

Report submitted for the UPR from Egyptian non-governmental human rights organizations

Executive summary

Nineteen Egyptian human rights organizations contributed to a joint report on the status of human rights in Egypt over the last four years. The report was submitted to the UN Human Rights Council in preparation for Egypt's second Universal Periodic Review (UPR), scheduled for November 5, 2014. The report analyzes the developments in the status of 12 human rights over the past four years, taking into consideration the distinctive political context of this period, and examines Egypt's fulfillment of UN recommendations and its compliance with obligations it assumed in its first UPR in 2010. These relate to 119 of a total of 165 recommendations submitted.

This is a summary of the most significant points of the report.

I. The general context for the status of human rights in Egypt

Since January 25, 2011, millions of Egyptians have taken to the streets demanding human dignity, freedom, and social justice. More than 2,000 people have lost their lives in the process, but none of these demands have been met. Since February 11, 2011, successive governments have pursued policies that punish Egyptians for the mass protests of 2011 and seek to ensure there is no recurrence of them. With their policies, these governments have thwarted the transition to democracy by placing additional restrictions on rights and liberties, exploiting the legacy of the security state left by the Mubarak regime to harass and defame human rights defenders and other social and political protest movements. Successive governments have also acted to undermine the rule of law and politically manipulate the legislative and judicial system, using it selectively to repress opponents and ensure impunity for offenders.

The only common feature of successive governments has been the continuation of the same pattern of violations seen under the Mubarak regime, perpetuated by all parties—the security apparatus, the military, and violent political groups. The state's failure to provide the necessary protection to its citizens was one cause of the growth of armed groups and terrorist attacks, which have targeted state institutions, civilians, members of the security and military establishments, and religious minorities.

In the past four years, Egyptians have voted in referendums on two constitutions, in 2012 and 2014. The first constitution exhibited extreme hostility to the very idea of rights and liberties, imposing various overly broad exceptions to them. The 2014 constitution was markedly improved, but it, too, gave constitutional protection to the referral of civilians to military trials and limited the freedom of worship to adherents of the three Abrahamic religions only, as well as numerous other problems. Although it was approved by a large majority, this did not stop the state from committing human

rights abuses that rendered its achievements meaningless. While the constitution was being drafted, a protest law was issued that violated constitutional provisions for protest and assembly. When several political activists demonstrated against the inclusion of military trials for civilians in the constitution, 50 of them were arrested. Eleven citizens lost their lives during the referendum vote, and numerous opponents of the new constitution were arrested. After the constitution entered into force, security forces met peaceful demonstrations held to mark the third anniversary of the January revolution with excessive force that cost more than 100 people their lives. Nearly 1,000 people were arrested, and allegations of torture in prisons and detention facilities increased.

II. Assessment of the Egyptian government's fulfillment of its human rights obligations

A. The right to life

This right was flagrantly violated as a consequence of the arbitrary violence successive governments meted out to popular protests and the extrajudicial killing carried out by security authorities. Lethal weapons were used to disperse demonstrations on several occasions over the past four years. Military personnel and civilians' right to life was also violated by terrorist groups that emerged in the Sinai Peninsula before spreading to the rest of the country and reaching the capital. The government has failed to comply with recommendations from the first UPR regarding its counterterrorism efforts.

In January and February 2011, 846 people were killed by Mubarak's security forces. In October 2011, 27 Coptic demonstrators were killed in the Maspero area, including at least 14 citizens who were run over by military armored vehicles. Police forces in November 2011 killed 51 demonstrators on Mohammed Mahmoud Street, followed by 17 people near the Cabinet building in December 2011. In 2012, another 16 people were killed in the demonstrations on Mohammed Mahmoud Street that followed the death of 74 fans of the Ahli Football Club in early February. In April and May 2012, 12 protestors staging a sit-in in front of the Ministry of Defense were killed. In November 2012 two demonstrators were killed, while in December, 11 more lost their lives in the clashes at the Ittihadiya Presidential Palace.

