

Report of the Arab Organization for Human Rights

Stakeholder Report

in the context of the Universal Periodic Review (UPR) mechanism of the Arab Republic of Egypt

(* *This report has been finalized on 10th of July 2024*)

Introduction

The Arab Organization for Human Rights¹ expresses its appreciation for the United Nations UPR mechanism of human rights. It is pleased to submit this report among the stakeholder reports in review of the human rights situation in the Arab Republic of Egypt in the 48th session (January 2025). This is in accordance with the decision of the Human Rights Council No. 5/1 (15/C).

Through this report, AOHR highlights some of the key salient aspects that call for more action at a better pace for better enforcement of international human rights standards, ensuring the improvement of human rights situation in Egypt.

AOHR considers the positive impact of all progress made in Egypt on the progress of human rights in all Arab countries (which constitutes the geographical scope of AOHR's work), as well as most African and Islamic countries- thanks to the pioneering role that Egypt enjoys in those common frameworks.

I. The National Strategy for Human Rights in Egypt 2021-2026

AOHR positively appreciates the strategy itself in terms of adopting the recommendations of the universal periodic review with respect to progress in promoting the protection and respect of human rights. It also positively views the substantial entitlements and pledges enshrined in the strategy. These pledges seriously address the challenges and gaps that hamper the country's progress towards fulfillment of its international and constitutional obligations in the field of human rights. They also meet the optimal implementation of the

¹- Arab Organization for Human Rights (AOHR) is an international non-governmental organization that promotes respect and protection of human rights and spread its culture. It is the oldest organization working in the field of human rights in the Arab Republic of Egypt, as it seated in the capital, Cairo, since its foundation in 1983. The status of the Organization's headquarters was legalized as "an international organization with its headquarters in the capital, Cairo," according to a headquarters agreement signed with the Egyptian Ministry of Foreign Affairs in May 2000.

The Organization has branches and member organizations in 16 Arab countries and is deemed among the main assemblies of Arab communities in 14 European countries, in addition to individual membership that includes 73 countries. It is the oldest Arab human rights organization that has obtained consultative status at the United Nations Economic and Social Council (since 1989). AOHR also has executive relations status with UNESCO (since 2003), an observer status with the human rights agencies of the African Union (since 1989) and the League of Arab States (since 1999). AOHR is a founding member of the International Criminal Court Bar Association (since 2002), the oldest partner of the Office of the High Commissioner for Human Rights in the Arab and the Middle East Region (since 1993) and other United Nations institutions related to human rights affairs.

recommendations of the third session of the Universal Periodic Review Mechanism 2020.

However, as the end of the third year of the five-year strategy approaches, the Organization expresses its concern about the limited progress made in implementing its objectives, especially regarding several core objectives to strengthen criminal justice and expand the public sphere. It aspires to accelerate the implementation of these pledges as soon as possible due to their foundational importance for the other objectives of this strategy.

AOHR urges the Egyptian government to hold consultations with stakeholders to develop an executive program to achieve the goals according to the priority map and methodology that ensures harmonious implementation during the next two years.

AOHR is heavily interested in carrying out legislative reforms (II), which constitute the main drivers for the desired progress, especially as the legislative reforms outlined in the strategy are largely consistent with the conclusions of the seven rounds of dialogue organized by AOHR in participation with civil society, government ministries, parliamentary committees, and judicial institutions during the period from March 2017 until July 2020².

It also calls (as it will be stated under III) for greater involvement of civil society organizations operational in the field of human rights in the process of implementing the strategy, especially in terms of strategic reforms in the field of penitentiary institutions and prisons. This is in addition to the field of human rights education and efforts for building the capacities of law enforcement and public service officials.

II. Fundamental rights

Fair trial guarantees

While AOHR appreciates the progress made in preparing the new comprehensive **draft of the criminal procedure law** (December 2022), which would address many challenges to prevent a recurrence of pre-trial detention crises that prevailed in previous years, and strengthen guarantees of fair criminal trials, the Organization urges the Parliament to expedite issuance of the law, which is considered a “constitution for freedoms”, especially after Parliament had completed all the necessary technical reviews in April 2024. AOHR hopes

² The former secretary of AOHR (the incumbent chairman of the Board of Trustees) was a member in the Egyptian National Committee for the Universal Periodic Review of Human Rights from the Fall of 2017 to the Spring of 2020. This Committee assumed the role of implementation and monitoring during the third UPR session.

that it will be at the forefront of legislative work priorities at the beginning of the next parliamentary session (October 2024).

Reducing the scope of death penalty

While AOHR appreciates the initiative of the Technical Secretariat of the Supreme Standing Committee for Human Rights, regarding the launch of the preliminary consultations with Egyptian human rights activists during 2023 to work on reducing the scope of death penalty in legislation, these consultations concluded with the necessity of compliance with the standard for the most severe crimes. This is in addition to consensus on abolishing the penalty in more than two-thirds of the articles of the law that lead to the possibility of imposing the death penalty. AOHR looks forward to launching a comprehensive community dialogue towards reviewing and updating the Criminal Law as soon as possible.

AOHR considers these steps as an implementation of the previous review recommendations, especially Recommendation No. 106 regarding moving towards suspending the implementation of the death penalty, the recommendation which was presented by Austria and accepted by Egypt.

Strengthening the prohibition of torture and ill-treatment

In respect of the successive positive efforts since the Fall of 2015 in the field of prosecuting perpetrators of torture crimes and preventing their impunity, AOHR looks forward to ensuring this progress by strengthening the criminalization and prohibition of various forms of ill-treatment in the context of the desired community dialogue to update the Criminal Law.

