



Home Office

OPERATIONAL GUIDANCE NOTE EGYPT

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1. Introduction

- 1.1** This document provides Home Office caseworkers with guidance on the nature and handling of the most common types of claims received from nationals/residents of Egypt including whether claims are or are not likely to justify the granting of asylum, humanitarian protection or Discretionary Leave. Caseworkers must refer to the relevant Asylum Instructions for further details of the policy on these areas.
- 1.2** Caseworkers must not base decisions solely on the country of origin information in this guidance; it is included to provide context only and does not purport to be comprehensive.
- 1.3** The conclusions in this guidance are based on the totality of the available evidence, not just the brief extracts contained herein, and caseworkers must likewise take into account all available evidence. It is therefore essential that this guidance is read in conjunction with the relevant COI Service country of origin information and any other relevant information.
- 1.4** COI is published by the [Country Policy and Information Team \(CPIT\)](#) and is available on the intranet.
- 1.5** Claims should be considered on an individual basis, but taking full account of the guidance contained in this document. Where a claim for asylum or humanitarian protection is being considered, caseworkers must consider any elements of Article

8 of the ECHR in line with the provisions of Appendix FM (Family Life), and paragraphs 276 ADE to 276DH (Private Life) of the Immigration Rules.

- 1.6** Where a person is being considered for deportation, caseworkers must consider any elements of Article 8 of the ECHR in line with the provisions of Part 13 of the Immigration Rules. Caseworkers must also consider if the applicant qualifies for Discretionary Leave in accordance with the published policy.
- 1.7** If, following consideration, a claim is to be refused, caseworkers should consider whether it can be certified as clearly unfounded under the case by case certification power in section 94(2) of the Nationality Immigration and Asylum Act 2002. A claim will be clearly unfounded if it is so clearly without substance that it is bound to fail.

2. Country assessment

- 2.1** Caseworkers should refer to the relevant COI Service country of origin information material. An overview of the human rights situation in certain countries can also be found in the FCO Annual Report on Human Rights which examines developments in countries where human rights issues are of greatest concern:

<http://fcohdreport.readandcomment.com/read-and-download-the-report/>

2.2 Actors of protection

- 2.2.1** Caseworkers must refer to section 7 of the Asylum Instruction - [Considering the asylum claim and assessing credibility](#). To qualify for asylum, an individual must have a fear of persecution for a Convention reason and be able to demonstrate that their fear of persecution is well founded and that they are unable, or unwilling because of their fear, to seek protection in their country of origin or habitual residence.
- 2.2.2** Caseworkers must take into account whether or not the applicant has sought the protection of the authorities or the organisation controlling all or a substantial part of the State, any outcome of doing so or the reason for not doing so. Effective protection is generally provided when the authorities (or other organisation controlling all or a substantial part of the State) take reasonable steps to prevent the persecution or suffering of serious harm by for example operating an effective legal system for the detection, prosecution and punishment of acts constituting persecution or serious harm, and the applicant has access to such protection.
- 2.2.3** Following the January 2011 uprising in Egypt, the Supreme Council of the Armed Forces (SCAF) controlled Egypt's government from 11 February 2011 to 30 June 2012. On 24 June 2012, the Freedom and Justice Party leader Mohamed Morsi was declared winner of the presidential elections and took office on 30 June 2012.¹ During President Morsi's period of tenure, there was no process of transitional justice in Egypt to account for the crimes of the Mubarak era nor was there real accountability for the violence during the January 2011 uprising, which left 846 dead. There was no accountability for the military's involvement in the torture and

¹ Human Rights Watch, Egypt: Judge Government on Respect for People's Rights, 4 July 2013
<http://www.refworld.org/docid/51d698674.html>

beating of hundreds of demonstrators on 25 February, 9 March, 9 April, 4 May, and 17 December 2011. In March 2012, a military judge acquitted the only military officer on trial for the sexual assault against seven female protesters in a military prison in March 2011 under the guise of so called “virginity tests.” In September 2012, a military court sentenced three military officers to two years’ imprisonment for driving the armoured vehicles that ran over and killed 13 protesters in front of Maspero television building in October 2011.²

- 2.2.4** On 30 June 2013, millions of citizens took to the streets to mark the first anniversary of the president’s inauguration, in a protest organised by the Tamarod (Revolt) movement. The protests prompted the military to warn President Morsi on 1 July 2013 that it would intervene and impose its own ‘roadmap’ if he did not satisfy the public’s demands within 48 hours.³ On 3 July 2013, the Egyptian military deposed and arrested the Islamist president Morsi, despite his insistence that he was Egypt’s legitimate leader. Millions of people had demonstrated against President Morsi, demanding that he resign; however many thousands of Muslim Brotherhood members took to the streets in his support.⁴
- 2.2.5** The head of the Egyptian armed forces, General Abdul Fattah al-Sisi, announced on 3 July 2013 that ex-President Morsi’s new constitution was suspended, and that Chief Justice Adly Mansour would oversee an interim period with a technocratic government until presidential and parliamentary elections could be held. He was publicly supported by the Grand Sheikh of al-Azhar; the head of the Christian Coptic Church (Pope Tawadros II); the leading opposition figure Mohammed ElBaradei; and the hard-line Salafist Nour party.⁵
- 2.2.6** Since Mr Morsi was ousted by the military many of his supporters have been killed in clashes with security forces. At least 80 died in a single incident near Rabaa al-Adawiya on 27 July 2013. Several leading members of the Muslim Brotherhood have also been arrested.⁶
- 2.2.7** Evidence gathered by Amnesty International suggests that the security forces have used excessive force against supporters of deposed President Mohamed Morsi. Amnesty International also found that security forces had intervened too late or not at all during clashes between pro and anti Morsi supporters in Cairo and Alexandria on 5 July leading to a loss of life on both sides.⁷ On August 14, security authorities used excessive force to disperse the two sit-ins held by the Muslim Brotherhood and its supporters in Rabaa al-Adawiya Square in Cairo governorate and in Nahda Square in Giza governorate. This violence resulted in hundreds of deaths and thousands of serious injuries; dozens of bodies were torched under circumstances which remain unclear.⁸

² Human Rights Watch: Egypt: World Report 2013: 13 January 2013

<http://www.hrw.org/world-report/2013/country-chapters/egypt>

³ BBC News: Egypt: Q & A: ‘Egypt in turmoil’ 9 July 2013

<http://www.bbc.co.uk/news/world-middle-east-23146910>

⁴ Reuters: Egypt Army topples president , announces transition, 3 July 2013

<http://www.reuters.com/article/2013/07/03/us-egypt-protests-idUSBRE95Q0NO20130703>

⁵ BBC News: Egypt: Q & A: ‘Egypt in turmoil’ 9 July 2013

<http://www.bbc.co.uk/news/world-middle-east-23146910>

⁶ BBC News: Egypt: ‘Fears of failure for foreign mediation’ 7 August 2013

<http://www.bbc.co.uk/news/world-middle-east-23597860>

⁷ Amnesty International, Egypt: Damning evidence points to security forces’ failures, 10 July 2013

<http://www.refworld.org/docid/51dff1c4.html>

⁸ Cairo Institute for Human Rights Studies, Written statement submitted by the Cairo Institute for Human Rights Studies, a non-governmental organization in special consultative status, 6 September 2013,

Amnesty International also reports that live ammunition was used to disperse crowds of mostly peaceful demonstrators on 6 October, in which at least 49 people were killed in Cairo alone.⁹