In January 2013, 46 protestors were killed by security forces over three days in Port Said; these were preceded by three demonstrator deaths in Cairo and followed by nine more in Suez. From June 29 to July 3, more than 68 citizens were killed in direct clashes with police or in clashes between supporters and opponents of President Morsi. On July 5, five demonstrators were killed, followed by 61 more who were protesting in front of the Republican Guard Club on July 8. Another 95 protestors were killed on July 27 on Nasr Road. On August 14, up to 1,000 people were killed during the dispersal of sit-ins at Nahda and Rabia al-Adawiya Squares, followed by 120 people in clashes on Ramsis Street on August 16 and 57 protestors in various

areas on October 6. During the celebrations of the third anniversary of the 2011 uprising, 103 demonstrators were killed in five governorates.

B. The right to redress and a fair trial

There has been no genuine accountability for the grave violations committed since the death of Khaled Said to the present day, including violations perpetrated by the security apparatus, among them arbitrary detention and the extensive use of pretrial detention as a punitive measure, as well as widespread military trials for civilians, including minors.

The state judicial system has undertaken no serious inquiry to hold officials to account for the death of thousands of demonstrators over the past four years. The state created three different fact-finding commissions between February 2011 and December 2013; although two of them have completed their investigations into alleged crimes, successive Egyptian governments have refused to release their findings. Instead, they have used various tactics to divert attention away from their dismal human rights record. These include claims that the indiscriminate killings were carried out by unknown foreign parties, that they resulted during the dispersal of sit-ins and protests that were consistent with international standards, or that extensive, indiscriminate killing was justified due to the presence of armed elements among protestors. In addition, trials have been politicized and the judiciary has succumbed to various political dictates, which casts doubt on the integrity of instruments for redress and effective justice.

C. Press freedoms

In its first UPR, the Egyptian government accepted several recommendations related to press freedoms. Although some of these were affirmed in the 2014 constitution, they have not been translated into statutory law. In fact, most of the laws proposed by successive Egyptian governments have placed arbitrary restrictions on the right to information, and as such, government violations of freedom of publication have continued.

Rights organizations have documented the referral of several journalists and bloggers to military trials, and attacks on journalists and bloggers have increased. The government has also shut down and harassed newspapers and media outlets and attacked their offices, depending on the political winds. Journalists' physical safety on the job remains under threat as well, and the state has taken no action to protect or secure them. Nine Egyptian and foreign journalists have lost their lives, including six of them in 2013 while covering the bloody political violence that followed the decision to disperse the Nahda and Rabia al-Adawiya sit-ins on August 14.

D. The right to political participation

In the period under review, Egypt held seven elections. The first was for the People's Assembly in 2010, which witnessed unprecedented voter fraud and violence that left eight people dead. Under the rule of the Supreme Council of the Armed Forces

(SCAF), several polls were held, all of them involving some type of violation. Most significantly, these elections were held while emergency law was in effect (with the exception of the 2012 presidential elections). The referendum on the 2012 constitution, held under President Mohammed Morsi, was also marred by several breaches: there was an absence of full judicial supervision because numerous judges refused to participate in the process; in several polling stations, judges were impersonated; and numerous civil society monitors were prohibited from attending the ballot count. Carried out under interim President Adli Mansour, the 2014 constitutional referendum also witnessed various violations. Eleven citizens were killed, most of them due to excessive state violence, and the poll was preceded by an unprecedented media push for a yes vote that at times was tantamount to incitement to violence and hatred. Opposition activists were also subjected to wide-scale assaults, with security forces arresting some youth who were distributing fliers calling for a no vote. They were later tried, convicted, and sentenced to three years in prison and a fine.

E. The right to peaceful protest

The right to peaceful protest was violated on countless occasions. On the legislative front, an assembly law was adopted that rendered the right to peaceful protest meaningless while giving the security forces a free hand to deal with demonstrators. On the ground, repressive practices and the use of violence with demonstrations led to the deaths of nearly 2,000 citizens in the last three years.

