

SHADOW REPORT TO EGYPT'S 2017 PERIODIC REPORT, PRESENTED BY THE CENTRE FOR HUMAN RIGHTS, UNIVERSITY OF PRETORIA (in respect of the state report by Egypt, to be considered at the Commission's 64th ordinary session)

April 2019

INTRODUCTION

The purpose of this shadow report is to assist the African Commission on Human and Peoples' Rights (African Commission) as it evaluates the 2017 periodic report on the African Charter on Human and Peoples' Rights on the Rights (African Charter) filed by the by the Arab Republic of Egypt. This report identifies areas of concern, and suggests questions and recommendations for the Commission to consider in formulating its concluding observations to the government of Egypt on its compliance with African Charter.

The following topics are covered:

- A FREEDOM OF ASSOCIATION**
- B SEXUAL MINORITY RIGHTS ISSUES**
- C WOMEN'S RIGHTS**
- D DEATH PENALTY**
- E FREEDOM OF EXPRESSION AND ACCESS TO INFORMATION**
- F CHILDREN'S RIGHTS**

- G IMPLEMENTATION OF RECOMMENDATIONS IN FINDINGS ON COMMUNICATIONS BY COMMISSION**

A FREEDOM OF ASSOCIATION: CRACKDOWN ON CIVIL SOCIETY ORGANISATIONS IN EGYPT

Egypt is obliged to respect and protect Article 10 of the African Charter on the right of every individual to freedom of association.

A1 The Egypt Report on freedom of association

Page 36, paragraph 6 of the Egypt Report states that in accordance with Article 10 of the African Charter, Egypt enacted Law no 84 of 2002. In addition, the Egypt Report avers that administrative authorities may not interfere or dissolve a CSO without a court order. Egypt also claims that it enacted Law no 70 of 2017 to give effect to the right to associate. In essence, the Government of Egypt's position is that it has enacted legislation that is in accordance with Article 10 of the African Charter on enhancing freedom of association. We respectfully submit that the position adopted by the Government of Egypt is incorrect and incomplete.

A2 Violations of Article 10: Arbitrary restrictions

The Government of Egypt has heavily restricted the operation of CSOs.¹ The crackdown has even caught the attention of the United Nations Human Rights High Commissioner who

¹ UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein 'Repressive new NGO law deeply damaging for human rights in Egypt - Zeid' 1 June 2017 available <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21678&LangID=E>.

described the CSOs as ‘severely hampered already through asset freezes, travel bans, smear campaigns and prosecutions.’² These restrictions are implemented through the enactment of oppressive laws leading to the crackdown of CSOs.³ For example, Article 62 of Law no 70 of 2017 provides that foreign CSOs should be aligned to Egyptian society development agenda. This restricts the autonomy of foreign CSOs which, as non-partisan and non-governmental entities, should be free to associate without any need to be burdened with the development agenda of the government. In addition, this poses problem since the government development agenda is not a clearly identifiable variable.

Moreover, Article 62 of Law no 70 of 2017 hinders the work of foreign CSOs by providing broad categories of what they should not be involved with. The law prohibits CSOs from being involved in the work of political parties, vocational or labor syndicates, any work of political nature, or any work that may cause harm to the national security, public order, public morals or public health. However, these terms (national security, public order, public morals or public health) are used broadly and are not defined. For example, it is not clear what activities will amount to involvement in work of a political nature and, therefore, the prohibition on the work of political nature can hinder advocacy by civil society on a number of issues. Such a broad category can include the involvement of CSOs in advocacy to enhance good governance in the society. Similarly, the grounds of causing harm to national security and public order are also incapable of precise definition. Indeed, experience has shown that the term ‘national security’ is susceptible to abuse by the state.

These provisions are not just repressive and draconian in principle, they have been implemented and deployed in actual situations. For example, the Government of Egypt closed the Al Nadeem Center for Rehabilitation of Victims of Violence and Torture.⁴ This was the only organization that was documenting and offering rehabilitations to victims of torture. The shutting down of the clinic was arbitrary since the owners were not given an opportunity to be heard. In addition, the government did not adhere to the fair administrative action of providing the founders with reasons for the closure. This fortifies the position that contrary to the assertion by Egypt that it has adhered to Article 9 of the African Charter it has failed to do so.

A3 Violations of Article 10: Financial controls

Another mode of interference with the work of CSOs is through scrutiny of financial information. Article 65 of Law no 70 of 2017 provides that foreign CSOs are subject to the control of the administrative entity and should submit “*Number of bank account and its subaccounts through which it receives or spends funding for its activities in the Republic, which the association is not allowed to receive or spend any money without.*” This comes with the right of the administrative entity to review the information whenever it deems necessary. This presents a clear case for the interference with the work of the foreign CSOs.

The law also requires that before CSOs receive foreign funding they must get permission from the government. It was on this basis that the Government of Egypt prosecuted 43 officials of civil societies in the criminal Case Number 173/2011.⁵ The government re-opened this case in 2016. Fortunately, the court acquitted the accused persons in December 2018.⁶ Nevertheless,

² Above (n 1).

³ Chaudhry, S. and Heiss, A., Charity During Crackdown: Analyzing the Impact of State Repression of NGOs on Philanthropy available <https://www.andrewheiss.com/files/research/chaudhry-heiss-ngos-philanthropy.pdf>.

⁴ Mohamed el Raai ‘Aljazeera Egypt shuts El Nadeem Centre for torture victims’ available <https://www.aljazeera.com/news/2017/02/egypt-shuts-el-nadeem-centre-torture-victims-170209143119775.html>.

⁵ International Center for Not-for-Profit Law ‘Civic Freedom Monitor: Egypt’ available at <http://www.icnl.org/research/monitor/egypt.html>.

⁶ Above (n 4).

the prosecution and trial serves the purpose of intimidating CSOs from receiving foreign funding.

In implementing this draconian law, the Government of Egypt has frozen the assets of at least 7 CSOs and 10 individuals.⁷ Also, at least 28 individuals have been banned from leaving the country. For instance, the director of the Arab Network for Human Rights Information (ANHRI) Gamal Eid and the founder of Egyptian Initiative for Personal Rights (EIPR) Hossam Bahgat were punished with a travel ban and asset freezing.⁸ Also, the two founders of El Nadeem Center for the Rehabilitation of Victims of Torture, Aida Seif al-Dawla and Suzanne Fayyad were prohibited from travelling outside the country. This kind of incidents has forced CSOs to either flee, adapt or shutdown.⁹ This, in effect, continues to undermine the right to freedom of association as guaranteed by the African Charter.¹⁰

A4 Violations of Article 10: Interference with CSO work

The independence of CSOs in conducting research is heavily hampered. Article 14(g) of Law no 70 of 2017 provides that CSOs are prohibited from carrying out opinion polls. CSOs are also prohibited from researching or disclosing the findings prior to presenting the research to the agency to examine their integrity and neutrality. Research is a crucial tool for highlighting human rights violations. In most cases, the research is likely to indict the government for violation of their human rights obligations. It follows the agency is unlikely to approve the research since it will reveal the wrongdoing of the government.