2.2.8 The Congressional Research Service reports in September 2013 that since the crackdown started, the military has denounced Morsi supporters as “terrorists,” and the interim government has re-imposed martial law (known as the Emergency Law), giving authorities broad legal authority to detain citizens and try them before military courts. The military also has imposed a national curfew.¹⁰ On 12 September 2013, the president's office said that the state of emergency was being extended for a further two months because of the security situation.¹¹

2.2.9 The BBC reports that in September 2013 the Egyptian army launched a major military campaign against militants in the northern Sinai Peninsula. Government spokesmen have said they intend to “fully cleanse” the area of militants, and military sources say 22,000 soldiers have been deployed to help bring this about. Egyptian military sources say the campaign will take at least six months.¹² The Inter Press Service reports that there have been almost daily attacks on the Egyptian security personnel, especially in the Sinai Peninsula by unknown attackers. Egypt’s military-backed authorities say they are the work of “terrorists” with links to the Muslim Brotherhood – the group from which Morsi hails. The Brotherhood, for its part, denies any connection to the violence in Sinai, saying it is committed to peaceful protest with the aim of restoring “constitutional legitimacy”.¹³

2.2.10 The deposed ex-president, Mohammed Morsi, went on trial in Cairo on 4 November 2013, on charges of inciting the killing of protesters outside the presidential palace in 2012. He and his supporters continue to insist that he is the legitimate president of Egypt. As the trial continues protests for and against Mr Morsi continue, in Cairo and other large cities.¹⁴

2.2.11 If the applicant’s fear is of ill-treatment/persecution by the state authorities, or by agents acting on behalf of the state, then it is improbable that they can apply to those authorities for protection. If the ill-treatment/persecution is at the hands of non-state agents, then the provision of effective state protection is likely to be limited. Each case must be considered on its individual facts and the assessment of whether effective protection is available should be considered in relation to the particular circumstances and profile of the claimant and the latest country of origin information.

http://www.ecoi.net/file_upload/1930_1380203034_g1316712.pdf

⁹ Amnesty International, Egypt: State-sanctioned pattern of excessive use of force by security forces, 14 October 2013

<http://www.amnesty.org/en/news/egypt-state-sanctioned-pattern-excessive-use-force-security-forces-2013-10-14>

¹⁰ Congressional Research Service, Egypt in Crisis: Issues for Congress, 12 September 2013

<http://fpc.state.gov/documents/organization/214921.pdf>

¹¹ BBC, Egypt hit by pro and anti-Mohammed Morsi protests, 13 September 2013

<http://www.bbc.co.uk/news/world-middle-east-24089038>

¹² BBC, Egypt hit by pro and anti-Mohammed Morsi protests, 13 September 2013

<http://www.bbc.co.uk/news/world-middle-east-24089038>

¹³ Inter Press Service, Mystery Attackers Hit Sinai, 12 October 2013

<http://www.ipsnews.net/2013/10/mystery-attackers-hit-sinai/>

¹⁴ BBC News: ex-president Morsi tells trial ‘I am president’ Egypt:

<http://www.bbc.co.uk/news/world-middle-east-24801882>

2.3 Internal relocation.

- 2.3.1** Caseworkers must refer to the Asylum Instruction on [Internal Relocation](#) and in the case of a female applicant, the AI on [Gender Issues in the Asylum Claim](#), for guidance on the circumstances in which internal relocation would be a 'reasonable' option, so as to apply the test set out in paragraph 339O of the Immigration Rules.
- 2.3.2** It is important to note that internal relocation can be relevant in both cases of state and non-state agents of persecution, but in the main it is likely to be most relevant in the context of acts of persecution by localised non-state agents. If there is a part of the country of return where the person would not have a well founded fear of being persecuted and the person can reasonably be expected to stay there, then they will not be eligible for a grant of asylum.
- 2.3.3** Similarly, if there is a part of the country of return where the person would not face a real risk of suffering serious harm and they can reasonably be expected to stay there, then they will not be eligible for humanitarian protection. Both the general circumstances prevailing in that part of the country and the personal circumstances of the person concerned including any gender issues should be taken into account
- 2.3.4** Caseworkers must refer to the Gender Issues in the asylum claim where this is applicable. The fact that there may be technical obstacles to return, such as re-documentation problems, does not prevent internal relocation from being applied.
- 2.3.5** Where a category of applicants' fear is of ill-treatment/persecution by the state authorities, then internal relocation to escape that persecution will not generally be an option. Very careful consideration must be given to whether internal relocation would be a viable way to avoid a real risk of ill-treatment/persecution at the hands of, tolerated by, or with the connivance of, state agents. If an applicant who faces a real risk of ill-treatment/persecution in their home area would be able to relocate to a part of the country where they would not be at real risk, whether from state or non-state actors, and it would not be unreasonable to expect them to do so, then asylum or humanitarian protection should be refused.
- 2.3.6** Egyptian law provides for freedom of movement within the country, foreign travel, emigration and repatriation, and the government generally respected these rights in practice. There are however, notable exceptions, including the handling of refugees and asylum seekers. Neither citizens nor foreigners are allowed to travel in areas of the country designated as military zones.¹⁵ Men who have not completed compulsory military service may not travel abroad or emigrate. Completion of military service is indicated on national identification cards. Police officials reportedly force unmarried young women, sometimes including those in their thirties, to present their father's written permission to obtain a passport and travel, although this is not required by law.¹⁶ In rural areas, women's day-to-day freedom of movement is often restricted, and widespread sexual harassment in urban areas also inhibits freedom of movement.¹⁷

¹⁵ United States State Department Country Reports on Human Rights Practices for 2012, Egypt, section 2d, 19 April 2013

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dliid=204357>

¹⁶ United States, State Department Country Reports on Human Rights Practices for 2012, Egypt, section 2d, 19 April 2013

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dliid=204357>

¹⁷ OECD, Social Institutions and Gender Index 2012: Egypt, (accessed March 2013) Restricted civil liberties <http://genderindex.org/country/egypt-arab-rep>

- 2.3.7** Since the election of President Morsi and his subsequent ousting, security conditions in Egypt, particularly in urban areas, have become more volatile and uncertain. The breakdown of law and order has had the greatest impact on the more vulnerable sections of society, resulting in greater difficulty for those wishing to move around the country. Muslims who have converted to Christianity are generally unable to register as Christians or change their identity cards, and therefore experience difficulty in relocating internally.¹⁸
- 2.3.8** Caseworkers should refer to the latest available country of origin information when determining whether or not internal relocation is reasonable for a particular applicant.
- 2.3.9** Careful consideration must be given to the relevance and reasonableness of internal relocation on a case by case basis taking full account of the individual circumstances of the particular claimant. Caseworkers need to consider the ability of the persecutor to pursue the claimant in the proposed site of relocation, and whether effective protection is available in that area. Caseworkers will also need to consider the age, gender, health, ethnicity, religion, financial circumstances and support network of the claimant, as well as the security, human rights and socio-economic conditions in the proposed area of relocation, including the claimant's ability to sustain themselves.

2.4 Country guidance caselaw

[MS \(Coptic Christians\) Egypt CG \[2013\] UKUT 00611 \(IAC\)](#) (3 December 2013)

1. Notwithstanding that there is inadequate state protection of Coptic Christians in Egypt, they are not at a general risk of persecution or ill-treatment contrary to Article 3, ECHR.
2. However, on current evidence there are some areas where Coptic Christians will face a real risk of persecution or ill-treatment contrary to Article 3. In general these will be (a) areas outside the large cities; (b) where radical Islamists have a strong foothold; and (c) there have been recent attacks on Coptic Christians or their churches, businesses or properties.
3. On the evidence before the Upper Tribunal, the following are particular risk categories in the sense that those falling within them will generally be able to show a real risk of persecution or treatment contrary to Article 3, at least in their home area:
 - (i) converts to Coptic Christianity;
 - (ii) persons who are involved in construction or reconstruction/repair of churches that have been the target for an attack or attacks;
 - (iii) those accused of proselytizing where the accusation is serious and not casual;
 - (iv) those accused of being physically or emotionally involved with a Muslim woman, where the accusation is made seriously and not casually.

