



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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COMMITTEE AGAINST TORTURE
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**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION**

Conclusions and recommendations of the Committee against Torture

Egypt

1. The Committee considered the fourth periodic report of Egypt (CAT/C/55/Add.6) at its 532nd and 535th meetings, held on 13 and 14 November 2002 (CAT/C/SR.532 and 535), and adopted the following conclusions and recommendations.

A. Introduction

2. The Committee welcomes the submission of the fourth periodic report of Egypt, which was submitted on time and in full conformity with the Committee's guidelines for the preparation of periodic reports. The Committee also welcomes the open dialogue with the representatives of the State party during the oral examination of the report and the additional information submitted by them. The Committee notes that the report contains very useful information regarding the adoption of new legislation aiming at the implementation and dissemination of the Convention.

B. Positive aspects

3. The Committee welcomes the following:

(a) The enactment of legislation banning flogging as a disciplinary penalty for prisoners;

(b) Circular letter No. 11 of 1999 regulating the procedures for the unannounced inspections which the Department of Public Prosecutions has an obligation to conduct in places of detention, particularly if it receives written or verbal reports or notifications indicating that a person is being held illegally at a police station or other place of detention;

(c) Decisions taken by the Egyptian courts to refuse any confession made under duress as evidence;

(d) The efforts of the State party to give greater emphasis to human rights training of law enforcement officials and public servants;

(e) The establishment of a Human Rights Committee in 1999 with the mandate to study and propose ways and means of ensuring a more effective protection of human rights;

(f) The establishment in 2000 of the Directorate-General for Human Rights Affairs at the Ministry of Justice, whose functions are to assume responsibility for the fulfilment of the legal aspects of international obligations arising from human rights instruments, including the preparation of replies to international bodies, promote greater public awareness and provide training on these matters for members of the judiciary and the Department of Public Prosecutions;

(g) The State party's efforts to set up a national human rights commission.

C. Factors and difficulties impeding the implementation of the Convention

4. The Committee is aware of the difficulties that the State party faces in its prolonged fight against terrorism, but recalls that no exceptional circumstances whatsoever can be invoked as a justification for torture, and expresses concern at the possible restrictions of human rights which may result from measures taken for that purpose.

D. Subjects of concern

5. The Committee is concerned about the following:

(a) The fact that a state of emergency has been in force since 1981, hindering the full consolidation of the rule of law in Egypt;

(b) The many consistent reports received concerning the persistence of the phenomenon of torture and ill-treatment of detainees by law enforcement officials, and the absence of measures to ensure effective protection and prompt and impartial investigations. Many of these reports relate to numerous cases of deaths in custody;

(c) The Committee expresses particular concern at the widespread evidence of torture and ill-treatment in administrative premises under the control of the State Security Investigation Department, the infliction of which is reported to be facilitated by the lack of any mandatory inspection by an independent body of such premises;

(d) The many reports of abuse of under-age detainees, especially sexual harassment of girls, committed by law enforcement officials, the lack of monitoring machinery to investigate such abuse and prosecute those responsible, and the fact that minors kept in places of detention have contact with adult detainees;

(e) The reports received concerning ill-treatment inflicted on men because of their real or alleged homosexuality, apparently encouraged by the lack of adequate clarity in the penal legislation;

(f) The continued use of administrative detention in Egypt;

(g) The fact that victims of torture and ill-treatment have no direct access to the courts to lodge complaints against law enforcement officials;

(h) The excessive length of many of the proceedings initiated in cases of torture and ill-treatment, and the fact that many court decisions to release detainees are not enforced in practice;

(i) The legal and practical restrictions on the activities of non-governmental organizations engaged in human rights work;

(j) The significant disparities in compensation granted to the victims of torture and ill-treatment.

E. Recommendations

6. The Committee recommends that the State party:

(a) Reconsider the maintenance of the state of emergency;

(b) Adopt a definition of torture which fully corresponds to the definition in article 1, paragraph 1, of the Convention;

(c) Guarantee that all complaints of torture or ill-treatment, including those relating to death in custody, are investigated promptly, impartially and independently;

(d) Ensure that mandatory inspection of all places of detention by prosecutors, judges or another independent body takes place, and does so at regular intervals;

(e) Ensure that all detained persons have immediate access to a doctor and a lawyer, as well as contact with their families;

(f) Eliminate all forms of administrative detention. In addition, the premises controlled by the State Security Investigation Department should be subject to mandatory inspection, and reports of torture or ill-treatment committed there should be investigated promptly and impartially;

(g) Ensure that legislation gives full effect to the rights recognized in the Convention and institute effective remedies for the exercise of such rights; ensure in particular that proceedings take place within a reasonable time after the submission of complaints, and that any court decision to release a detainee is actually enforced;

(h) Abolish incommunicado detention;

(i) Ensure that all persons convicted by decisions of military courts in terrorism cases shall have the right to have their conviction and sentence reviewed by a higher tribunal according to law;

(j) Halt all practices involving abuse of minors in places of detention and punish the perpetrators, and ban the holding of under-age detainees with adult detainees;

(k) Remove all ambiguity in legislation which might underpin the persecution of individuals because of their sexual orientation. Steps should also be taken to prevent all degrading treatment during of body searches;

(l) Establish the State's jurisdiction over all persons alleged to be responsible for torture who are present in the country and are not extradited to other States in order to be brought to justice, in accordance with the provisions of articles 5 to 8 of the Convention;

(m) Ensure that non-governmental organizations engaged in human rights work can pursue their activities unhindered, and in particular that they have access to all places of detention and prisons so as to guarantee greater compliance with the ban on torture and ill-treatment;

(n) Establish precise rules and standards to enable the victims of torture and ill-treatment to obtain full redress, while avoiding any insufficiently justified disparities in the compensation which is granted;

(o) Continue the process of training law enforcement personnel, in particular as regards the obligations set out in the Convention and the right of every detainee to medical and legal assistance and to have contact with his or her family;

(p) Consider adopting the declarations referred to in articles 21 and 22 of the Convention;

(q) Widely disseminate the Committee's conclusions and recommendations in the State party in all appropriate languages.

7. The Committee reiterates to the State party the recommendations addressed to it in May 1996 on the basis of the conclusions the Committee reached under the procedure provided for in article 20 of the Convention, and requests the State party to inform it of the steps it has taken to implement them.

8. Bearing in mind the statements made by the State party concerning its willingness to cooperate with the United Nations human rights treaty bodies and mechanisms, the Committee recommends that the State party agree to a visit by the Special Rapporteur on torture of the Commission on Human Rights.
