



**International covenant
on civil and
political rights**

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HUMAN RIGHTS COMMITTEE
Seventy-sixth session

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 40 OF THE COVENANT**

Concluding observations of the Human Rights Committee

EGYPT

1. The Committee considered the third and fourth periodic reports of Egypt, (CCPR/C/EGY/2001/3) at its 2048th and 2049th meetings, held on 17 and 18 October 2002 (CCPR/C/SR.2048 and CCPR/C/SR.2049), and adopted the following concluding observations at its 2067th meeting (CCPR/C/SR.2067) on 31 October 2002.

A. Introduction

2. The Committee welcomes the third and fourth periodic reports of Egypt, although it regrets the seven-year delay in submission of the third periodic report and points out that conflating two reports into one should be avoided in the future. It is nevertheless pleased to have been able to resume a dialogue with the State party, since eight years have passed since its consideration of the previous report. It notes that the report contains useful information about domestic legislation relating to the implementation of the Covenant and on developments in some legal and institutional fields since the second periodic report was considered. It regrets, however, the lack of information on case law and practical aspects of implementing the Covenant. It does welcome the willingness to cooperate voiced by the Egyptian delegation and in particular the transmission, at the Committee's request, of written replies dated 22 October 2002 to oral questions raised during the examination of the report.

B. Positive aspects

3. The Committee welcomes some initiatives taken by the State party in recent years as regards human rights, in particular the creation of human rights divisions within the ministries of justice and foreign affairs and the introduction of human rights training and awareness programmes at schools and universities for law-enforcers and society at large. It also notes some improvements in the status of women and welcomes the creation of the National Council for Women and the introduction of legal reforms, in particular the passage of Act No. 1 of 2000, allowing women to end marriages unilaterally, and Act No. 14 of 1999, revoking the earlier law which offered the accused the opportunity of escaping liability for abduction and rape if he married the victim.

C. Principal subjects of concern and recommendations

4. The Committee regrets the lack of clarity surrounding the question of the legal standing of the Covenant in relation to domestic law and the attendant consequences.

The State party should ensure that its legislation gives full effect to the rights recognized in the Covenant and that effective remedies are available for the exercise of those rights.

5. While observing that the State party considers the provisions of the Islamic Shariah to be compatible with the Covenant, the Committee notes the general and ambiguous nature of the declaration made by the State party upon ratifying the Covenant.

The State party should either clarify the scope of its declaration or withdraw it.

6. The Committee is disturbed by the fact that the state of emergency proclaimed by Egypt in 1981 is still in effect, meaning that the State party has been in a semi-permanent state of emergency ever since.

The State party should consider reviewing the need to maintain the state of emergency.

7. While welcoming the steps taken by the authorities in recent years to encourage participation by women in public life (in the diplomatic service, for example), the Committee notes that women are underrepresented in most areas of the public sector (for instance, the magistrature) and in the private sector (articles 3 and 26 of the Covenant).

The State party is encouraged to step up its efforts to secure greater participation by women at all levels of society and the State, including decision-making positions, inter alia by ensuring that women in rural areas learn to read and write.

8. The Committee notes with concern that women seeking divorce through unilateral repudiation by virtue of Act No. 1 of 2000 must forego their rights to financial support and, in particular, to their dowries (articles 3 and 26 of the Covenant).

The State party should review its legislation so as to eliminate financial discrimination against women.

9. The Committee notes the discriminatory nature of some provisions in the Penal Code, which do not treat men and women equally in matters of adultery (articles 3 and 26 of the Covenant).

The State party should review its discriminatory penal provisions in order to conform to articles 3 and 26 of the Covenant.

10. The Committee draws attention to the discrimination affecting women as regards transmission of nationality to their children when their spouses are not Egyptian and as regards the rules governing inheritance (articles 3 and 26 of the Covenant).

The State party is encouraged to bring its current inquiries to a conclusion and do away with all discrimination between men and women in its domestic legislation.

11. While taking note of the action and awareness campaigns against female genital mutilation, the Committee notes that this practice still continues (article 7 of the Covenant).

The State party should eradicate the practice of female genital mutilation.

12. The Committee notes with concern the very large number of offences which, under Egyptian law, are punishable by the death penalty, and the incompatibility of certain of those offences with article 6, paragraph 2, of the Covenant.

The State party should review the question of the death penalty in light of the provisions of article 6 of the Covenant. The State party is also asked to provide the Committee with detailed information on the number of offences which carry the death penalty, the number of people sentenced to death, the number of those executed, and the number of sentences commuted since 2000. The Committee calls on the State party to bring its legislation and practice into line with the Covenant. The Committee recommends that Egypt take measures to abolish the death penalty.

13. While noting the creation of institutional machinery and the introduction of measures to punish any violations of human rights by employees of the State, the Committee notes with concern the persistence of torture and cruel, inhuman or degrading treatment at the hands of law-enforcement personnel, in particular the security services, whose recourse to such practices appears to display a systematic pattern. It is equally concerned at the general lack of investigations into such practices, punishment of those responsible, and reparation for the victims. It is also concerned at the absence of any independent body to investigate such complaints (articles 6 and 7 of the Covenant).