¹⁸ Coptic Solidarity: Egypt: Scant protection as Christians attacked in several cities in Egypt: 23 July 2013 <http://www.copticsolidarity.org/reports-resources/reports>

4. Coptic Christian women in Egypt are not in general at real risk of persecution or ill-treatment, although they face difficulties additional to other women, in the form of sometimes being the target of disappearances, forced abduction and forced conversion.
5. However, depending on the particular circumstances of the case, Coptic Christian women in Egypt aged between 14-25 years who lack a male protector, may be at such risk.
6. If a claimant is able to establish that in their home area they fall within one or more of the risk categories identified in 3 (i)-(iv) above or that they come from an area where the local Coptic population faces a real risk of persecution, it will not necessarily follow that they qualify as refugees or as beneficiaries of subsidiary protection or Article 3 ECHR protection. That will depend on whether they can show they would not have a viable internal relocation alternative. In such cases there will be need for a fact-specific assessment but, in general terms, resettlement in an area where Islamists are not strong would appear to be a viable option.
7. None of the above necessarily precludes a Coptic Christian in Egypt from being able to establish a real risk of persecution or ill-treatment in the particular circumstances of their case, e.g. if such an individual has been the target of attacks because he or she is a Coptic Christian.

[Supreme Court. RT \(Zimbabwe\) & others v Secretary of State for the Home Department \[2012\] UKSC 38 \(25 July 2012\)](#) The Supreme Court ruled that the rationale of the decision in [HJ \(Iran\)](#) applies to cases concerning imputed political opinion. Under both international and European human rights law, the right to freedom of thought, opinion and expression protects non-believers as well as believers and extends to the freedom not to hold and not to express opinions. Refugee law does not require a person to express false support for an oppressive regime, any more than it requires an agnostic to pretend to be a religious believer in order to avoid persecution. Consequently an individual cannot be expected to modify their political beliefs, deny their opinion (or lack thereof) or feign support for a regime in order to avoid persecution.

3. Main categories of claims

- 3.1 This Section sets out the main types of asylum claim, humanitarian protection claim and Discretionary Leave claim on human rights grounds (whether explicit or implied) made by those entitled to reside in Egypt. Where appropriate it provides guidance on whether or not an individual making a claim is likely to face a real risk of persecution, unlawful killing or torture or inhuman or degrading treatment/punishment. It also provides guidance on whether or not sufficiency of protection is available in cases where the threat comes from a non-state actor; and whether or not internal relocation is an option. The law and policies on persecution, humanitarian protection, sufficiency of protection and internal relocation are set out in the relevant Asylum Instructions, but how these affect particular categories of claim are set out in the instructions below. All Asylum Instructions can be accessed via the Horizon intranet site. The instructions are also published externally on the Home Office internet site at:

<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/asylumpolicyinstructions/>

- 3.2** Each claim should be assessed to determine whether there is a reasonable likelihood that the applicant would, if returned, face persecution for a Convention reason - i.e. due to their race, religion, nationality, membership of a particular social group or political opinion. The approach set out in the Court of Appeal's judgment in [Karanakaran](#) should be followed when deciding how much weight to be given to the material provided in support of the claim (see the Asylum Instruction '[Considering the asylum claim and assessing credibility](#)').
- 3.3** For any asylum cases which involve children either as dependants or as the main applicants, caseworkers must have due regard to Section 55 of the Borders, Citizenship and Immigration Act 2009. The UKBA instruction '[Every Child Matters; Change for Children](#)' sets out the key principles to take into account in all Agency activities.
- 3.4** If the applicant does not qualify for asylum, consideration should be given as to whether a grant of humanitarian protection is appropriate (See Asylum Instruction on [Humanitarian protection](#)). Where an application for asylum and humanitarian protection falls to be refused, caseworkers must consider any elements of Article 8 of the ECHR in line with the provisions of Appendix FM (Family Life) and paragraphs 276 ADE to 276DH (Private Life) of the Immigration Rules. They must also consider whether there are any compelling reasons for granting Discretionary Leave (DL) to the individual concerned (See Asylum Instruction on [Discretionary Leave](#)).

Consideration of Articles 15(a) and (b) of the Directive/Articles 2 and 3 ECHR

- 3.5** An assessment of protection needs under Article 15(c) of the Directive should only be required if an applicant does not qualify for refugee protection, and is ineligible for subsidiary protection under Articles 15(a) and (b) of the Directive (which broadly reflect Articles 2 and 3 of the ECHR). Caseworkers are reminded that an applicant who fears a return to a situation of generalised violence may be entitled to a grant of asylum where a connection is made to a Refugee Convention reason or to a grant of humanitarian protection because the Article 3 threshold has been met.

Other severe humanitarian conditions and general levels of violence

- 3.6** There may come a point at which the general conditions in the country – for example, absence of water, food or basic shelter – are unacceptable to the point that return in itself could, in extreme cases, constitute inhuman and degrading treatment. Decision makers need to consider how conditions in the country and locality of return, as evidenced in the available country of origin information, would impact upon the individual if they were returned. Factors to be taken into account would include age, gender, health, effects on children, other family circumstances, and available support structures. It should be noted that if the State is withholding these resources it could constitute persecution for a Convention reason and a breach of Article 3 of the ECHR.
- 3.7** As a result of the [Sufi & Elmi v UK](#) judgment in the European Court of Human Rights (ECtHR), where a humanitarian crisis is predominantly due to the direct and indirect actions of the parties to a conflict, regard should be had to an applicant's ability to provide for his or her most basic needs, such as food, hygiene and shelter

and his or her vulnerability to ill-treatment. Applicants meeting either of these tests would qualify for humanitarian protection.

Credibility

- 3.8** Caseworkers will need to assess credibility issues based on all the evidence available to them from the interview, documentary evidence and country of origin information. For guidance on credibility see 'Section 4 – Making the Decision in the Asylum Instruction [‘Considering the asylum claim and assessing credibility’](#).
- 3.9** Caseworkers must also ensure that each asylum application has been checked against previous UK visa applications. Where an asylum application has been biometrically matched to a previous visa application, details should already be in the Home Office file. In all other cases, the case owner should satisfy themselves through CRS database checks that there is no match to a non-biometric visa. Asylum applications matches to visas should be investigated prior to the asylum interview, including obtaining the Visa Application Form (VAF) from the visa post that processed the application.