Article 14(h) of Law no 70 of 2017 prohibits entering into an agreement with foreign entities prior to obtaining the approval of the administrative agency. This restricts the independence of CSOs as legal entities with capacity to enter into an agreement. Further, the requirement for approval creates an obstacle to the operations of CSOs since they have to apply and wait for approval which is often tedious and time consuming. This situation creates a hostile environment for Egypt's CSOs which makes them less-preferred entities for foreign agreements because of the time factor and interference. Ordinarily, parties to an agreement have rights of confidentiality which is constantly abused by this requirement.

Article 27 of law no 70 of 2017 provides that whenever the representative of the administrative entity deems it fit, they may enter and inspect the financial, technical and administrative aspects of the association. This gives the administrative entity the authority without warrant to interfere with the activities of the CSOs. This can be used to intimidate the CSOs since the power to enter is unrestricted. In addition, it is a breach of privacy of CSOs since some of them carry out work that require confidentiality of the clients. In sum, the Government of Egypt has not fulfilled its obligation under Article 9 of the African Charter.

A5 Continuing concerns

⁷ Human Rights Watch 'World Report 2019' available <https://www.hrw.org/world-report/2019/country-chapters/egypt>.

⁸ Egyptian initiative for personal rights 'Background on Case No. 173 - the "foreign funding case" Imminent Risk of Prosecution and Closure' available <https://eipr.org/en/press/2016/03/background-case-no-173-%E2%80%9Cforeign-funding-case%E2%80%9D>.

⁹ Khaled Mansour 'Resist or flee: NGOs respond to Egypt's crackdown' Open global rights available <https://www.openglobalrights.org/resist-or-flee-NGOs-respond-to-egypts-crackdown/>.

¹⁰ Chaudhry, S., 2016. *The Assault on Democracy Assistance: Explaining State Repression of NGOs* (Doctoral dissertation, Yale University).

Although Egypt has embarked on amending Law No. 70 of 2017 there is no assurance that the amendments would improve the operation of the CSOs.¹¹ This is because the government has not undertaken any concrete steps to remedy the situation which does not require change of the law but commitment to upholding the rights of CSOs.

The Government of Egypt should implement the recommendations of Universal Periodic Review on freedom of association. In particular, recommendations 166.233 to 166.250 all calling for respect of the CSOs including respect for financial and operation autonomy.¹² Egypt undertook to abide with the recommendation of the Human Rights Council.¹³ However, to date it has acted contrary to its commitment.

A6 Possible questions to the Government of Egypt

- (i) How many CSOs has the Government of Egypt banned or frozen the accounts of?
- (ii) Were the CSOs and individuals banned from travelling and accounts frozen given an opportunity to be heard before the government reached its decision?
- (iii) Is the Government of Egypt willing to drop charges of persons accused of seeking foreign funding contrary to the law?
- (iv) Do amendments to Law no 70 of 2017 address the issues identified above as hampering the operation of CSOs?
- (v) Have CSOs been given an opportunity to submit a memorandum on the amendment to Law no 70 of 2017?
- (vi) Is the Government of Egypt willing to suspend provisions the above provisions restricting the rights of NGOs pending the passing of the amendments?
- (vii) What measures has the government of Egypt taken to guarantee the rights of the CSOs without interference?

A7 Suggested recommendations for the Government of Egypt

- (i) The Government of Egypt should consider inviting special mechanisms of the African Commission on Human and Peoples' Rights to assess respect for freedom of association under the African Charter.
- (ii) Egypt should repeal Law no 70 of 2017 and enact a new legislation which guarantees autonomy of CSOs in all aspects.
- (iii) The Government of Egypt should consider lifting the travel ban of all individuals in the civil society who are accused or suspected of not adhering to Law no 70 of 2017 on foreign funding among others.
- (iv) Egypt should allow CSOs that were shutdown to resume operations without hindrance.
- (v) The Government of Egypt should involve and consider contributions of the CSOs in the current amendment of Law no 70 of 2017.
- (vi) The Government of Egypt should drop all cases and investigation emanating from enforcing the Law no 70 of 2017 on individuals and CSOs.
- (vii) Egypt may consider creating an independent CSOs regulator with a legal regime meant to secure independence and fair administrative action.

¹¹ Global Legal Monitor 'Egypt: Parliament to Finalize NGO Law Amendments in March' 2019 available at <http://www.loc.gov/law/foreign-news/article/egypt-parliament-to-finalize-ngo-law-amendments-in-march/>.

¹² Universal Periodic Review of Egypt available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/249/45/PDF/G1424945.pdf?OpenElement>.

¹³ Report of the twenty-eighth session of the Human Rights Council, HRC 28-2 available at <https://www.ohchr.org/EN/HRBodies/UPR/Pages/EGIndex.aspx>.

B SEXUAL MINORITY RIGHTS ISSUES

On page 33, para 2 and other paras Egypt claims adherence to respecting, protecting, and promoting the rights of assembly, association, dignity, integrity, registration of organisations. Contrary to claims made here, there is no substantive protection of the rights to freedom of opinion and expression of the press as well of individuals in terms of anything with the subject matter of LGBT identities or issues. In 2017, draft legislation was introduced by a member of the Council of Representatives to criminalise homosexuality with far reaching consequences for engaging in homosexual acts, reporting positively on LGBT issues and individuals, ‘promoting’ homosexuality, displaying LGBTI symbols in public, and attending or getting involved in parties, concerts and assemblies where there are LGBT people involved.

Proof that Egypt is constantly abrogating the rights for LGBT persons

August 12 2017 - Government crack-down, arrest and detention of scores of LGBT persons after a reveler raised a rainbow flag at the Lebanese rock band Mashrou’ Leila concert.

March 15 2019 - Police checked concert goers attending the Red Hot Chili Peppers concert at the Cairo Pyramids for rainbow flags.

Egypt also needs to ban forced anal examinations for men accused of engaging in homosexual acts.

B1 Proposed question to Egyptian delegation

How do you plan to reconcile restrictions on the LGBT community and discussing them in a positive light and assemblies of LGBT people with the provisions in the 2014 Constitution that stipulates in article 92 that rights shall not be suspended or reduced and no law may restrict the exercise of rights and freedoms in such a way that it infringes upon their essence and foundation?

