



# EQUAL RIGHTS TRUST

---

**The Equal Rights Trust**  
***Submission to the Human Rights Council at the 34<sup>th</sup> Session***  
***of the Universal Periodic Review***  
**The Universal Periodic Review of Egypt**

The Equal Rights Trust is the global centre for excellence in equality law. Established in 2007, our vision is an equal world and our mission is to eliminate discrimination and ensure everyone can participate in society on an equal basis. We work in partnership with equality defenders to secure the adoption and implementation of equality laws.

**244-254 Cambridge Heath Road**  
**London, E2 9DA, UK**  
[www.equalrightstrust.org](http://www.equalrightstrust.org)  
[info@equalrightstrust.org](mailto:info@equalrightstrust.org)

## Universal Periodic Review (Third Cycle): Egypt Written submissions of the Equal Rights Trust

### **Introduction**

1. This submission focuses on the enjoyment of rights to equality and non-discrimination in Egypt. It presents the findings, conclusions and recommendations of the Equal Rights Trust's recently published report "[A Past Still Present](#)" (the "**Report**"), which is the result of extensive field and desk-based research. The Report is attached as an Annex.
2. The last Universal Periodic Review (UPR) of Egypt took place during the 20<sup>th</sup> session of the UPR in 2014. The Report of the UPR Working Group (Human Rights Council, UN Doc. A/HRC/28/16) contained a series of recommendations related to the rights to equality and non-discrimination. This submission analyses and evaluates Egypt's response to those recommendations, based on the findings of our Report.

### **Background to the Report**

3. The Equal Rights Trust has been working in Egypt since 2015, in the context of the project *Empowering civil society in Egypt to combat discrimination through documentation, litigation and advocacy*, funded through the European Instrument for Democracy and Human Rights. "A Past Still Present" was developed in the context of this project.
4. The Report's findings are based upon a combination of primary research with victims of discrimination and desk-based research. A detailed explanation of the research methodology is contained in **Part 1** of the Report.<sup>1</sup> In summary:
  - i. Four groups of field researchers were appointed to conduct primary field research on discrimination and inequality through conducting semi-structured interviews with the groups identified as being most exposed to discrimination and other human rights violations: (i) human rights defenders, journalists and others experiencing discrimination on the basis of their actual or perceived political opinion; (ii) religious minorities; (iii) women; (iv) ethnic and racial minorities; (v) non-nationals/citizens; (vi) persons with disabilities; (vii) persons with HIV/AIDS; and (viii) sexual minorities. Between 1 June 2017 and 31 May 2018, the research teams recorded the testimony of 201 survivors of discrimination in Egypt. In presenting the first-hand testimony of survivors of discrimination in the Report, all personal identifying information was withheld out of respect for the victims' wishes for anonymity and to eliminate any personal risk to the victims in disclosing their identity.
  - ii. Extensive desk-based research was undertaken by researchers working under the direction of the Trust. This included review and analysis of Egyptian laws and policies and relevant literature on patterns of discrimination and inequality in Egypt, including reports by both the government and non-governmental organisations (NGOs) to UN treaty bodies and the Universal Periodic Review process; government and intergovernmental data and reports; and research by international and national NGOs, academics and media institutions.
  - iii. In order to ensure the accuracy of the report's findings and conclusions, a draft of this report was exposed to a validation process. Between June and October 2018, sections of the draft were reviewed by a select group of experts with in-depth knowledge and understanding of the legal and political context, in addition to being subject to close editorial review and scrutiny by the Trust and our partner.

The feedback, comments and criticism received from the experts were addressed and incorporated into the final draft of the report.

## **Key findings**

### **Egypt's Legal Framework on Equality and Non-Discrimination**

5. Part 2 of our Report assesses the Egyptian legal framework on equality and non-discrimination, finding that it is manifestly inadequate to protect these rights, and inconsistent with Egypt's international obligations:<sup>2</sup>

i. **Participation in International Instruments<sup>3</sup>**

While Egypt has ratified all of the core United Nations human rights treaties with the exception of the International Convention for the Protection of all Persons from Enforced Disappearances,<sup>4</sup> contrary to recommendations,<sup>5</sup> it maintains wide-ranging reservations and declarations which severely limit the application of the rights to equality and non-discrimination, in some cases to the point of incompatibility with the purpose of the treaty itself.<sup>6</sup> Moreover, Egypt has yet to accept the competence of any treaty body to receive individual communications<sup>7</sup> and has a poor record of compliance with its reporting obligations.