3.10 Christians & Christian Converts

See separate country information and guidance on [Christians](#)

3.11 Political opposition activists and perceived opponents of the government

- 3.11.1** Some applicants may make an asylum and/or human rights claim based on ill-treatment, or a fear of ill-treatment, amounting to persecution on the basis of their involvement with the political opposition or their perceived opposition to the government.
- 3.11.2 Treatment:** Under ex-President Hosni Mubarak, there were significant limitations on the right of citizens to change their government, although Mubarak was credited with a limited degree of political stability, security and economic growth. He ruled for thirty years, but there was widespread anger over the brutality and impunity of security services, particularly regarding the treatment of political detainees. Mubarak was also criticised for undemocratic practices, including his assumed plan of handing power to his son. All opposition forces were systematically spied on under Mubarak and his security apparatus regularly rounded up dissidents. To monitor groups the Interior Ministry had its General Directorate for State Security Investigations while the tough methods of the Central Security Forces could be relied on to stifle demonstrations.¹⁹
- 3.11.3** Following Mubarak's resignation, on 13 February 2011, the Supreme Council of the Armed Forces (SCAF) dissolved parliament, suspended the 1971 constitution, and ruled as an executive authority not subject to electoral approval for the remainder of the year. The main political opponent of ex-President Mubarak, the chairman of the Freedom and Justice Party (part of the Islamist Muslim Brotherhood) Mohammed Morsi won the presidential election in 2012; he took office on 30 June 2012.²⁰

¹⁹ BBC News: Egypt: 'The complicated legacy of Egypt's Hosni Mubarak' 25 January 2013
<http://www.bbc.co.uk/news/world-middle-east-21201364>

²⁰ US Department of State, Country Reports on Human Rights Practices for 2012: Egypt: April 2013, section 3
<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dliid=204357>

- 3.11.4** Following the inauguration of President Morsi on 30 June 2012, there were no limitations on citizens' rights to change their government peacefully. The provisional constitution and the December 25 constitution provided for citizens to elect the House of Representatives (People's Assembly) every five years. The provisional constitution also provided for two thirds of the 180- member Shura Council (Upper house of parliament) to be elected and one third to be appointed by the president, every six years. The December 25 constitution changed the number appointed by the president to no more than one-tenth of the total elected members.²¹
- 3.11.5** President Morsi held legislative authority between August 12 and December 25 2012. New elections for the House of Representatives were expected to take place in 2013. Under the provisional constitution and the December 25 constitution, citizens directly elect the president, who is limited to two four-year terms. On 22 November 2012, President Morsi issued a constitutional declaration granting him broad authorities and placing his decisions outside judicial oversight until a new constitution was approved. He cancelled parts of this constitutional decree on 8 December 2012, following protests by the judiciary and some opposition groups. Other parts of the decree were cancelled as a result of the popular approval of the December 25 constitution.²²
- 3.11.6** On May 31 2012, the State of Emergency expired in Egypt and was not renewed, ending 31 years of uninterrupted emergency rule. By the end of August that year, the Ministry of the Interior had released all those detained under the administrative detention provisions of the emergency law. At least eight trials referred to court during the state of emergency continued before notorious Emergency State Security Courts, which do not provide a right of appeal.²³ In September 2012, Morsi appointed 3,649 judges to these courts, but human rights groups mounted a legal challenge to this move, arguing that Morsi did not have the authority to order such mass appointments outside a state of emergency.²⁴
- 3.11.7** During 2012, there was an increase in prosecutions under restrictive laws from the Mubarak era, which penalised defamation and "spreading false information". Security services continued to arrest and abuse journalists during protests. They also assaulted, arrested and tortured journalists and protesters during protests in February and May 2012. Following President Morsi's election, the authorities ordered the closure of one TV station and censored at least three editions of newspapers. The public prosecutor filed criminal defamation charges against at least 9 journalists in connection with their writing or broadcasting. In November 2012, the minister of justice appointed an investigative judge to interrogate a number of journalists and activists on charges of "insulting the judiciary".²⁵ In May 2012, military officers arrested at least 350 protesters, including 16 women after a protest near the Ministry of Defense in Cairo turned violent. Those released over

²¹ US Department of State, Country Reports on Human Rights Practices for 2012: Egypt: April 2013, section 3 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dliid=204357>

²² US Department of State, Country Reports on Human Rights Practices for 2012: Egypt: April 2013, section 3 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dliid=204357>

²³ Human Rights Watch: Egypt: World Report 2013: 31 January 2013, <http://www.hrw.org/world-report/2013/country-chapters/egypt>

²⁴ Human Rights Watch: Egypt: World Report 2013: 31 January 2013, <http://www.hrw.org/world-report/2013/country-chapters/egypt>

²⁵ Human Rights Watch: Egypt: World Report 2013, 31 January 2013 <http://www.hrw.org/world-report/2013/country-chapters/egypt>

the following days gave consistent accounts of torture and beatings during arrest and in detention.

- 3.11.8** According to a February 2013 report from the Cairo Institute for Human Rights Studies, since the election of President Mohamed Morsi in June 2012, the Presidency and its appointed government have committed grave human rights violations and cultivated an environment of legal impunity. These violations have included extrajudicial killings, sexual assaults, torture, arbitrary arrests, and the resumption of military trials of civilians. The violations have targeted media professionals, democracy activists, protesters, and human rights defenders.²⁶ The International Federation for Human Rights estimates that between 25 January 2013 and 12 February 2013 clashes between demonstrators and security forces resulted in at least 53 deaths and 1,757 injuries.²⁷ It also reports that harassment, interrogation and physical violence against journalists and media professionals significantly increased.²⁸ According to IRIN, as of 11 February 2013, the clashes during the second anniversary of the revolution brought the number of Egyptians killed since the uprising began to at least 1,085.²⁹
- 3.11.9** In mid-March 2013, the Guardian reported that police officers in more than a third of Egyptian provinces had gone on strike, including in parts of Cairo and in Port Said, the troubled northern city where more than 50 people died in February 2013 in clashes between police and protesters. Among several seemingly contradictory grievances, police demanded better weapons and also claimed the Morsi regime was using them as unwilling pawns in the suppression of protesters. Campaigners claim that the police have resumed the use of torture, and in some cases, murder. A recent report by the United Group, a group of human rights lawyers, alleges that there were at least 127 victims of police malpractice since December 2012.³⁰
- 3.11.10** Parliamentary elections, which had been scheduled to begin in April 2013, were suspended by the Cairo Administrative Court, which ruled that the electoral law promulgated by President Morsi needed to be reviewed by the Supreme Constitutional Court. Mr Morsi stated that he respected the ruling, and was unlikely to appeal. The main opposition coalition, the National Salvation Front (NSF), had said it would boycott the polls because the electoral law favoured the President's Islamist allies. The President's opponents said that the ruling was further proof that President Morsi and the Muslim Brotherhood were mismanaging the country and seeking a monopoly on power; they accused the government of an epic failure of governance.³¹

²⁶ UN Human Rights Council, Written statement submitted by the Cairo Institute for Human Rights Studies, a non-governmental organization in special consultative status; The international community must act as Egypt faces human rights crisis, 18 February 2013

http://ap.ohchr.org/documents/alldocs.aspx?doc_id=21160

²⁷ International Federation for Human Rights, Egypt: Post revolution president following in Mubarak's footsteps? 12 February 2013

<http://www.fidh.org/Egypt-Post-revolution-president-12811>

²⁸ International Federation for Human Rights, Egypt: Two years after the revolution, the protection of basic citizens' rights remains non-existent, 29 January 2013

<http://www.fidh.org/Egypt-Two-years-after-the-12791>

²⁹ IRIN, Call for investigation into post-revolution deaths in Egypt, 11 February 2013

<http://www.irinnews.org/report/97448/Call-for-investigation-into-post-revolution-deaths-in-Egypt>