What steps has Egypt taken to implement the Commission’s Resolution 275, and to raise awareness about it, and cultivate a climate conducive for its effective implementation?

B2 Proposed Recommendation to Egypt

The Executive should advise the Council of Representatives to institute a check into the compatibility of such a law with the Constitution of the Republic of Egypt. The Council of Representatives, especially its Committee for Human Rights, should take a conscientious step towards making certain that any law, including the proposed law on criminalisation of homosexual acts, does infringe on any rights and freedoms protected under the Egyptian Constitution.

Egypt should implement the Commission’s Resolution 275, and cultivate a climate conducive to its effective implementation.

C WOMEN’S RIGHTS

C1 Introduction

Egypt has not signed or ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, (Maputo Protocol).¹⁴ It is important to note that Egypt has ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1981.¹⁵

C2 Obligations to eliminate discrimination

Article 18(3) of the African Charter provides that states have the responsibility to protect women and children's rights and eradicate all forms of discriminations against them. As a member state to the African Commission, the State of Egypt is bound by the present Charter.

From Egypt's 2017 periodic report submitted to the African Commission, the country has made some efforts to promote women's rights and equality by establishing a National Council for Women (NCW) through a Presidential Decree No. 90 of 2000.¹⁶ This Council aims at enhancing women's rights by fighting all forms of discriminations faced by Egyptians women.¹⁷ The government of Egypt also put in place a National Strategy for the Empowerment of Egyptian women 2030 which comprise of four comprehensive pillars: women's political empowerment and leadership; women's economic empowerment; women's social empowerment; and women's protection.¹⁸

It is important to note that while Egypt had ratified CEDAW, it made reservations to articles 2 (elimination of discrimination); 9(2) on equal rights to grant nationality to children;¹⁹ and 16 (matters relating to marriage and family) upon ratification. The CEDAW Committee raised concern relating to these reservations which is incompatible with the object and purpose of the Convention.²⁰

While the Constitution guarantees legal protection for women on a par with men, without any discrimination against women, enacted Egyptian legislation continue to discriminate against women. These include certain provisions in the penal code and the personal status law which explicitly deny women equal rights with men.²¹ A review of Egyptian domestic laws demonstrate predominance of Islamic laws in the country's legal framework which makes it difficult to adopt international treaties conflicting with Sharia laws such as the Maputo Protocol.²²

The lack of effective legal framework to ensure gender equality has resulted to inequalities in different spheres. For example, regarding education, the enrolment rate is 2.8% higher for boys than girls.²³ This enrolment rate for girls further declines between the primary and secondary

¹⁴ Ratification table: Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa <http://www.achpr.org/instruments/women-protocol/ratification/> (accessed 2 March 2019)-

¹⁵ CEDAW ratification status https://treaties.un.org/pages/viewdetails.aspx?src=ind&mtdsg_no=iv-8&chapter=4&clang=en (accessed 10 March 2019).

¹⁶ Egypt periodic report to the African commission on Human and People's Rights (2017)

¹⁷ As above

¹⁸ National Council for Women 'National Strategy for the Empowerment of Egyptian Women 2030: Vision and Pillars', (2017) <http://ncw.gov.eg/wp-content/uploads/2018/02/final-version-national-strategy-for-the-empowerment-of-egyptian-women-2030.pdf> (accessed 25 March 2019).

¹⁹ The citizenship law was changed in 2004 and withdrawal of the reservation in 2008-

²⁰ CEDAW 'Concluding observations of the Committee on the Elimination of Discrimination against Women: Egypt' CEDAW/C/EGY/CO/7 (2010) para 14.

²¹ C Gomes-Rivas 'Women, sharia and personal status law in Egypt after the revolution' *Middle East Institute* 1 October 2011 <https://www.mei.edu/publications/women-sharia-and-personal-status-law-reform-egypt-after-revolution> (accessed 2 March 2019)

²² See M Berger & N Sonneveld 'Sharia and national law in Egypt' in JM Otto (ed) *Sharia and national law: Comparing the legal systems of twelve Islamic countries* (2010) 53-85.

²³ See, World Bank data: Egypt <https://data.worldbank.org/indicator/SE.PRM.NENR.FE?locations=EG> (accessed 25 March 2019).

levels, and it remains concerned at the rate at which girls and young women drop out of secondary school and university.²⁴ The lower enrolment rate of girls further impacts literacy of women in Egypt with women having 65% literacy rate as compared to 82% for men.²⁵ It is regrettable that the state report does not entail gender disaggregated data for school enrollment and measures taken on ensuring access to education for girl in urban and rural areas. The state in the report has not demonstrated any measures taken to raise awareness of the importance of education and ensuring the equal access of girls and women to all levels and fields of education.

Additionally, while article 14 of the 2014 Egyptian Constitution guarantees women's access to parliament and other government bodies, the political sphere continues to be mainly dominated by men with women only constituting 14.93% of parliament.²⁶

Gender inequality is further evident in the limited participation of Egyptian women in the national labour force with an estimate of 26% compared to men whose rate of representation stands at 79%.²⁷ This could generally stem from the fact that women under Islamic law women are encouraged to be housewives, and men are required to provide for the upkeep of their wives. As a result, women's contribution to the country's economy is minimal, with Egypt ranking 135 out of 144 in that regard.²⁸

C3 Discrimination against women in family and marital life

Marriage represents an important aspect of Egypt social life, with data showing that women generally marry at an earlier age than men.²⁹ This trend depicts the fact that women are generally encouraged and expected to marry early as compared to men. Although Egypt has departed considerably from the rules of Islamic law since the second half of the nineteenth century, Islamic rules on the family have been preserved.³⁰

There is no unified family law in Egypt. Personal law provisions concerning marriage, divorce, the custody of children and inheritance, do not provide equal rights for women and men. For instance, where marriage norms enshrined in Islamic Sharia laws do not confer to women the same rights as men in marriage and family. Previously, the laws in Egypt allowed a man to unilaterally divorce his wife. Due to the enactment of Law No. 1 of 2000, a woman is entitled to seek divorce by unilateral termination of her marriage contract (khula) only if they forgo alimony and return their dowry. If she can prove damage before the court, she is entitled to,

²⁴ As above.

²⁵ World Economic Forum 'The global gender gap: Egypt country profile' (2015)

<http://reports.weforum.org/global-gender-gap-report-2015/> (accessed 10 March 2019).