ii. **Domestic Legal Framework Related to Equality<sup>8</sup>**

During its 2014 Universal Periodic Review (UPR), Egypt received several recommendations to review its national legislation for compliance with international human rights standards,<sup>9</sup> and to improve the promotion and protection of human rights within the state.<sup>10</sup> Compliance with these recommendations necessitates improving protections for the rights to equality and non-discrimination, as protected in several human rights treaties to which Egypt is a party.<sup>11</sup>

Despite Egypt's international obligations, and a commitment at the last UPR to improving human rights protection,<sup>12</sup> the **Constitution** does not adequately protect the right to equality.<sup>13</sup> Article 53, the main equality provision, prohibits discrimination on an open list of grounds. However, the provision does not explicitly list several personal characteristics that are recognised under international law, and the right to non-discrimination is only afforded to citizens. Discrimination is not defined, leaving it unclear whether all forms of discrimination are prohibited. The Constitution does not require the adoption of positive action measures to address historic inequalities. Discrimination is explicitly defined as a criminal matter, an approach which runs counter to international standards. Moreover, other provisions of the Constitution discriminate on the basis of religion and gender.<sup>14</sup>

The **state has not enacted specific, comprehensive equality legislation**,<sup>15</sup> despite its international obligations.<sup>16</sup>

Since the last Working Group Review, Egypt has enacted **Law No. 10 of 2018 "on Persons with Disabilities" (LPD)**. However, the definition of disability discrimination is inconsistent with international standards. Some provisions of the Law reinforce negative stereotypes, while others – such as Article 10, dealing with equality of access to education – are undermined by other laws which limit

their scope. Effective (non-criminal) enforcement and implementation procedures are lacking.

Beyond the LPD, Egypt has **no specific anti-discrimination laws**, meaning that those experiencing discrimination are forced to rely upon the flawed and vague constitutional equality guarantee, or on isolated equality or non-discrimination provisions provided in other laws.<sup>17</sup> Taken together, these provisions fail to provide comprehensive legislative protection for the rights to equality and non-discrimination. Moreover, numerous problems, ranging from labour law provisions that limit the economic opportunities of women, to criminal law provisions which fail to adequately define and prohibit rape, undermine the equal enjoyment of the rights.

iii. **National Policies**<sup>18</sup>

Consistent with state recommendations,<sup>19</sup> Egypt has adopted a range of policies with a bearing on the rights to equality and non-discrimination,<sup>20</sup> including the 2030 Sustainable Development Strategy, which establishes several policy objectives under the pillars of economic development, social justice and education that ostensibly seek to improve the rights of marginalised and discriminated groups. Further, ground-specific policies establish goals for ensuring the rights of women, families with children, elderly people and persons with disabilities. However, none of these policies give rise to enforceable rights, nor impose any specific obligations on the state, and consequently, their objectives and goals – laudable though they may be – remain aspirational in nature

iv. **Implementation and Enforcement Mechanisms**<sup>21</sup>

The Egyptian judicial system is beset by problems that hinder the implementation of equality and non-discrimination guarantees.<sup>22</sup> Despite recommendations at the last UPR,<sup>23</sup> the operation of special state security and military courts continues to violate the right of access to justice; whilst the high degree of influence which the executive exercises in matters relating to the organisation and functioning of such courts raise significant rule of law concerns. Although some national councils have been established to increase access to justice for human rights violations, criticism has been levelled at the relatively weak investigative and prosecutorial powers of such bodies.<sup>24</sup> Specific issues in the enforcement and implementation of human rights guarantees, including the lack of a right to individual petition before the Supreme Constitutional Court for a violation of constitutional rights; the lack of practical access to legal aid; and the lack of specific provisions regarding the transfer of the burden of proof in discrimination cases; further impede the effective enjoyment of the rights to equality and non-discrimination.<sup>25</sup>

**Patterns of Discrimination and Inequality**<sup>26</sup>

6. Several recommendations were made to Egypt in its 2014 review aimed at eliminating discrimination against particular groups.<sup>27</sup> Nevertheless, our Report finds evidence of continuing, widespread and systemic patterns of discrimination and inequality. “A Past Still Present documents patterns of discrimination arising on several grounds:

- i. **Political Opinion:**<sup>28</sup>

The suppression of political dissent, effected through the application of discriminatory laws and extra-legal means including discriminatory violence, torture and detention, is the principal, and overarching pattern of discrimination on the basis of political opinion. Despite recommendations made in Egypt's 2014 UPR,<sup>29</sup> over the past four years human rights defenders have been subject to prosecution, asset freezes and travel bans, a highly restrictive law regulating civil society organisations has been promulgated, peaceful protests have been effectively banned, journalists have been arbitrarily detained, and thousands of civilians have been tried before military courts. The rights to freedom of association, expression, assembly and movement have eroded as state authorities have launched a campaign of arrests and violence against individuals for expressing dissenting political beliefs, with a resulting impact on the enjoyment of political freedoms.

ii. **Religion or Belief:**<sup>30</sup>

The Egyptian legal framework directly and systematically discriminates on the basis of religion. Islam is afforded legal primacy under the Constitution, while the freedom to practice religious rituals is restricted to Islam, Christianity and Judaism. These three "revealed religions" are given preferential treatment within Egypt's legal framework, including in respect of personal status laws and laws governing the establishment of places of worship. The state maintains criminal blasphemy provisions which violate the rights to freedom of religion and freedom of expression, and state policies against atheism directly discriminate against non-believers. Significant patterns of discriminatory violence and torture committed against Coptic Christians and members of the Bahá'í faith have been recorded in recent years. Meanwhile, religious minorities face harassment and inequality in employment and exclusion from the education system.

iii. **Gender:**<sup>31</sup>

Egypt consistently ranks towards the bottom of global indicators for gender equality. Gender stereotypes and patriarchal attitudes are prevalent and contribute to the exclusion of women from the labour market, political system, education and healthcare. Discriminatory social norms are reinforced by laws and policies that directly discriminate against women. Women lack equal marriage and divorce rights, rights to inheritance, rights to work and equality in the conferral of citizenship. Criminal law provisions prohibiting sex outside of marriage are applied disproportionately against women, cementing sexual stereotypes. The failure of the Egyptian legal framework to fully criminalise rape, alongside laws that permit reduced sentences for individuals accused of "honour crimes" perpetuate damaging beliefs that contribute to high levels of discriminatory violence and the persistence of harmful traditional practices, including "honour killings", child marriage, polygamy and female genital mutilation.<sup>32</sup> Women experience discrimination and inequality in all spheres, including education, employment, healthcare and political and public life.<sup>33</sup>

iv. **Ethnicity or Race:**<sup>34</sup>

Evidence suggests that around 9% of the Egyptian population is made up of non-ethnic Egyptian minorities, including the Nubian people in the Upper Nile region and the Bedouin Arab tribes in the Sinai Peninsula. Although Article 53 of the Constitution prohibits discrimination on the basis of origin, race, colour and

language, the human rights of the Nubian and Bedouin people continue to be violated, including through forced relocations, the violent dispersal of peaceful protests and the arbitrary detention of human rights defenders. There is also evidence that the Bedouin face discrimination in obtaining registration documents, complicating access to healthcare and education. Nubians are unable to access education in the Nubian language and face difficulties accessing healthcare facilities.

v. **Nationality and Citizenship:**<sup>35</sup>

There are currently over 230,000 refugees and asylum seekers registered in Egypt, in addition to an estimated 70,000 refugees of Palestinian origin who are not subject to refugee status determination and registration with the UNHCR. Egypt has failed to adopt comprehensive legislation on refugees and asylum seekers and maintains reservations to the Refugee Convention which limit its application. The Constitution and other domestic laws contain legal provisions that discriminate against, or restrict the rights of, non-nationals, including provisions of the Nationality Act 1975. Non-citizens in Egypt – including refugees, migrants and asylum seekers – face considerable social stigma and are exposed to forms of discriminatory violence, ill-treatment in detention centres and the denial of due process guarantees. Barriers to education and employment contribute towards non-citizen’s socio-economic marginalisation.

vi. **Disability:**<sup>36</sup>

Persons with disabilities in Egypt face considerable societal stigma and are subject to discrimination in multiple areas of life. There is evidence that persons with disabilities have been subject to discriminatory torture and ill-treatment including, for example, reports of forced hysterectomies being performed on adolescent girls with intellectual disabilities. Notwithstanding the adoption of a new Disability Rights Law in 2018, persons with disabilities face discrimination in employment, both during the recruitment process and in the workplace, and in education. The new Law, whilst representing a significant improvement on previous legislation, falls short of the standards set in the CRPD, despite being enacted after its ratification.