³⁰ The Guardian, Egyptian police go on strike, 10 March 2013

<http://www.guardian.co.uk/world/2013/mar/10/egypt-police-strike>

³¹ BBC News: 'Egypt court suspends April parliamentary elections' 6 March 2013

<http://www.bbc.co.uk/news/world-africa-21689545>

- 3.11.11** On 9 December 2012, President Morsi issued Law No. 107 of 2012, his eleventh law since taking office. This law grants law enforcement powers to the armed forces without any protections against the referral of civilians for military trials. Previous observations by Human Rights Watch (HRW) have found that during periods of military rule, military involvement in law enforcement was accompanied by serious abuses including excessive use of force, torture and sexual assault. According to HRW, the involvement of the Egyptian military in law enforcement has been characterised by widespread and serious human rights violations over the past year and a half. These have included use of excessive force to disperse, including beating and kicking women, and the torture and sexual assault of female protesters in March 2011.³²
- 3.11.12** President Morsi was deposed and placed under house arrest on 3 July 2013, after the military dissolved the constitution. The army confirmed that ex-President Morsi was being held at the headquarters of the Republican Guard. Gen. Abdel-Fattah el-Sisi, Egypt's top military commander, told the country that the constitution had been suspended and Morsi had been replaced by the head of the constitutional court until new elections could be held. No time-table for those elections was noted.³³ Since the arrest of Mr Morsi, there have been frequent clashes between his supporters, and supporters of the military authorities and interim government. These have intensified in recent weeks.
- 3.11.13** The Inter Press Service (IPS). reports in August 2013 that since Morsi's ouster, hundreds – possibly thousands – have been killed by security forces, including Brotherhood members and others opposed to renewed military rule (see also 3.12 Members and supporters of the Muslim Brotherhood for further information). According to the IPS, fears of looming oppression – especially of Islamists – were increased in July 2013 when interior minister Mohamed Ibrahim announced the reactivation of a Mubarak-era police unit devoted to monitoring and combating “religious extremism”.³⁴
- 3.11.14** The Cairo Institute for Human Rights Studies reports in September 2013 that since Morsi's removal, the Egyptian authorities have taken exceptional measures against Islamist media outlets, including through the closure of five satellite channels after breaking into their offices and detaining their staff in unknown locations – all without court orders. Between 14-18 August 2013, four journalists were killed, three disappeared, ten shot by live ammunition or rubber bullets, and twelve detained. Security forces damaged the equipment of numerous journalists.³⁵
- 3.11.15** The Guardian reported in September 2013 that Egyptian activists fear the country's new army-backed regime will follow a crackdown on allies of the former president, Mohamed Morsi, with a wider campaign against those opposed to both Morsi and the military. It follows the arrest of one of the leading activists from the 2011 revolution on charges of attempting to bring down the government, and the

³² Human Rights Watch: Egypt: 'Morsi Law invites Military Trials of Civilians' 10 December 2012
<http://www.hrw.org/news/2012/12/10/egypt-morsy-law-invites-military-trials-civilians>

³³ ABC News: President Morsi Ousted: First democratically elected leader under house arrest: 3 July 2013
<http://abcnews.go.com/International/president-morsi-ousted-democratically-elected-leader-house-arrest/story?id=19568447>

³⁴ Inter Press Service, Noose Tightens Around Freedom in Egypt, 23 August 2013
<http://www.ipsnews.net/2013/08/noose-tightens-around-freedom-in-egypt/>

³⁵ Cairo Institute for Human Rights Studies, Written statement submitted by the Cairo Institute for Human Rights Studies, a non-governmental organization in special consultative status, 6 September 2013,
http://www.ecoi.net/file_upload/1930_1380203034_g1316712.pdf

news – published in Egypt's flagship state newspaper, and then later denied – that 35 other prominent secular activists are also under investigation.³⁶ On 6 October 2013, 38 people were killed and over 200 injured in clashes across Egypt, as rival protests to mark National Armed Forces Day ended in rioting.³⁷

See also: [Actors of protection](#) (section 2.2 above)

[Internal relocation](#) (section 2.3 above)

[Caselaw](#) (section 2.4 above)

3.11.16 Conclusion: The authorities under President Morsi committed grave human rights violations including extrajudicial killings, sexual assaults, torture, arbitrary arrests, and the resumption of military trials of civilians and cultivated an environment of legal impunity. These violations targeted media professionals, democracy activists, protesters, and human rights defenders. Since the ousting of President Morsi and the Muslim Brotherhood from political power, the political environment is still evolving, and the security situation has become increasingly volatile and unpredictable under the military authorities. Many political activists and perceived government opponents have experienced extra-judicial killings and significant ill-treatment at the hands of the Egyptian authorities, which in some cases has reached the level of persecution. This is particularly the case where activists have taken part in protests and demonstrations, and/or been subject to arrest and detention.

3.11.17 Where an individual is able to demonstrate that they are at risk of facing serious ill-treatment on account of their political activities a grant of asylum will be appropriate. Caseworkers should consider applications on a case by case basis, based on the particular circumstances, profile, gender and history of the individual concerned.

3.11.18 The Supreme Court held in [RT \(Zimbabwe\)](#) that the rationale of the decision in [HJ \(Iran\)](#) extends to the holding of political opinions. An individual should not be expected to modify or deny their political belief, or the lack of one, in order to avoid persecution.

3.12: Members of the Muslim Brotherhood

See separate country information and guidance on the [Muslim Brotherhood](#)

3.13 Women

3.13.1 Some female applicants may make an asylum and/or human rights claim based on ill-treatment amounting to persecution at the hands of state or non-state agents on the basis of their gender.

3.13.2 Treatment: Women in Egypt face discrimination and violence both in private and public. NGOs report an increasingly challenging environment for women. The

³⁶ The Guardian, Egyptian activists fear crackdown on Islamists will widen to other dissidents, 8 September 2013 <http://www.theguardian.com/world/2013/sep/08/egyptian-activists-crackdown-islamists-widen>

³⁷ The Telegraph: Dozens killed in Egypt as rival protests end in clashes: 6 October 2013 <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/egypt/10359478/Dozens-killed-in-Egypt-as-rival-protests-end-in-clashes.html>

security situation and widespread sexual harassment significantly inhibit women's political participation and expression though women voted in large numbers in the recent elections, and some women play prominent roles on television and in the activist community.³⁸ Although the constitution approved on 25 December 2012 asserts "equality and equal opportunity amongst all" male and female citizens, it also describes the family as the basis of society and mentions a "woman's duties towards her family." Women's News Network reports that the setbacks women experienced since the Muslim Brotherhood gained political power include the approval of a constitution that lacks a clear statement on women's rights and the removal of the unveiled, historical feminist figure Doriya Shafiq from school textbooks.³⁹

- 3.13.3** The law prohibits rape, prescribing penalties of 15 to 25 years' imprisonment or life imprisonment for cases involving armed abduction. The government does not effectively enforce this law. Police and the fear of societal reprisal actively discourages women from coming to police stations to report crimes, resulting in only a small number of cases being investigated or effectively prosecuted. Spousal rape is not illegal. NGOs report that the prevalence of rape is several times higher than the rate (20,000 per year) reported by the government. Public sexual assaults, up to and including gang rape have taken place in 2012, particularly during political protests.⁴⁰
- 3.13.4** An academic survey conducted in 2011 on a random sample of 1,503 households in Minya, Sohag, Cairo and Alexandria found that 81% of men believed they have the right to beat their wives and daughters. The law does not prohibit domestic violence or spousal abuse, but provisions relating to assault may be applied, with accompanying penalties. However, the law requires that a victim of assault produces multiple eye witnesses. This is rarely possible for victims of domestic abuse, making prosecutions extremely rare. NGOs report that the police often treat domestic violence as a social rather than a criminal matter. A number of NGOs do offer counselling, legal aid and other services to women who are victims of domestic abuse. There are no reliable statistics for 'honour killings' but observers report that such murders did take place during 2012, particularly in rural areas.⁴¹
- 3.13.5** Sexual harassment is a serious problem in Egypt. Harassment of women is endemic in Egypt, and reportedly increased during 2012. There is not a specific law which criminalises it, but perpetrators can be charged with the misdemeanour of "public display of affection", which women's rights groups have pointed out effectively holds victims equally responsible.⁴² After a public outcry, proposals by Islamist members of parliament to lower the minimum age of marriage, repeal the