²⁶ Inter-Parliamentary Union (IPU) database <http://archive.ipu.org/parline/reports/2097.htm> (accessed 2 March 2019). See, M Hassan, 'Women in the Egyptian Parliament: A different agenda' *Rice's University Baker Institute for public policy issue brief* 9 February 2018 <https://www.bakerinstitute.org/media/files/files/e2167238/bi-brief-090218-cme-carnegie-hassan.pdf> (accessed 5 March 2019).

²⁷ USAID 'Gender equality and women empowerment in Egypt' (2017) <https://www.usaid.gov/egypt/gender-equality-and-womens-empowerment> (accessed 10 March 2019).

²⁸ UN Women spring forward for women programme <https://spring-forward.unwomen.org/en/countries/egypt> (accessed 4 March 2019).

²⁹ See UNFPA et al 'Population Situation Analysis Egypt 2016' (2016)

<https://egypt.unfpa.org/sites/default/files/pub-pdf/PSA%20Final.pdf> (accessed 5 March 2019) 26-30

³⁰ L Abu-Odeh 'Modernizing Muslim family law: The case of Egypt' (2004) 37 *Vanderbilt Journal of Transnational Law* 1045.

and foregoes none of, her full rights under the law. This is discriminatory and leads to hardship and economic vulnerability for the wife who forfeits her right to the marital properties. Women are therefore only not entitled to any rights to financial compensation for the period of time they spent with the man but must also suffer economic hardship by making payment to the man. As it stands now, the divorce process is unequal in the sense that women have to go through a lengthy and strenuous process, aside the fact that society generally frowns on divorce especially when it is initiated by a woman.

C4 Discrimination against women in health and reproductive care

There is a general absence of data or any statistics on maternal mortality and morbidity.³¹ A study conducted in 2018 showed that ‘1400 women and 50% of their newborns die each year due to pregnancy and childbirth complications.’³² This is an alarming statistic that is indicative of a dire situation in Egypt.

In Egypt, there is limited access to reproductive and sexual health services especially in rural areas. Emergency contraception is generally not provided.³³ It appears that men and unmarried women are reluctant to access clinics that offer reproductive health services as they are viewed as clinics for married women. Furthermore, the clinics have proven to be more beneficial for educated persons as opposed to the less educated.³⁴

The State report does not address the issue of termination of pregnancy in Egypt. Abortion is prohibited in Egypt by virtue of articles 260, 261, 262, 263 and 264 of Law 58/1937. Abortion is banned under all circumstances.³⁵ There is currently a draft Bill before the parliament to clarify particular instances in which abortions could be carried out. If passed, the law would enable women to acquire abortions where the foetus poses a threat to the health of the mother and where the unborn child has presents deformities. A husband’s consent would not be needed for the abortion.³⁶ Although the draft bill is a commendable step towards the realisation of article 14 of the Maputo Protocol, it runs the risk of ostracising unmarried women who would still have their right to choose denied.

C5 Egypt’s obligation to address violence against women

The Government in its report mentioned that it has taken legislative, institutional and policy measures for addressing violence against women.³⁷ However, it appears to have neglected to explain that in the Egyptian Penal Code there is no clear criminalisation of domestic violence. The law simply states that in case of denunciation, cases of domestic violence may be brought under laws relating to general assault.³⁸ Additionally, articles 17 and 60 of the Penal Code

³¹ CEDAW/C/EGY/CO/7, 5 February 2010 at para. 39.

³² GA Mahmoud & AM Omar ‘Women’s awareness and perceptions about maternal mortality in rural communities in Assiut and Fayoum Governorates, Egypt’ (2018) 15 *Egyptian Nursing Journal* 22.

³³ CEDAW Concluding observations (n 7 above) para 39.

³⁴ United Nations Population Fund & Fhi360 ‘Meeting adolescent reproductive health needs in Egypt: Final report’ (2009)

<https://www.fhi360.org/sites/default/files/media/documents/Meeting%20Adolescent%20Reproductive%20Health%20Needs%20in%20Egypt%20UNFPA.pdf> (accessed 10 March 2019) 7.

³⁵ Guttmacher Institute ‘Abortion Worldwide 2017: Uneven Progress and Unequal Access’ (2018) 15.

³⁶ International campaign for women’s rights to safe abortion ‘EGYPT - Draft law to allow very limited abortion access’ (2017) <http://www.safeabortionwomensright.org/egypt-draft-law-to-allow-very-limited-abortion-access/> (accessed 2 March 2019).

³⁷ See Egypt State Report (n 3 above).

³⁸ UN Women (n 15 above).

exempts perpetrators from punishment or reducing the sentences imposed relating to certain acts of violence against women.

Violence, in its various forms, both in the public and private spheres remain a persistent problem and has a devastating effect on the attainment of women's equality.³⁹ However, in Egypt, there is a general lack of data and information on the incidence and extent of the various forms of violence against women and girls. This is reflected in the report which does not have data relating to incidences of violence against women and girls in Egypt.

The lack of recent studies and surveys on the extent of violence and its root causes is also problematic. The last 2014 population survey documented that 267 married women in the study sample of 6,693 women were subjected to sexual violence from their husbands, including the fact that 30% of women who had separated from their husbands had previously been subjected to violence at least once.⁴⁰ According to the Egyptian Centre for Women's Rights from a study conducted by the CAPMAS, 30.4% of Egyptian women have experienced violence, either by the husband, fiancé, a family member, or in public spaces.⁴¹ These alarming figures imply that intimate partner violence must be criminalised to protect women.

Sexual violence is also one of the most common forms of violence faced by Egyptian women. This constitutes a violation of their right to dignity as defined in the article 3 of the Protocol. It should be noted that rape is a criminal offence under Egyptian law as well as sexual harassment under Article 25 of the Penal Code. Unfortunately, most rape cases are not reported, and there is the widespread belief that it is normal to rape a woman who is dressing in an "indecent" way.⁴² Women therefore face challenges related to safety in public spaces where a woman can be raped or sexually assaulted because of what she is wearing or simply because of her gender. According to an international survey conducted by UN Women and Promundo, more than 60% of men admitted to having sexually harassed a woman or girl, and the same percentage of women declared being victims of such assault.⁴³

The State in its report also fails to mention established support services such as shelters for victims of violence.

C5 Focus on Harmful traditional practices including female genital mutilation (FGM) and child marriage

In Egypt, it is estimated that 87.2% of women aged 15-49 have undergone FGM.⁴⁴ Statistics on the practice of FGM are alarmingly high despite the amendment of the Penal Code in 2016 to increase the penalty against female circumcision, in recognition of the right to bodily integrity

³⁹ See Saferword 'Violence against women in Egypt: Prospect for improving police response' (2005) <https://www.files.ethz.ch/isn/191657/violence-against-women-in-egypt.pdf> (accessed 2 March 2019).