The State party should ensure that all violations of articles 6 and 7 of the Covenant are investigated and, depending on the results of investigations, should take action against those held responsible and make reparation to the victims. It should also set up an independent body to investigate such complaints. The State party is invited to provide detailed statistics in its next report on the number of complaints lodged against State

employees, the nature of the offences alleged, the State services implicated, the number and nature of the enquiries launched, the action taken, and the reparations made to the victims.

14. The Committee regrets the lack of clarity about the law and practice in matters of detention in custody: the duration of such detention, and access to a lawyer during such detention. It points out that it has been given no information on the total duration of pre-trial detention or the offences involved. It is concerned at the lack of clarity concerning the safeguards laid down in article 9, paragraph 3, of the Covenant. The Committee also notes the persistent occurrence of cases of arbitrary detention.

The State party is requested to elaborate on the compatibility of its legislation and practice in matters of detention in custody and pre-trial detention with article 9 of the Covenant.

15. While noting the explanations given by the delegation of the State party about the periodic and spontaneous inspections of prison establishments by the authorities, the Committee notes that detention conditions inconsistent with article 10 of the Covenant persist. It also regrets the impediments to visits by United Nations-instituted treaty and non-treaty human rights mechanisms and non-governmental human rights organizations.

The State party is invited to provide the Committee in its next report with statistics on the number of people set free as a result of inspections. It is also encouraged to permit intergovernmental and non-governmental visits and ensure that, in actual practice, article 10 of the Covenant is strictly respected.

16. While understanding the security requirements associated with efforts to combat terrorism, the Committee voices concern at their effects on the human rights situation in Egypt, particularly in relation to articles 6, 7, 9 and 14 of the Covenant.

(a) The Committee considers that the effect of the very broad and general definition of terrorism given in Act No. 97 of 1992 is to increase the number of offences attracting the death penalty in a way that runs counter to the sense of article 6, paragraph 2, of the Covenant.

(b) The Committee notes with alarm that military courts and State security courts have jurisdiction to try civilians accused of terrorism although there are no guarantees of those courts' independence and their decisions are not subject to appeal before a higher court (article 14 of the Covenant).

(c) The Committee notes furthermore that Egyptian nationals suspected or convicted of terrorism abroad and expelled to Egypt have not benefited in detention from the safeguards required to ensure that they are not ill-treated, having notably been held incommunicado for periods of over one month (articles 7 and 9 of the Covenant).

The State party must ensure that steps taken in the campaign against terrorism are fully in accordance with the Covenant. It should ensure that legitimate action against terrorism does not become a source of violations of the Covenant.

17. The Committee is concerned about infringements of the right to freedom of religion or belief.

(a) The Committee deplores the ban on worship imposed on the Bahai community.

(b) The Committee is also concerned at the pressures applied to the judiciary by extremists claiming to represent Islam, who have even succeeded, in some cases, in imposing on courts their own interpretation of the religion (articles 14, 18 and 19 of the Covenant).

The State party must see to it that its legislation and practice are consistent with article 18 of the Covenant as regards the rights of the Bahai community and reinforce its legislation, in particular Act No. 3 of 1996, to make it consistent with articles 14, 18 and 19 of the Covenant.

18. The Committee is deeply concerned at the State party's failure to take action following the publication of some very violent articles against the Jews in the Egyptian press, which in fact constitute advocacy of racial and religious hatred and incitement to discrimination, hostility and violence.

The State party must take whatever action is necessary to punish such acts by ensuring respect for article 20, paragraph 2, of the Covenant.

19. The Committee notes the criminalization of some behaviours such as those characterized as "debauchery" (articles 17 and 26 of the Covenant).

The State party should ensure that articles 17 and 26 of the Covenant are strictly upheld, and should refrain from penalizing private sexual relations between consenting adults.

20. While noting the efforts the State party has made to ensure that people are educated about human rights and tolerance, the Committee observes that results in this area are still inadequate.

The State party is invited to strengthen human rights education and use education to forestall all displays of intolerance and discrimination based on religion or belief.

21. The Committee is concerned at the restrictions placed by Egyptian legislation and practice on the foundation of non-governmental organizations and the activities of such organizations such as efforts to secure foreign funding, which require prior approval from the authorities on pain of criminal penalties (article 22 of the Covenant).

The State party should review its legislation and practice in order to enable non-governmental organizations to discharge their functions without impediments which are inconsistent with the provisions of article 22 of the Covenant, such as prior authorization, funding controls and administrative dissolution.

22. The Committee notes the de jure and de facto impediments to the establishment and functioning of political parties, primarily created by the committee set up under the Political Parties Act No. 40 of 1977, without full guarantees of independence (articles 22 and 25 of the Covenant).

The State party should permit the democratic expression of political pluralism and thus abide by its obligations under the Covenant, taking into account the Committee's General Comment No. 25. It is also requested to provide in its next report a list of the offences for which a court may strip individuals of their civil and political rights.

23. The State party should disseminate widely the text of its periodic reports and the present concluding observations.

24. In accordance with article 70, paragraph 5, of the Committee's rules of procedure, the State party should within one year provide information on the implementation of the Committee's recommendations in paragraphs 6, 12, 13, 16 and 18 of the present text. The Committee requests the State party to provide in its next report, which it is scheduled to submit by 1 November 2004, information on the other recommendations made and on its implementation of the Covenant as a whole.