vii. **Health Status:**<sup>37</sup>

The number of people living with HIV in Egypt has risen over the past 20 years, with an estimated 40% annual rate of growth, a phenomenon which has been attributed to high levels of social stigma and the maintenance of discriminatory laws. Research suggests that persons living with HIV face exclusion and prejudice in society. Persons living with HIV are prohibited from working in certain industries; in other fields individuals may be refused work or face dismissal should their HIV status become known. Evidence also suggests that persons living with HIV face discrimination in accessing healthcare. Egyptian law requires foreign workers to produce a medical certificate demonstrating that they do not have HIV. Such measures further increase stigma, with a resulting impact on rates of transmission and the prevalence of HIV within Egypt.

viii. **Sexual Orientation:**<sup>38</sup>

Egypt has been described as one of the most “hostile states to LGBTI people on the planet”.<sup>39</sup> Whilst homosexuality is not explicitly criminalised, several legal

provisions, such as those concerning debauchery and indecency, are applied in such a way as to provide a *de facto* prohibition of same-sex sexual conduct. Social attitudes towards LGBTI persons are overwhelmingly negative, with over 95% of people questioned in a 2013 poll stating that they do not accept the concept of homosexuality. There are numerous reports of violence, intimidation and other human rights abuses, including torture, arbitrary detention and ill-treatment, committed against LGBTI persons. Alongside the broader crackdown on human rights in recent years, discrimination against the LGBTI community has increased since 2013. Furthermore, surgery is required for legal gender recognition and is often denied to patients.

### **Recommendations**

7. Based on the findings of our extensive research, as summarised here and elaborated in “A Past Still Present”, Part 4 of the Report makes a series of recommendations aimed at ensuring enjoyment of the rights to equality and non-discrimination.<sup>40</sup> In particular, the Trust recommends that Egypt should:
  - i. Ratify all international treaties which have a bearing on the rights to equality and non-discrimination, including the International Convention for the Protection of all Persons from Enforced Disappearance and the Rome Statute of the International Criminal Court, and withdraw all reservations to those international human rights treaties that the state has ratified.<sup>41</sup>
  - ii. Undertake a comprehensive review of domestic legislation to identify discriminatory laws and take immediate steps to amend or repeal such laws to ensure compliance with its international obligations. This should include, *inter alia*, repealing laws that limit the right to protest and permit the detention of activists on the grounds of their political opinion; anti-blasphemy provisions; and provisions of the Penal Code which permit and perpetuate discriminatory violence against women.<sup>42</sup>
  - iii. Adopt comprehensive equality legislation appropriate for the implementation of the right to equality, and accompanying harmonization measures;<sup>43</sup>
  - iv. Act to ensure that non-discrimination and equality provisions in the Constitution and other laws are interpreted in line with international law and best practice standards, and that such provisions are properly enforced.<sup>44</sup>
  - v. Adopt measures to ensure the independence and effectiveness of Human Rights Institutions, including through the establishment of an independent equality commission, as required by Article 53 of the Constitution.<sup>45</sup>
  - vi. Take specific actions, including positive action measures, to address the discrimination and disadvantage faced by different groups in Egypt, including those discussed above.<sup>46</sup>
  - vii. Raise public awareness about equality, collect and publicise information, including relevant statistical data, and ensure that all education establishments provide suitable education on equality as a fundamental right.<sup>47</sup>

