape; as well as train forensic medicine staff, physicians, and nurses at public and private hospitals in protecting evidence of sexual assault and rape.
79. Amend the Egyptian penal code to include definitions for sexual assault and harassment, as well as amend the definition of rape to include rape with tools, fingers and sharp objects, in addition to anal and oral rape (articles (267), (268) and (269) of the penal code), which must be ratified by the upcoming parliament.

Minorities

80. Take decisive procedures to hold those who commit violations against religious minorities accountable.
81. Annul the criminalization of defaming religions.
82. Abide by the law and halt all forms of extrajudicial resolutions, also known as traditional sessions, for conflicts related to the rights of religious minorities.
83. Modify the constitution to ensure it gives legal status to religions other than Abrahamic religions.
84. The state should not be involved in incitement to violence against religious minorities including Shias, and all such incitements should be renounced publicly by the state.
85. Respective state officials should be held accountable for failing to protect religious minorities' lives and properties.

Rights of refugees, asylum seekers and migrants

86. Ensure that the principle of non-refoulement is respected and applied to both refugees and asylum-seekers in accordance with Article (91) of the Egyptian constitution, and in line with international standards.
87. Release Syrian and Palestinian refugees from Syria, who are detained solely because of their migration status, and ensure that they are not forcibly deported back to Syria or another conflict zone. The state should ease the restrictions on their visas and residence permits to ensure their reception in Egypt for protection purposes.
88. Ensure that refugee status determination is carried out for all detained migrants who express a desire for refugee protection. Specifically, allow UNHCR to access detention centers in border cities (namely Rafah, Aswan and Alexandria), where irregular migrants have been held, in order to perform refugee status determination and resettlement, to release them from detention, and to work towards durable solutions.
89. Release all refugee children held in detention.
90. Make substantial efforts to combat human trafficking of refugees and migrants in Sinai and guarantee survivors of trafficking immunity from prosecution and access to assistance and protection as granted in the anti-trafficking Law No. 64 (2010) in line with international standards.

Second: The recommendations that were proposed to Egypt in the first round of the UPR that were not enacted include the following:

1. Consider withdrawing the reservations to CEDAW Articles 2, 16 and 29 and ratify OP-CEDAW (Norway).
2. Improve cooperation with the United Nations Treaty Bodies by submitting overdue reports as a matter of priority (Norway) and submit overdue reports to the treaty bodies (Austria).
3. Give attention and provide adequate follow-up to the recommendations made by the Special Rapporteur on the promotion and protection of human rights while countering terrorism following his visit to the country, in coordination with the involved ministries and civil society organizations (Mexico).
4. Consider further steps to ensure a high number of women in decision-making positions (Norway).
5. Respect minimum standards relating to the death penalty as long as the latter is effectively applied (Belgium).
6. Increase efforts to ensure that the competent authorities, in particular the public prosecutor, investigate all torture allegations promptly and to bring any officials found responsible to justice (Austria).
7. NGOs should be consulted widely and have a substantive role in drafting the new NGO law (Ireland).
8. Allegations of torture be effectively and independently investigated at earliest in view of prosecuting the authors of these offences.
9. Expedite the reform of the Criminal Code in order to include a definition of torture in accordance with the Convention Against Torture (France).
10. Amend the Personal Status Law and Penal Code to guarantee equal rights for women and provide guarantees that domestic violence will be effectively prosecuted (Netherlands).
11. Establish independent monitoring of conditions in detention and prisons together with effective complaint procedure for victims of torture (Czech Republic).
12. Guarantee freedom of religion and belief to all groups and minorities, including in relevant legislation, without discrimination (Finland).
13. Effectively guarantee the exercise of freedom of expression, association and peaceful assembly and the right to participate in public life and politics, in line with the obligations set forth in the Covenant on Civil and Political Rights (Chile).
14. To engage towards the abolition of the death penalty by adopting a moratorium, commuting all sentences already pronounced and by reducing the

number of offences punishable by this penalty (France); Consider the elimination of the death penalty and, in all events, adjust its implementation to the provisions of Article 6 of the Covenant on Civil and Political Rights (Chile); Join the moratorium established by General Assembly Resolution 62/149, as a preliminary step toward abolishing capital punishment (Spain); Consider a moratorium on death penalty with a view to abolishing it in the future (Brazil); Establish, as a first stage, a moratorium on all executions and then fully abolish the death penalty (Switzerland); Introduce at the earliest a moratorium on the death penalty (Belgium); Consider introducing a moratorium on the death penalty with a view to abolishing it in the near future (Greece).