⁴⁰ The Egypt Demographic and Health Survey 2014 (EDHS 2014)

⁴¹ See Egyptian Centre for Women's Rights '2016 women's status' (2016) <https://drive.google.com/file/d/0BwsERZCDkJWYN3ZXWDhjZUX6bUk/view?ts=58ce7f71> (accessed 26 March 2019).

⁴² A Langer & R Anis 'Women in Egypt, harassed, mutilated and disfranchised' *Expedition beyond tomorrow* <http://www.spiegel.de/international/tomorrow/almost-every-egyptian-woman-is-subjected-to-sexual-harassment-a-1198328.html> (accessed 2 March 2019).

⁴³ UN Women & Promundo 'Understanding masculinity' (2017) <https://promundoglobal.org/wp-content/uploads/2017/05/IMAGES-MENA-Multi-Country-Report-EN-16May2017-web.pdf> (accessed 15 March 2019) 84.

⁴⁴ 28 too many, *FGM Country profile Egypt (2017)* <https://www.28toomany.org/country/egypt/>

and the fight against violence against women.⁴⁵ While this is commendable, the current law does not adhere to international standards as it allows doctors to perform female genital mutilation if there is a “medical necessity.”⁴⁶

While the report references laws and policies on banning FGM, it does not illustrate any measures taken for the implementation and impact of these laws. For instance, there is no mention of whether prosecution of female circumcision actually happens in practice and whether perpetrators are adequately punished for the practice.

While the adoption of the child law (Law No. 126 of 2008) which raises the age of marriage from 16 to 18 years for both males and females is welcomed, early marriage of girls especially those in the rural areas continues.

C6 Proposed recommendations to Egypt

This section addresses recommendations based on the issues raised. They are organised in accordance with the issues raised.

Legal and institutional framework and mechanisms to combat all forms of discrimination against women:

- The State should ratify and domesticate the Maputo Protocol.
- Egypt must harmonise its domestic legislation in line with international treaties that it has ratified

Discrimination against women in family and marital life

- The State should amend the Law No. 1 of 2000 to protect women from financial discrimination and hardship.
- Previous attempts at changing the legal framework on marriage and the family in Egypt have demonstrated that legal reform should be initiated from the bottom up, rather than enforced from above, and reforms need to be a combination of a grass root mobilisation and governmental support. Egypt must employ a bottom-up approach that involves engaging women’s rights groups in the country, national councils and institutions that deal with the rights of women and the family and creating awareness campaigns.

Discrimination against women in health and reproductive care

- Egypt is advised to pass legislation to decriminalise abortion so as to curb the high rates of ‘back-door’ abortions that ultimately contribute to the high maternal mortality rates. Abortion should be for all women regardless of their marital status.
- There is a need to improve on available data on health and reproductive health. Egypt can curb this by conducting regular research of women, young girls and adolescents -

⁴⁵ Law No. 78 of 2016. FGM was initially criminalised in Law No. 126 of 2008.

⁴⁶ See, S Nabaneh & A Muula ‘Female Genital Mutilation/Cutting: A complex legal and ethical landscape’ *International Journal of Gynecology & Obstetrics* (19 February 2019) 3.

key populations. The availability of adequate statistics will be helpful in tackling specific issues that affect these populations.

- There is a need to intensify the sexual and reproductive health education for both young persons and adults. The effect of this will be to demystify the various myths around sex, sexualities and reproduction.

Egypt's obligation to address violence against women

- Build operational and institutional capacities to combat violence against women and children and provide support to victims of violence.

Elimination of harmful practices including FGM and child marriage

- The State must develop appropriate sanctions as well as advocacy campaigns for eradicating these harmful practices.
- Female genital mutilation (FGM) needs to be eradicated through stricter legislation.
- The State must commit to public education, sensitisation and awareness creation of the negative effects of harmful practices on the health of girls and women.

D DEATH PENALTY

Only one paragraph of the state party report (paragraph 14) deals with the death penalty. Egypt notes that it is one of many countries that apply the death penalty for 'the most serious crimes' and that persons under 18 years and pregnant women may not be executed. What is not noted is the significant increase in the application of the death penalty in Egypt since 2014 which goes against the global trend towards the abolition of the death penalty. The increased application of the death penalty also contradicts the African Commission's finding in its general comment 3 on the right to life (para 22) that '[i]nternational law requires those States that have not yet abolished the death penalty to take steps towards its abolition'.

The increased number of death sentences is reflected in the number of provisional measures to prevent irreparable harm issued by the African Commission in recent years. In the Commission's 40th activity report (2016, paragraph 19) it was noted that Egypt had responded to five provisional measures with a note to the Commission that the 'Egyptian judiciary is based on fundamental principles and safeguards for fair trials and for the imposition of the death penalty, and that in light of these, there is no need for the urgent preventive measures required by the Commission in the Communications.' The role of provisional measures is to prevent irreparable harm, ie execution while the case is still pending before the Commission. It is well established that fair trial guarantees are not always respected. In its state report, Egypt sets out how it respects the right to fair trial through various legislation adopted. In adopting such legislation the state should keep in mind its international obligations such as for example that civilians should not be tried by military courts. However, the role of the Commission goes beyond the adequacy of the legislation to also investigate whether in a specific case the right to fair trial has been adhered to.

E FREEDOM OF EXPRESSION AND ACCESS TO INFORMATION

E1 Introduction

The report under review states that Egypt is keen to ‘protect the right to freedom of thought, opinion, expression and information, and highlights the constitutional provisions related to the realisation of article 9 of the African Charter.⁴⁷ The constitution that provides that ‘the state shall protect the rights of citizens to use all forms of public means of communication, which may not be arbitrarily disrupted, stopped or withheld from citizens, as regulated by the law.’⁴⁸ However the constitution exists alongside repressive laws that are used to threaten, harass, intimidate and persecute human rights defenders, journalists and other media practitioners for expressing themselves. Thus, contrary to depictions in the report, the situation in Egypt is characterised by fear, antagonism and persecution of dissenting voices justified under the anti-terrorism agenda.⁴⁹

E2 Terrorism, state of emergency, and the freedom of expression

Despite the constitutional recognition of freedom of expression as a fundamental right, the government continues to arrest journalists. Incarceration of journalists violates their fundamental right to express themselves and undermines the duty of the media as the fourth estate to inform, educate and entertain. In order to keep the so-called ‘problematic media’ incapacitated and to restrict them from disseminating views that are unpalatable for the authorities, the state authorities silence dissenting voices and government critics through arrests and unfair prosecutions even to the extent of repeatedly arresting journalists who have already been tried and acquitted.⁵⁰ Journalists, bloggers and other human rights defenders are victims of such measures that curtail freedom of expression.⁵¹

Amnesty International exposed appalling revelations which revealed that in 2018 alone, at least 111 individuals were detained for denouncing sexual harassment, tweeting, criticising the president or speaking about the deteriorating the human rights situation in the country. Although some are not physically in prison, they are not free to exercise their rights.⁵² According to reports by the Committee to Protect Journalists (CPJ) Egypt was reportedly the second worst jailer of journalists worldwide in 2015 due to mass arrests of journalists.⁵³

While the negative effects of terrorism are acknowledged, it is unfortunate that the government is using counterterrorism methods as a legal basis for the infringement of citizens’ freedom of expression.⁵⁴ Anti-government sentiments are viewed through a lens of terrorism.