Women taking part in demonstrations faced numerous assaults, including repeated instances of mass rape, which the security forces were unable to prevent and for which survivors were not compensated. On the contrary, feminist organizations documented attempts to pressure survivors of these assaults to withdraw their complaints; on some occasions, police officials expressed sympathy with the perpetrators and demeaned or harassed survivors. On March 10, 2011, seven detained female demonstrators were subjected to virginity tests. Although the Administrative Court issued a ruling urging the army to suspend this unlawful practice on December 27, 2011, the army rejected the ruling to deny justice to the survivors and to avoid investigating the violation. A military court also acquitted military physician Ahmed Adel, who conducted the virginity tests. In December 2011, army forces attacked demonstrators in Tahrir Square, arresting nine women, whom they stripped of their clothing and threatened with rape. On January 25, 2013, a group of women, among them protestors, were raped; a total of 19 cases of sexual assault were documented, two in which sharp instruments were used during the rape. From June 28 to July 7, 2013, 186 cases of sexual assault were documented, but no mechanisms exist to hold the perpetrators to account. Although in its first UPR, Egypt accepted 25 recommendations related to women's rights, four years later the state has taken no steps to fulfill its obligations on these recommendations, nor have measures been taken to promote gender equality or stop violence against women.

F. Student liberties and academic freedom

Egyptian universities faced clear threats to their independence, in violation of commitments made by Egypt in the 2010 UPR. Although some progress was made in this arena, the state vigorously attempted to reverse it, most importantly by reinstating university guards with the Interior Ministry. A Cabinet decree in June 2013 allowed police forces to enter university campuses at any time without authorization from the university president. On February 24, 2014, the Court of Urgent Matters ruled that university guards could return to campuses; this ruling is legally suspect, as the court does not have jurisdiction over such cases.

Since the beginning of the current academic year in September 2014, police forces have arrested dozens of students for expressing their opinions on campus. Hundreds of students have also been referred to questioning and internal disciplinary proceedings, most of which have resulted in the students' suspension for taking part in anti-government protest activities. In addition, the new student code issued in January 2013 imposes restrictions on students' right of association and curtailed freedom of opinion and expression; it also allows the boards of elected student unions to monopolize all student activities.

G. Religious freedoms

Although Egypt accepted several recommendations related to freedom of religion and belief for all groups without discrimination, it has not fulfilled its commitments. This right has been subject to grave violations, often accompanied by violations of other fundamental civil and political rights such as the right to life, the right to freedom of opinion and expression, the right to a fair trial, and the right to adequate housing.

Since the revolution of January 25, religious minorities have been living in exceptional circumstances due to religious discrimination coupled with state agencies' lax response to it. Sectarian violence has increased, whether under SCAF rule, during Morsi's tenure, or in the transitional period. Members of religious minorities, such as Copts, Shia, and Baha'is, have been physically assaulted and killed because of their beliefs, while their property has been looted, vandalized, and torched in sectarian incidents. State institutions, especially during Morsi's presidency, tolerated sectarian incitement and hate speech, which was a cause, even if indirect, of violence against members of these minorities. No mechanisms exist for the apprehension and criminal accountability of those responsible. Instead, state agencies have sponsored customary "reconciliation" meetings, some convened in police stations, which typically result in unfair solutions prejudicial to the weaker party and his rights.

H. Economic and social rights

Since January 25, 2011, the regressive socioeconomic policies pursued by successive governments have focused on reining in the budget deficit at the expense of developmental goals that would respond to citizens' aspirations for an adequate standard of living and a fair distribution of wealth. Despite these policies, the deficit has tripled and investment has declined, while the inflation rate has doubled.

These policies have led to a deteriorated standard of living for Egyptians, seen clearly in growing poverty, rising unemployment, and increasing household spending on food and basic services. These policies have denied many citizens access to basic public services, such as healthcare, housing, education, and social security, and also contributed to the deterioration of these services.

In 2012–13, the official national poverty rate increased to 26.3 percent from 25 percent in 2011. Food prices rose 14 percent from September 2012 to September 2013, while unemployment increased to 13.4 percent in the last quarter of 2013, up from an average of 9.1 percent in the period of 2006–10. The last three years have also seen 21 cases of mass evictions in which thousands of people forced from their homes have received no redress or fair compensation.