³⁸ US Department of State, Country Reports on Human Rights Practices for 2012: Egypt, 19 April 2013, section 6

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dliid=204357>

³⁹ Women's News Network, Egypt's women pushback against threats to human rights one year after Morsi, 26 June 2013

<http://womennewsnetwork.net/2013/06/29/egypts-women-pushback/>

⁴⁰ US Department of State, Country Reports on Human Rights Practices for 2012: Egypt , 19 April 2013, section 6

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dliid=204357>

⁴¹ US Department of State, Country Reports on Human Rights Practices for 2012: Egypt, 19 April 2013, section 6

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dliid=204357>

⁴² US Department of State, Country Reports on Human Rights Practices for 2012: Egypt , 19 April 2013, section 6

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dliid=204357>

right of a woman to initiate no-fault divorce, and decriminalize female genital mutilation (FGM) were shelved. The Constituent Assembly drafted provisions on women's rights that further embedded the Sharia law exception to equality in the new draft constitution, echoing Egypt's reservations to women's rights conventions which remain in place.⁴³ In March 2013 the Muslim Brotherhood criticised a draft report prepared by the United Nations that aimed to end violence against women and girls, on the grounds that it violated the principles of Islamic law. They also called on the leaders of other Islamic countries to rise up and condemn the document.

3.13.6 Among the 10 points the Brotherhood said it opposed were resolutions to ensure women's rights to complain of marital rape; promote equal inheritance rights and equal rights between men and women within the family; and allow Muslim women to marry non-Muslims. It also criticized recommendations to abolish the need for male permission for travel, work or to use contraception, according to the statement. The Brotherhood also criticized what it said were UN recommendations to give a woman the right to choose the gender of her partner, raise the marriage age and legalize abortion.⁴⁴

3.13.7 In March 2013, Amnesty International noted that during the 17-month rule of the Supreme Council of the Armed Forces (February 2011 to June 2012), women protesters were beaten in the streets by security forces and the army. Women were also subjected to sexual and gender-based violence in detention, including forced "virginity tests" and threats of rape. Despite promises of accountability, investigations by the army and Public Prosecution have failed to hold the perpetrators to account. The police have reportedly failed to intervene in cases where they have witnessed harassment in the streets. Women are often reluctant to report incidents of harassment to the security forces because of social attitudes and pressures. The problem may be compounded by the fact that women police officers face a number of restrictions in the roles they can assume, and are only able to specialize in areas such as passports, medical services, public relations, prisons and juvenile care.

3.13.8 In early 2013, a series of serious sexual attacks on women took place in Cairo's Tahrir Square where women activists have been separated from their friends and dragged away by groups of men, who sexually assaulted them and in some cases raped them, apparently in an effort to stop women from attending protests. Some women who have tried to report the violence have said they were treated dismissively by the police.⁴⁵ On 29 January 2013, the UN High Commissioner for Human Rights expressed alarm at the spreading violence and increasing number of deaths in Egypt, and the fact that some 25 female demonstrators were reported to have been sexually assaulted in Tahrir square over a few days, in some cases with extraordinary violence.⁴⁶

⁴³ Human Rights Watch: Egypt: World Report 2013: 13 January 2013

<http://www.hrw.org/world-report/2013/country-chapters/egypt>

⁴⁴ Bloomberg.com: 'Egypt's Muslim Brotherhood condemns UN report on women': 14 March 2013

<http://www.bloomberg.com/news/2013-03-14/egypt-s-muslim-brotherhood-condemns-un-report-on-women.html>

⁴⁵ Amnesty International, Egypt: Checklist to combat sexual and gender-based violence, 15 March 2013

<http://www.amnesty.org/en/library/asset/MDE12/013/2013/en/579010c2-d145-46b2-9e11-10ebad5dbb4f/mde120132013en.pdf>

⁴⁶ OHCHR, Egypt: High Commissioner For Human Rights Urges Serious Dialogue And End To Use Of Excessive Force, 29 January 2013

<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12957&LangID=E>

- 3.13.9** An Egyptian journalist, Hania Moheeb, was one of the women sexually assaulted in January 2013 during an event commemorating the second anniversary of the uprising in Tahrir Square. She explained that the authorities tried to persuade her to file a police report “later”. However, only when her husband called human rights defenders to come and support her, did the police then take her statement.
- 3.13.10** On 3 April 2013, the Special Representative of the UN Secretary-General on Sexual Violence in Conflict, Zainab Hawa Bangura, condemned the January attacks. She stated: “The Government and religious leaders of Egypt must send a clear and categorical signal that such vicious crimes of rape and other forms of sexual assault will not be tolerated.” She stated that the perpetrators must be brought to justice.⁴⁷
- 3.13.11** Since President Morsi was removed from office on 3 July 2013; there have been violent clashes between the opposing groups and with the security forces. Most of the clashes have taken place in Cairo, Alexandria and Mansoura, but there have also been clashes elsewhere, including, Luxor, Assyut, Suez, Ismaliyya, and Qena. Serious sexual assaults on women have happened during some demonstrations in Tahrir Square. More than 40 rapes and sexual assaults of Egyptian and foreign women were reported at demonstrations on 30 June 2013.⁴⁸
- 3.13.12** On 10 July 2013, the acting head of the UN Entity for Gender Equality and the Empowerment of Women (UN Women) Lakshmi Puri, stressed the role women have played in the political life of Egypt and called for zero tolerance against all forms of violence against women and girls after reports of rape during protests following Mr Morsi’s removal from office. Media reports stated that in addition to over 80 people having been killed and thousands injured, over 90 women were raped during the clashes between Morsi’s supporters, opponents and the security forces by mid-July 2013.⁴⁹
- 3.13.13** According to the Cairo Institute for Human Rights Studies, the events that led to the deposition of former president Mohamed Morsi were characterized by severe human rights violations against women who took part in the demonstrations in opposition to the rule of deposed president Morsi. During the demonstrations that started on 28 June 2013- 7 July 2013, 186 cases of sexual assault were documented.⁵⁰
- 3.13.14** Human Rights Watch reported in July 2013 that “The rampant sexual attacks during the Tahrir Square protests highlight the failure of the government and all political parties to face up to the violence that women in Egypt experience on a daily basis in public spaces. These are serious crimes that are holding women back from participating fully in the public life of Egypt at a critical point in the country’s

⁴⁷ Equality Now: Egypt: ‘Stop sexual violence against women demanding their rights’ 11 April 2013
http://www.equalitynow.org/take_action/discrimination_in_law_action382

⁴⁸ UK Foreign Travel Advice: Egypt: Safety and Security: 7 October 2013,
<https://www.gov.uk/foreign-travel-advice/egypt/safety-and-security>

⁴⁹ UN News Service: ‘Egyptian women’s voices must be heard without threat of violence – UN official 10 July 2013

<http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=printdoc&docid=51e3ac2e4>

⁵⁰ Cairo Institute for Human Rights Studies, Written statement* submitted by the Cairo Institute for Human Rights Studies, a non-governmental organization in special consultative status to the UN Human Rights Council, 4 September 2013

http://www.ecoi.net/file_upload/1930_1380200628_g1316745.pdf

development”.⁵¹ It further notes that the Egyptian government’s response has typically been to downplay the extent of the problem and stressed the need for concerted action to improve law enforcement’s practice in protecting victims and effectively investigating and prosecuting the attackers, as well as a comprehensive national strategy on the part of the government.⁵²

See also: [Actors of protection](#) (section 2.2 above)

[Internal relocation](#) (section 2.3 above)

[Caselaw](#) (section 2.4 above)

3.13.15 Conclusion: There is widespread discrimination towards women in Egypt, and their general situation has become more difficult since the revolution of 2011 and the rapidly changing social and political environment. Women experience endemic sexual harassment, including sexual assault and rape. Inadequate legal provisions and government efforts to protect women from violence, together with a serious lack of police enforcement severely compromise women’s access to effective protection. Discriminatory cultural attitudes towards women are further compounded by the current political instability of the country situation, and increasing social polarisation.