⁴⁷ Periodic report of Egypt to the African Commission on Human and Peoples’ Rights for 2017 (2017) 33.

⁴⁸ The Constitution of the Republic of Egypt 2014, article 70 & 71.

⁴⁹ Amnesty International ‘Egypt: Unprecedented crackdown on freedom of expression under al-Sisi turns Egypt into an open-air prison’ <https://www.amnesty.org/en/latest/news/2018/09/egypt-unprecedented-crackdown-on-freedom-of-expression-under-alsisi-turns-egypt-into-openair-prison/> (accessed 22 February 2019).

⁵⁰ Ahead of March elections, Egypt extends state of emergency and tightens censorship 12th January, 2018 <https://cpj.org/blog/2018/01/ahead-of-march-elections-egypt-extends-state-of-em.php> (Accessed 22nd March 2019)

⁵¹ Amnesty: Egypt arrested 19 human rights activists in 1 day, 03 November, 2018 <https://www.middleeastmonitor.com/20181103-amnesty-egypt-arrested-19-human-rights-activists-in-1-day/> (accessed 20 March 2019)

⁵² Amnesty International ‘Egypt: Unprecedented crackdown on freedom of expression under al-Sisi turns Egypt into an open-air prison. 20 September, 2018’ <https://www.amnesty.org/en/latest/news/2018/09/egypt-unprecedented-crackdown-on-freedom-of-expression-under-alsisi-turns-egypt-into-openair-prison/> (accessed 22 February, 2019).

⁵³ Committee to protect journalists (CPJ) Scores of journalists harassed, detained amid Egypt protests 2016 <https://cpj.org/2016/04/scores-of-journalists-harassed-detained-amid-egypt.php> (accessed 8 March 2019).

⁵⁴ Committee to Protect Journalists ‘Egypt- new anti-terrorism law deepens crack down on the press’ <https://cpj.org/2015/08/egypts-new-anti-terrorism-law-deepens-crackdown-on.php> (accessed 22 March 2019)

Repressive legislation such as the Anti-Terrorism Law of 2015 have been deployed to gag free speech.⁵⁵

The extension of the state of emergency continues to be a major setback and accelerant that infringes on freedom of expression.⁵⁶ In its concluding observations of the 2005 periodic report of Egypt, the African Commission expressed its concern over the prolonged state of emergency and its impact on the enjoyment of citizens' rights.⁵⁷ Years later, the situation has not changed. The U.N Special Rapporteur on freedom of expression David Kaye, and Special Rapporteur on human rights and counter-terrorism Fionnuala Ní Aoláin, also expressed concern and criticised the conduct of Egypt during the state of emergency stating that the implementation of the counter-terrorism measures look more like repression than counterterrorism.⁵⁸

Journalists and human rights defenders and other media practitioners continue to be arrested journalists under the pretext of counter terrorism. As an example, the ban on independent reporting of the government efforts to combat militias in the Sinai Peninsula has resulted in the arrest and continued detention of journalist, Ismael Alexandriani, for more than two years without trial, for his alleged involvement with the Muslim Brotherhood.⁵⁹ Other journalists who have been arrested include: Mahmoud Abu Zeid also known as Shawkan, and the Al Jazeera journalists, Peter Greste, Mohamed Fahmy, and Baher Mohamed.⁶⁰

The government has also cracked down on international and local online and offline media considered as sympathizers to the Muslim Brotherhood.⁶¹ In May 2017, state authorities started blocking news websites, personal blogs, and Virtual Private Networks (VPNs) alleged to be supporting terrorism.⁶² These included 434 websites, including those of independent newspapers such as *Mada Masr* and human rights organizations, such as the Arab Network for Human Rights Information, and international news media such as Qatar owned Al- Jazeera.⁶³ In addition, Accelerated Mobile Pages (AMP) have also been blocked.⁶⁴ AMPs make it easy for publishers to create mobile-friendly content that will instantly load on a mobile phone. The

⁵⁵ As above.

⁵⁶ The state of emergency in Egypt: An exception or rule? 2 Feb, 2018

<https://www.atlanticcouncil.org/blogs/menasource/the-state-of-emergency-in-egypt-an-exception-or-rule> (accessed 26 March 2019).

⁵⁷ACHPR 'Egypt: 3rd periodic report, 2001-2004, Concluding observations, adopted 27 April - 11 May 2005' para 11 <http://www.achpr.org/states/egypt/reports/3rd/> (accessed 22 March 2019).

⁵⁸ United Nations human rights office of the high commissioner 'Egypt extends its assault on freedom of expression by blocking dozens of websites - UN experts warn 30th October 2017'

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22008&LangID=E> (accessed 21 March 2019).

⁵⁹ Committee to Protect Journalists Ahead of March elections, Egypt extends state of emergency and tightens censorship 12 January, 2018 <https://cpj.org/blog/2018/01/ahead-of-march-elections-egypt-extends-state-of-em.php> (accessed 22 March 2019).

⁶⁰Tahrir Institute for Middle East policy Press freedom in Egypt 2018 <https://timep.org/reports-briefings/timep-briefs/timep-brief-press-freedom-in-egypt/> (accessed 10 March 2019).

⁶¹Tahrir Institute for middle east policy Press freedom in Egypt 2018 <https://timep.org/reports-briefings/timep-briefs/timep-brief-press-freedom-in-egypt/> (accessed 10 March 2019).

⁶² Egyptian streets 'the AMP projects blocked in Egypt, bans access to a number of international media outlets <https://egyptianstreets.com/2018/02/05/the-amp-project-blocked-in-egypt-bans-access-to-a-number-of-international-media-outlets/> (accessed 20 March 2019).