I. Women's rights

In its first UPR, Egypt was presented with 25 recommendations on women's rights, but four years on, the state has taken no action to meet its obligations toward these recommendations. It has not withdrawn its recommendations to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and has taken no measures to support gender equality. The state has also failed to stop violence against women, which has included cases of mass sexual assault in full view of security personnel, or protect women from it or the systematic violence of verbal and physical harassment in public streets, on public transport, and in the home.

Women still face discrimination in the workplace, which includes underrepresentation of women in certain professions (legislators, government officials, managers).

According to the Central Agency for Public Mobilization and Statistics (CAPMAS), in 2013 the gender gap in positions of authority had increased, with men occupying 97.4 percent of such positions and women only 2.6 percent. Female unemployment in 2013 stood at 25.1 percent, while it is estimated that men make 13.8 percent more than women in the same job.

J. Rights of the child

Millions of Egyptian children continue to face physical and sexual violence, mistreatment, and exploitation. Numerous rights associations have documented cases of sexual violence in various places, including schools, while the security apparatus fails to provide the necessary protection to victims or prosecute those responsible for abuses. The criminalization of female circumcision has not reduced the frequency of the practice, and human trafficking exists in various areas of the country, with girls under the age of 18 forced into prostitution and early marriage for financial gain.

In 2012–13, 864 children were arrested in Cairo and Alexandria after demonstrations and clashes, including physically and mentally disabled children, and they were not separated from adult detainees. In detention, children are denied adequate medical care, and the state has adopted no strategy for the rehabilitation and social reintegration of children. In a flagrant violation of children's rights, the National

Council for Childhood and Motherhood is discussing amendments to legislation that would permit the death sentence or prison with hard labor to be imposed on children aged 15–18.

K. Torture

In its 2010 UPR, Egypt accepted numerous recommendations related to torture, but five days before the adoption of Egypt’s final UPR report, Khaled Said was tortured to death by police in the street. His death was one of the primary motivating factors of the January 25 uprising.

As of January 2014, no statutory amendments had been introduced regarding the criminalization of torture or the imposition of stricter penalties. Meanwhile, Egyptian law still prohibits victims of torture from directly suing the offenders in court, vesting this authority exclusively in the Public Prosecution, which has disregarded numerous requests by victims to investigate cases of torture. On the rare occasions in which the prosecution refers police officers to trial on torture charges, the Interior Ministry does not suspend or transfer these officers during the investigation and trial. Although Article 52 of the 2014 constitutions states that “torture in all its forms is a crime not subject to a statute of limitations,” security forces continue to torture prisoners and detainees in a manner rivaling practices under the Mubarak regime.

L. Freedom of association

Although Egypt accepted recommendations related to the freedom to form associations in its first UPR, successive governments have failed to amend Law 84/2002 on civil society organizations (CSOs). In fact, legislation currently under consideration would further suppress CSOs. In general, proposed bills for the regulation of civil society, especially those submitted during the presidency of Mohammed Morsi, would allow the security apparatus to arbitrarily intervene in the work of civil society groups. These bills make the receipt of funding and the registration of international NGOs conditional on security approval. In addition, vague provisions in the Penal Code can be used to block the activities of CSOs.

Moreover, CSOs’ activities continue to be obstructed by intervention and denials of funding. Foreign funds are often blocked by the administrative body, which cites “the refusal of the security bodies” as the reason for the denial.

Civil society in Egypt is under serious assault. CSOs have been accused of treason and foreign collaboration in the press, and rights activists have been summoned for questioning. In February 2011, the offices of the Hisham Mubarak Law Center were raided and several lawyers and researchers on the premises were detained. In December 2011, the government used an armed force to storm the offices of several Egyptian and international organizations, while in December 2013 police raided the headquarters of the Egyptian Center for Economic and Social Rights, arresting several people present in the office before later releasing them.