3.13.16 Some applicants may be able to escape persecution by internally relocating to another area of Egypt. Independent travel will be difficult given the cultural milieu and the specific risks facing women in Egypt, but the evidence does not suggest a complete prohibition on women travelling unaccompanied. However it needs to be noted that women, especially single women with no support network, are likely to be vulnerable and may be subjected to destitution. The reasonableness of internal relocation must be assessed on a case by case basis taking full account of the individual circumstances of the particular claimant.

3.13.17 Factors to be taken into account include the age, health, economic and educational status, family responsibilities and other individual circumstances of the applicant. Caseworkers must also consider whether the woman is a convert to Christianity from Islam, or is a member of any religious minority (see section **3.10**). A woman returning to an area where she has family support and/or other resources such as remittances from abroad or ability to work would clearly be in a different situation to a lone woman with no protectors or resources.

3.14 Prison and detention centre conditions

3.14.1 Applicants may claim that they cannot return to Egypt due to the fact that there is a serious risk that they will be imprisoned on return and that prison conditions in Egypt are so poor as to amount to torture or inhuman treatment or punishment.

3.14.2 The guidance in this section is concerned solely with whether prison conditions are such that they breach Article 3 of ECHR and warrant a grant of humanitarian protection. If imprisonment would be for a Refugee Convention reason or in cases where for a Convention reason a prison sentence is extended above the norm, the

⁵¹ Human Rights Watch, Egypt: Epidemic of Sexual Violence, 3 July 2013
<http://www.hrw.org/news/2013/07/03/egypt-epidemic-sexual-violence>

⁵² Human Rights Watch, Egypt: Epidemic of Sexual Violence, 3 July 2013
<http://www.hrw.org/news/2013/07/03/egypt-epidemic-sexual-violence>

asylum claim should be considered first before going on to consider whether prison conditions breach Article 3 if the asylum claim is refused.

- 3.14.3 Consideration:** According to the 2012 U.S. State Department report, conditions in Egyptian prisons and detention centres are generally harsh, with overcrowding, lack of medical care and poor sanitation particular problems. Provisions for food, water, lighting and ventilation are generally inadequate. Abuse of prisoners, including torture, is common, especially in relation to juveniles, and tuberculosis is widespread.⁵³ Freedom House similarly reported in January 2013 that prison inmates are subject to torture and other human rights abuses.⁵⁴ There were approximately 60,000 prisoners in the penal system during 2012; prison conditions for women are said to be marginally better than for men, but there are credible reports of the sexual abuse of female prisoners.⁵⁵
- 3.14.4** On 3 November 2012, approximately 1,000 activists rallied in Cairo to demand an end to brutality and torture in Egyptian prisons. The El Nadeem Centre for Rehabilitation of Victims of Violence told the crowds that the group documented 150 cases of torture in the 100 days since Mursi took office. Protestors held up posters showing the disfigured faces and bodies of torture victims. The protest commemorated the death of Essam Etta, a young Egyptian whose family claimed he was tortured to death by the authorities in October 2011, in Torah prison. His family accused prison officers of inserting a hose into his mouth and anus, pumping water and soap into his body, and causing his death by massive haemorrhaging.⁵⁶
- 3.14.5** Amnesty International reports that torture in police custody has been systematic and widespread in Egypt for decades and despite numerous official pledges following the January 2011 uprising that police would respect human rights, videos of torture and other ill-treatment continue to emerge.⁵⁷
- 3.14.6** In February 2013, the Cairo Institute for Human Rights Studies noted that, in the absence of real and meaningful police reform, torture continues to be carried out in detention facilities and in public places, leading in a number of cases to the deaths of detainees. The police continue to use torture as a method of interrogation in their criminal investigations. The police have also used torture against activists in an attempt to intimidate them and at times as punishment for their political activities.⁵⁸ Human Rights Watch notes that police continued to use torture in police stations and at points of arrest, mostly during investigations in regular criminal cases, but

⁵³ US Department of State, Country Reports on Human Rights Practices for 2012: Egypt 2012, 19 April 2013, section 1c

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dliid=204357>

⁵⁴ Freedom House: Freedom in the World 2013 Egypt, January 2013

<http://www.freedomhouse.org/report/freedom-world/2013/egypt>

⁵⁵ US Department of State, Country Reports on Human Rights Practices for 2012: Egypt 2012, 19 April 2013, section 1c

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dliid=204357>

⁵⁶ Reuters News: 'Activists rally to end prison torture in Egypt' 3 November 2012

<http://www.reuters.com/article/2012/11/03/us-egypt-torture-idUSBRE8A20BW20121103>

⁵⁷ Amnesty International, Egypt: Agents of repression: Egypt's police and the case for reform, 2 October 2012, 3. Abuses on arrest and in custody

<http://www.amnesty.org/en/library/asset/MDE12/029/2012/en/576aa9cc-bd07-4724-a410-95b02009c317/mde120292012en.pdf>

⁵⁸ UN Human Rights Council, Written statement submitted by the Cairo Institute for Human Rights Studies, a non-governmental organization in special consultative status; The international community must act as Egypt faces human rights crisis, 18 February 2013

http://ap.ohchr.org/documents/alldocs.aspx?doc_id=21160

also in some political cases and that police torture led to at least 11 deaths in 2012.⁵⁹

- 3.14.7** Juveniles frequently continue to be held together with adults, and pre-trial detainees are sometimes held with convicted prisoners. Prisoners are frequently brutalised by the guards. The government took steps to automate record-keeping and began imposing fines instead of incarceration when sentencing non-violent offenders. The penal code provides for reasonable access to visitors. However, according to NGO observers and relatives of inmates, the government sometimes prevented visitors' access to detainees.⁶⁰
- 3.14.8** NGO observers claimed that prisoners were sometimes reluctant to submit complaints to judicial authorities, or to request investigation of alleged inhumane conditions, due to fear of retribution from prison officials. The government investigated some, but not all of such allegations during 2012. The government permitted some visits by independent human rights observers to prisons and jails during 2012, but permission to conduct such visits was more often denied. Renovations at some prisons around the country reportedly began to alleviate some of the problems with prison conditions during the year.⁶¹
- 3.14.9** Egypt retains the death penalty. In 2012, at least 91 people were sentenced to death, including after unfair trials by emergency courts. It was not known whether there were any executions.⁶²
- 3.14.10** According to a July 2013 Human Rights Watch report, there has been no reform of the security system, and the presidency under Morsi put forth no plans to address the ongoing systematic torture in detention.⁶³ Amnesty International reports that following the ouster of President Morsi, the authorities have held detainees in unofficial places of detention such as riot police camps and that many have been denied access to their lawyers and families.⁶⁴ In August 2013, Amnesty International noted that torture or other ill-treatment at the hands of security forces in Egypt has continued under successive governments. Police and security forces continue to torture or otherwise ill-treat detainees with total impunity. It also reports that evidence, including testimonies from survivors, indicates that supporters of deposed President Mohamed Morsi tortured individuals from a rival political camp.⁶⁵
- 3.14.11 Conclusion:** Prison conditions in Egypt are harsh and can be life-threatening, with