⁶³Amnesty international 'countries in the middle east and north Africa Egypt 2017- 2018'

<https://www.amnesty.org/en/countries/middle-east-and-north-africa/egypt/report-egypt/> (accessed 20 March 2019).

⁶⁴ (n 10).

blocking of AMP affects access to information generally and access to international news sites such as the New York Times and the Guardian.⁶⁵

The regulatory environment is another cause for concern. The main media regulatory body, the Supreme Media Regulatory Council (SMRC), has the power to license, block or halt the activity of websites and this restricts freedom of expression and access to information. The same body monitors personal blogs, personal profiles or personal web pages that have more than 5000 followers, mainly targeting social media influencers.⁶⁶ Under this law, the punishment for press violations has increased since it includes revocation of licensing, blocking and payment of fines.⁶⁷

E3 Access to information

With regards to the right of access to information, the report does not provide any information on the legislative and other measures that the State has taken to give effect to this right. Although article 68 of the 2014 Constitution guarantees the right of access to information and explicitly states that citizens have a right to access state information, data, statistics, and official documents.⁶⁸ Despite expressing strong willingness to protect the right to freedom of thought, opinion, expression and information,⁶⁹ authorities use article 7 of the Anti-Cyber and Information Technology Crimes Act, Law No 175 of 2018 to block access to websites deemed as threats to national security or national economy.⁷⁰ The enforcement of the cybercrime law violates citizens' privacy rights, freedom of expression, freedoms of association and assembly, and access to information. This law has become a tool for repression and is used by security forces to order the National Telecom Regulatory Agency to implement decisions ordering internet service providers to block websites, links or specific contents.⁷¹

E4 Proposed recommendations

The current non-compliance with article 9 of the Charter infringes on freedom of expression and free press and in light of these circumstances and failure by the State to fulfil its obligations, the Centre for Human Rights (CHR) recommends the following to that the Arab Republic of Egypt:

- 1) implement the provisions of its national Constitution that protect online and offline freedom of expression, and adopt measures that will guarantee the safety of journalists, human rights defenders and other media practitioners;
- 2) align national laws with the constitution. The CHR also calls on the government to adopt measures that will foster media diversity and plurality;

⁶⁵ As above.

⁶⁶ Madamasar 'Egypt new media law rearranging legislative building blocks to maximize control' <https://madamasr.com/en/2018/07/17/feature/politics/egypts-new-media-laws-rearranging-legislative-building-blocks-to-maximize-control/> (accessed 22 March 2019).

⁶⁷ As above.

⁶⁸ The Constitution of the Republic of Egypt 2014 art 68

⁶⁹ (n 17) 33.

⁷⁰ Reporters without borders 'cybercrime law legalize internet censorship' <https://rsf.org/en/news/egypts-new-cybercrime-law-legalizes-internet-censorship> (accessed 20 March 2019).

⁷¹ Freedom of thought and expression law firm 'Egyptian parliament approves cybercrime law legalizing the blocking of websites and full surveillance of Egyptians' https://afteegypt.org/en/digital_freedom-2/2018/06/20/15358-afteegypt.html (accessed 21 March 2019).

- 3) put in place measures that will protect the media from interference such as self-regulation mechanisms and the adoption of measures such as ethics codes, press and media councils, complaints commissions and/or use of ombudspersons;
- 4) transformation of state media to public media so that it serves the interests of the public not the incumbent government;
- 5) respect, promote and protect the right of access to information and ensure that the public has effective access to information;
- 6) expedite the process of the adoption of the bill on freedom of information that has been pending since 2013, and ensure that it is formulated in a manner that promotes proactive disclosure and accessibility of information at minimal cost and in a timely manner with limited exemptions in line with the Model Law on Access to Information for Africa. Lack of transparency and absence of clear information mistrust undermines public confidence in the government and breeds mistrust and creates conditions for insecurity;
- 7) put in place measures that will ensure the protection of whistle blowers who expose information on corruption and other malpractices in good faith and;

E5 Proposed questions

In reviewing the report, the African Commission is requested to ask the State the following questions:

1. What steps has the government taken to abolish custodial sentences for such criminal offences as defamation, libel, sedition, insult and publication of false news?
2. What steps is the government taking to ensure that the state of emergency does not infringe on the work of journalists and other media practitioners?
3. What measures have been put in place to ensure there is media plurality and diversity?
4. Are there any efforts to address digital literacy among Egyptians?
5. What measures have been put in place to ensure that the constitutionally guaranteed right to privacy is not infringed upon in the context of freedom of expression?
6. What is the position regarding the Freedom of Information Bill that has been pending since 2013?
7. What efforts has Egypt made towards ratification of the African Charter on Democracy, Elections and Governance, and the African Charter on the Values and Principles of Public Service and Administration that specifically recognise the right to access to information?
8. In promoting transparency, good governance, and access to information, what measures have been put in place to protect whistle-blowers?
9. To what extent did the State ensure that all election-related information was proactively disclosed, during the 2018 elections, by stakeholders relevant to the electoral process such as the electoral management body, media, political parties, election observers and monitors in line with the Guidelines on Access to Information and Elections in Africa?

F CHILDREN'S RIGHTS

With regards to the situation of children in Egypt, the African Commission on Human and Peoples' Rights (the African Commission) identified two areas of great concern: child labour and early marriage.⁷²

F1 Early marriage

According to article 31-bis, which has been added in accordance with Law No 126 of 2008 to Law No 143 on Civil Status, 'The marriage contract shall not be registered for those who did not reach eighteen (18) years of age'.⁷³ Egypt's periodic report to the African Commission noted the issuance of Presidential Decree No 75 of 2015 by which the government withdrew its reservation to article 21(2) of the African Charter on the Rights and Welfare of the Child concerning child marriage.⁷⁴ Article 21(2) sets the minimum age for marriage at 18 years and requires as compulsory the registration of all marriages.⁷⁵

However, according to the Child Rights Observatory of the National Council for Childhood and Motherhood, despite the legislation put in place by the Egyptian government to curb this harmful practice, early marriages continue to take place **without being registered**. The children born out of such marriages also remain unregistered, which impedes their access to birth registration, education, health care and other fundamental rights.⁷⁶

Proof that the legal measures in this regard taken so far by Egypt are inefficient, the 2017 census by the Central Agency for Public Mobilisation and Statistics (CAPMAS) revealed that 4% of girls between 15 - 17 years and 11% of girls between 15-19 years are married or have been married before, which brings the number of girls who got married before their 18th birthday to an alarming figure of 119,000.⁷⁷

In 2018 the Egyptian Government drafted a Bill, which criminalises child marriage; the Bill proposes fines and imprisonment of parents and religious leaders involved in this practice, as well as removal of the children from the custody of their parents or guardians.⁷⁸ The African Commission could ask the representative of the Egyptian Government to provide information on the progress made towards enacting this Bill into law.