Adopting modern penal philosophy

AOHR also hopes that the community dialogue to update the Criminal Law will address the approach towards adopting alternative penalties for imprisonment in cases of minor crimes, especially since the articles set forth in the Criminal Law issued in 1937 have become completely obsolete, on the one hand, and impossible to apply in practice, on the other hand.

II. Public freedoms

Freedom of expression

AOHR renews its appeal to the Egyptian authorities to expedite the presentation of the draft flow of information law for community dialogue and consultations with stakeholders in preparation for the approval of this law. The law on the flow of information is an essential approach to enhance freedoms of expression and media. It also constitutes an important approach for enhancing the implementation of various public freedoms, expanding the public sphere, and developing community engagement in public affairs. This is in addition to enhancing freedoms of scientific and academic research.

AOHR also looks forward to accelerating the adoption of this appeal, especially since this appeal had previously had the consensus of the National Dialogue in Egypt at the conclusion of its first round in the Fall of 2023, and an official pledge to adopt it.

Reviewing the executive regulations of the law governing NGOs

Participation in formulating and adopting Law No. 149 of 2019 regulating the activities of NGOs built consensus between government institutions and civil society organizations; gave room for strengthening of civil society efforts in various development fields and doubling their contributions to social development; and led to the emergence of giant partnerships between state institutions and various civil society sectors, including the field of human rights³.

After the lapse of more than two years of the adoption and implementation of the executive regulations of the law, there is a natural need to conduct a more in-depth review of the regulations to surmount the obstacles demonstrated during practice, especially in terms of facilitating the collection of donations and the value of these donations, as well as with regard to granting the NGOs the necessary tax exemptions to facilitate the advancement of their activities and reducing operating costs and prices of the required basic services.

Promoting political participation

AOHR renews its call to the Egyptian authorities to expedite the holding of local municipal council elections, which would raise the levels of popular participation in public affairs to the desired levels, as the elections would allow the injection of new blood into the country's political life by allocating half of the elected seats to women and youth, in accordance with the stipulation of the constitution.

AOHR also looks forward to accelerating the adoption of this call, given that this call had previously enjoyed the consensus of the National Dialogue in Egypt at the conclusion of its first round in the Fall of 2023, and an official pledge to adopt it.

III. Supporting the potentials of the institutional human rights structure

At the event of adopting and launching the National Human Rights Strategy on September 11th, 2021, the President of Egypt called for partnership between the State, civil society, and specialized councils in implementing the strategy and achieving its goals.

³- Arab Organization for Human Rights established a partnership with the Technical Secretariat of the Supreme Standing Committee for Human Rights in the field of implementing the National Human Rights Strategy; and another partnership with the Ministry of Social Solidarity in the field of developing a culture of human rights and community engagement in the national initiative "Hayah Karima" (Decent Life) to eliminate marginalization in rural and remote areas.

The strategy stipulates the realization of an array of goals that require the provision and management of numerous human resources and potentials, both quantitatively and qualitatively, at the heart of which is the utilization of distinguished and specialized expertise in the field of human rights at the levels of planning, implementation and follow-up.

AOHR calls again for periodic consultations with civil society institutions and human rights non-governmental organizations on aspects of implementing the strategy, as was previously achieved during the development and formulation of the strategy from March 2020 to September 2021.

In line with the above, AOHR calls for:

- **Strengthening partnerships between the State and human rights non-governmental organizations to monitor reforms in detention centers**

The Egyptian government pursues its efforts to reform and rehabilitate the infrastructure of penitentiary institutions by adopting an integrated plan to establish new prisons. It has completed the construction and operation of 6 new and qualified complexes that accommodate more than 70 percent of prisoners and detainees. It is also moving forward with completing additional complexes to raise the capacity to 100 percent, in modern and well-equipped facilities that cater for a decent living. These include integrated service and production facilities that allow the application of the reform and rehabilitation approach.

While AOHR appreciates the invitations it and other non-governmental human rights organizations and local and foreign media received to visit the complexes, it looks forward to responding to requests from human rights organizations to conduct inspection visits to these complexes and other primary detention centers. This is meant to examine the conditions and verify the credibility of some of the allegations which arise from time to time, especially that such a methodology has proven in previous cases its importance in addressing ambiguities.

Human rights non-governmental organizations can also be in a better position to offer their advice and suggestions, which will undoubtedly support the development and enrichment of the positive efforts undertaken.

While AOHR appreciates the vision presented regarding the preparation and capacity -building of the officials responsible for managing complexes and detention centers, it is worth considering that experts from human rights non-governmental organizations should be involved in preparing capacity-building curricula and contributing to their implementation.

- **Strengthening partnerships between the State and human rights non-governmental organizations in terms of human rights education**

The Egyptian government pursues its commendable efforts to promote human rights education through education, media, and culture. Some of these efforts have enjoyed partnerships with a number of civil society institutions, including some of the most prominent human rights non-governmental organizations.

AOHR is confident that the involvement of non-governmental human rights organizations in developing a comprehensive implementation plan will contribute to developing and enriching the implementation of the objectives of the National Human Rights Strategy with respect to promotion of human rights education. This shall provide for an integrated approach and provide sufficient resources for its implementation, especially in the field of development of educational curricula. This is in addition to preparing teachers, capacity-building of media professionals in the field of human rights, and investing in cultural platforms available throughout the country which enjoy the support of the State to spread the culture of human rights in society.

With the appreciation of efforts to prepare public service officials in all government ministries and governorates throughout the country, the involvement of experts from human rights organizations would enrich these efforts and support maximizing their returns as desired by the strategy.