⁵⁹ Human Rights Watch, World Report 2013, 31 January 2013

<http://www.hrw.org/world-report/2013/country-chapters/egypt>

⁶⁰ US Department of State, Country Reports on Human Rights Practices for 2012: Egypt 2012, 19 April 2013, section 1c

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dliid=204357>

⁶¹ US Department of State, Country Reports on Human Rights Practices for 2012: Egypt 2012, 19 April 2013, section 1c

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dliid=204357>

⁶² Amnesty International, Amnesty International Report 2013 - The State of the World's Human Rights – Egypt, 23 May 2013

<https://www.amnesty.org/en/region/egypt/report-2013>

⁶³ Human Rights Watch, Egypt: Judge Government on Respect for People's Rights, 4 July

2013 <http://www.refworld.org/docid/51d698674.html>

⁶⁴ Amnesty International, Egypt: State-sanctioned pattern of excessive use of force by security forces, 14 October 2013

<http://www.amnesty.org/en/news/egypt-state-sanctioned-pattern-excessive-use-force-security-forces-2013-10-14>

⁶⁵ Amnesty International, Egypt: Evidence points to torture carried out by Morsi supporters, 2 August 2013

<http://www.refworld.org/docid/5200a44f4.html>

overcrowding, poor sanitation, a lack of healthcare and generally unhealthy conditions being particular problems. In addition to these adverse conditions there are numerous reports that officials and guards act with impunity and regularly abuse and torture prisoners, physically and sexually, including to death. Information suggests that such ill-treatment is generalised throughout the prison population, indicating that conditions are likely to reach the article 3 threshold in most cases

3.14.12 Where applicants can demonstrate a real risk of imprisonment on return to Egypt, a grant of humanitarian protection will generally be appropriate. However, the individual factors of each case should be considered to determine whether detention will cause a particular individual in his particular circumstances to suffer treatment contrary to Article 3. Relevant factors include the likely length of detention, the likely type of detention facility, and the individual's age, gender, religion and state of health. Where in an individual case treatment is likely to reach the Article 3 threshold a grant of humanitarian protection will be appropriate.

4. Minors claiming in their own right

- 4.1** Minors claiming in their own right who have not been granted asylum or HP can only be returned where the Secretary of State is satisfied that safe and adequate reception arrangements are in place in the country to which the child is to be returned.
- 4.2** At present there is insufficient information to be satisfied that there are adequate alternative reception, support and care arrangements in place for minors with no family in Egypt. Those who cannot be returned should be considered for leave as Unaccompanied Asylum Seeking Children (UASC).
- 4.3** Regulation 6 of the Asylum Seekers (Reception Conditions) Regulations 2005 imposes a duty on the Secretary of State to endeavour to trace the families of UASC as soon as possible after the claim for asylum is made, while ensuring that those endeavours do not jeopardise the child's and/or their family's safety. Information on the infrastructure within Egypt which may potentially be utilised to assist in endeavouring to trace the families of UASC, can be obtained from the Country of Origin Information Service (COIS).
- 4.4** Caseworkers should refer to the Asylum Instruction: [Processing an Asylum Application from a Child](#), for further information on assessing the availability of safe and adequate reception arrangements, UASC Leave and family tracing. Additional information on family tracing can be obtained from the [interim guidance](#) on Court of Appeal judgment in [KA \(Afghanistan\) & Others \[2012\] EWCA civ1014](#).

5. Medical treatment

- 5.1** Individuals whose asylum claims have been refused and who seek to remain on the grounds that they require medical treatment which is either unavailable or difficult to access in their countries of origin, will not be removed to those countries if this would be inconsistent with our obligations under the ECHR. Caseworkers should give due consideration to the individual factors of each case and refer to the latest available country of origin information concerning the availability of medical treatment in the country concerned. If the information is not readily available, an information request should be submitted to the COI Service (COIS).

- 5.2** The threshold set by Article 3 ECHR is a high one. It is not simply a question of whether the treatment required is unavailable or not easily accessible in the country of origin. According to the House of Lords' judgment in the case of [N \(FC\) v SSHD \[2005\] UKHL31](#), it is "whether the applicant's illness has reached such a critical stage (i.e. he is dying) that it would be inhuman treatment to deprive him of the care which he is currently receiving and send him home to an early death unless there is care available there to enable him to meet that fate with dignity". That judgment was upheld in May 2008 by the European Court of Human Rights.
- 5.3** That standard continues to be followed in the Upper Tribunal (UT) where, in the case of [GS and EO \(Article 3 – health cases\) India \[2012\] UKUT 00397\(IAC\)](#) the UT held that a dramatic shortening of life expectancy by the withdrawal of medical treatment as a result of removal cannot amount to the highly exceptional case that engages the Article 3 duty. But the UT also accepted that there are recognised departures from the high threshold approach in cases concerning children, discriminatory denial of treatment, and the absence of resources through civil war or similar human agency.
- 5.4** The improvement or stabilisation in an applicant's medical condition resulting from treatment in the UK and the prospect of serious or fatal relapse on expulsion will therefore not in itself render expulsion inhuman treatment contrary to Article 3 ECHR. All cases must be considered individually, in the light of the conditions in the country of origin, but an applicant will normally need to show exceptional circumstances that prevent return, namely that there are compelling humanitarian considerations, such as the applicant being in the final stages of a terminal illness without prospect of medical care or family support on return.
- 5.5** Where a case owner considers that the circumstances of the individual applicant and the situation in the country would make removal contrary to Article 3 or 8 a grant of Discretionary Leave to remain will be appropriate. Such cases should always be referred to a Senior Caseworker for consideration prior to a grant of Discretionary Leave. Caseworkers must refer to the Asylum Instruction on [Discretionary Leave](#) for the appropriate period of leave to grant.
- 6. Returns**
- 6.1** There is no policy which precludes the enforced return to Egypt of failed asylum seekers who have no legal basis of stay in the United Kingdom.
- 6.2** Factors that affect the practicality of return such as the difficulty or otherwise of obtaining a travel document should not be taken into account when considering the merits of an asylum or human rights claim. Where the claim includes dependent family members their situation on return should however be considered in line with the Immigration Rules.
- 6.3** Any medical conditions put forward by the person as a reason not to remove them and which have not previously been considered, must be fully investigated against the background of the latest available country of origin information and the specific facts of the case. A decision should then be made as to whether removal remains the correct course of action, in accordance with [chapter 53.8 of the Enforcement Instructions and Guidance](#).

- 6.4** Individuals can return voluntarily to their country of origin/place of habitual residence at any time in one of three ways:
- Leaving the UK by themselves, where the applicant makes their own arrangements to leave the UK;
 - Leaving the UK through the voluntary departure procedure, arranged through the UK Immigration Service, or
 - Leaving the UK under one of the [Assisted Voluntary Return \(AVR\) schemes](#).

Country Specific Litigation Team
Immigration and Border Policy Directorate
Home Office

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