⁷² Consideration of reports submitted by States Parties under the terms of article 62 of the African Charter on Human and Peoples' Rights. Concluding Observations and Recommendations on the seventh and eighth periodic reports of the Arab Republic of Egypt 2005, 4, para 13.

⁷³ The Cabinet. The National Council for Childhood and Motherhood Law No 12 of 1996 promulgating the Child Law. Amended by Law No 126 of 2008.

⁷⁴ Periodic report of Egypt to the African Commission on Human and Peoples' Rights for 2017, 64, para a.

⁷⁵ As above.

⁷⁶ The National Council for Childhood and Motherhood Child Rights Observatory Child marriage policy brief. Policy for action: Issue 1. Ending child marriage, June 2018, 1.

⁷⁷ As above.

⁷⁸ Egypt Independent, 6 June 2018, available online at <file:///Users/ramona/Documents/New%20draft%20law%20criminalizes%20child%20marriage.%20takes%20children%20away%20from%20offending%20parents%20-%20Egypt%20Indepe.webarchive> (accessed 25 March 2019).

We recommend that the Government of Egypt criminalizes child marriage by enacting this Bill into law as soon as possible. There is also a need to conduct awareness campaigns concerning the damaging effects of this harmful practice on girls, in particular, especially in the rural areas where the phenomenon is widely spread. Religious leaders must be trained and informed about the negative multifaceted consequences of this practice at individual, family and society level.

F2 Child labour

Egypt has ratified the ILO Convention No 138 on the Minimum Age for Employment and the ILO Convention No 182 on the Worst Forms of Child Labour. Article 64 of the Child Law sets the minimum age for employment at 15 years and the minimum age for training at 13 years. However, the same article mentions that children between 12 - 14 years may be employed in seasonal work by a Governor's decree approved by the Minister of Education, provided that such employment 'has no harmful consequence to their health or growth, nor interferes with their school attendance.'⁷⁹ This provision represents a loophole in the Egyptian legal framework with regards to the protection of children from forced labour as it can be used to exploit children.

Egypt's periodic report to the African Commission mentions the development of a programme aimed at combatting child labour in certain governorates where the practice has attained very high rates. The Government has allocated a budget of EGP 4 million for this initiative for 2017-2018.⁸⁰ Such initiatives and others alike⁸¹ are indeed commendable, albeit insufficient to curb a practice of such magnitude as it is the phenomenon of child labour in Egypt. According to Save the Children's report, for the period 2012-2017, 7% of children in Egypt aged 5-17 years were engaged in child labour.⁸² A UNICEF report revealed that out of 7% of children engaged in child labour, 5.6% work under hazardous conditions.⁸³ The worst forms of child labour in Egypt are in the areas of domestic work, commercial sexual exploitation and street begging, all tightly linked to child trafficking.⁸⁴ Child labour deprives children of the enjoyment of their rights and can have severe repercussions on their health and wellbeing.⁸⁵

We recommend that the Egyptian Government takes necessary steps towards criminalizing this harmful practice through adequate legislative amendment and reform. There is also a need to enforce these laws. A solid system of data collection must be put in place in this regard as the figures are unknown especially with regards to children (mostly girls) engaged in domestic work.⁸⁶ Campaigns to raise awareness about the dangers of this harmful practice must be held, especially in the rural areas where the phenomenon is extensively spread.

⁷⁹ The Cabinet. The National Council for Childhood and Motherhood Law No 12 of 1996 promulgating the Child Law. Amended by Law No 126 of 2008.

⁸⁰ Periodic report of Egypt to the African Commission on Human and Peoples' Rights for 2017, 70, para d.

⁸¹ National Action Plan for Combatting the Worst Forms of Child Labour in Egypt and Supporting Family (2018-2025) June 2018, 19.

⁸² Save the Children The many faces of exclusion. End of childhood report 2018, 33.

⁸³ UNICEF Children in Egypt 2016. A statistical digest, January 2017, 199.

⁸⁴ US Department of Labour - Egypt available online at

<https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&ved=2ahUKEwigxvXrg6LhAhVdAGMBHfIQDIUQFjABegQIABAC&url=https%3A%2F%2Fwww.dol.gov%2Fsites%2Fdefault%2Ffiles%2Fdocuments%2Flib%2FEgypt2016Report.pdf&usg=AOvVaw3zChs2B8VBMoioVq7NxYQa> (accessed 27 March 2019) 2.

⁸⁵ National Action Plan for Combatting the Worst Forms of Child Labour in Egypt and Supporting Family (2018-2025) June 2018, 11.

⁸⁶ National Action Plan for Combatting the Worst Forms of Child Labour in Egypt and Supporting Family (2018-2025) June 2018, 19.

G IMPLEMENTATION OF RECOMMENDATIONS IN FINDINGS ON COMMUNICATIONS BY COMMISSION

Egypt has not reported on the required implementation of the following orders issued by the Commission:

Communication 323/06, *Egyptian Initiative for Personal Rights and INTERIGHTS v Egypt*

Egypt was found in violation of the Charter, and was required to (a) amend the relevant legislation; (b) Pay EP 57,000 in compensation to victims; (c) investigate the violations and bring the perpetrators to justice; (d) ratify the Women's Protocol.

Communication 334/06, *Egyptian Initiative for Personal Rights and Interights v Egypt*

Egypt was found in violation of the Charter, and was required to (a) not to implement the death penalty; (b) pay adequate compensation to victims; (c) reform and bring into line with the Charter the State Security Emergency Courts; (d) release the victims.

Communication 355/07, *Hossam Ezzat & Rania Enayet (represented by Egyptian Initiative for Personal Rights & INTERIGHTS) v Egypt*

Egypt was found in violation of the Charter, and was required to adopt necessary measures for the neutral recognition of marriages of Bahá'ís and other persons under its jurisdiction who do not identify with the personal laws that are based on the three recognised religions; and to provide the victims with the lump sum of US\$10,000.00 (Ten Thousand United States Dollars) as compensation for the prejudice they suffered up to the amendment to the domestic civil status law.

In all these instances, Egypt was required to report back to the Commission, within 6 months, about the measures it has taken to give effect to the remedial recommendations.

The Commission should find out from the state what steps it has taken in this regard.

Also, in the previous ordinary session of the Commission, the state delegate of Egypt indicated, in public discussions, that Egypt questions the authority of the Commission's findings in respect of communications.

The Commission should ask Egypt to clarify its position about the Commission's findings and remedial recommendations in respect of individual communications.