- 
- <sup>1</sup> See Equal Rights Trust, *A Past Still Present: Addressing Discrimination and Inequality in Egypt*, December 2018, (the “**Report**”), available at: [https://www.equalrightstrust.org/ertdocumentbank/Egypt\\_EN\\_online.pdf](https://www.equalrightstrust.org/ertdocumentbank/Egypt_EN_online.pdf).
- <sup>2</sup> For a discussion of Egypt’s Legal and Policy Framework, see Part 2 of the Report.
- <sup>3</sup> See Recommendations 166.1, 166.2, 166.3, 166.4, 166.5, 166.6, 166.7, 166.8, 166.9, 166.10, 166.11, 166.12, 166.13, 166.14, 166.15, 166.16, 166.17, 166.18, 166.57, 166.58, 166.159, and 166.161.
- <sup>4</sup> See Recommendations 166.10 and 166.11.
- <sup>5</sup> Recommendations 166.9, 166.14, 166.15, 166.16, 166.17, 166.18, 166.57, 166.58, and 166.159
- <sup>6</sup> See section 2.1.1 of the Report.
- <sup>7</sup> See Recommendations 166.1, 166.2, 166.3, 166.4, 166.5, 166.7, 166.8, 166.9, 166.12, 166.13, 166.14, 166.15, 166.17, and 166.161.
- <sup>8</sup> Recommendations 166.19, 166.20, 166.21, 166.23, 166.24, 166.25, 166.32 and 166.33.
- <sup>9</sup> Recommendations 166.19, 166.20, 166.21, 166.23, 166.24, and 166.25.
- <sup>10</sup> Recommendations 166.32 and 166.33.
- <sup>11</sup> See, for instance, International Covenant on Civil and Political Rights, Articles 2(1) and 26; International Covenant on Economic, Social and Cultural Rights, Article 2(2); Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Article 1(1); Convention on the Rights of the Child, Article 2(1); International Convention on the Elimination of All Forms of Racial Discrimination (regarding racial discrimination); Convention on the Elimination of All Forms of Discrimination against Women (regarding sex and gender-based discrimination); and Convention on the Rights of Persons with Disabilities (regarding disability-based discrimination).
- <sup>12</sup> Human Rights Council, Universal Periodic Review, *Working Group Report of the Working Group on the Universal Periodic Review: Egypt Addendum*, UN Doc. A/HRC/28/16/Add.1, 2 March 2015, Para 7.
- <sup>13</sup> See section 2.2.1.
- <sup>14</sup> See, for instance, discussion of Personal Status Laws in section 3.2 of the Report.
- <sup>15</sup> Discussed in section 2.2.2 of the Report.
- <sup>16</sup> Committee on Economic, Social and Cultural Rights, *Concluding Observations: Egypt*, UN Doc. E/C.12/EGY/CO/2-4, 13 December 2013, Para 8.
- <sup>17</sup> Discussed in section 2.2.3 of the Report.
- <sup>18</sup> See, for instance, Recommendations 166.82 and 166.88 in respect of women’s rights.
- <sup>19</sup> *Ibid.*
- <sup>20</sup> Discussed in section 2.3 of the Report.
- <sup>21</sup> See Recommendations 166.26, 166.27, 166.28, 166.29, 166.38, and 166.39 on strengthening the institutional framework for human rights protection; and Recommendations 166.178, 166.179, 166.180, 166.181, 166.182, 166.183, 166.184, 166.185, and 166.279 on ensuring access to justice.
- <sup>22</sup> Discussed in section 2.4.1 of the Report.
- <sup>23</sup> See Recommendations 166.186 and 166.187.
- <sup>24</sup> See section 2.4.1 of the Report.
- <sup>25</sup> Discussed in section 2.4.2 of the Report.
- <sup>26</sup> See, for instance, Recommendations 166.17, 166.18, 166.71, 166.72, 166.74, 166.75, 166.76, 166.77, 166.95, 166.146, and 166.152 (on ensuring gender equality); Recommendations 166.280, 166.281, 166.283, and 166.284 (on ensuring the equal and enhanced participation of persons with disabilities in society); and Recommendations 166.197, 166.198, 166.199, 166.200, 166.201, 166.202, 166.203, 166.204, and 166.205 (on ensuring the rights of religious minorities). Additionally, as discussed, Egypt has accepted recommendations concerning the strengthening of its human rights framework, which includes guarantees of equality and non-discrimination.
- <sup>27</sup> *Ibid.*
- <sup>28</sup> Discussed in section 3.1 of the Report.
- <sup>29</sup> See, for instance, Recommendations 166.117, 166.118, 166.119, 166.120, 166.121, 166.122, 166.123, 166.124, 166.125, 166.126, and 166.127 (on torture); Recommendations 166.206, 166.207, 166.208, 166.209, 166.210, 166.211, 166.212, 166.213, 166.214, 166.215, 166.216, 166.217, 166.218, 166.219, 166.221, and 166.245 (on freedom of expression and the rights of journalists and human rights defenders); Recommendations 166.207, 166.210, 166.211, 166.213, 166.220, and 166.245 (on the right to freedom of assembly); Recommendations 166.222, 166.223, 166.224, 166.225, 166.226, 166.227, 166.228, 166.229, 166.230, 166.231, 166.232, 166.233, 166.234,



---

166.235, 166.236, 166.237, 166.240, 166.231, 166.232, 166.234, 166.244, and 166.248 (on the amendment of laws concerning associations and the right to protest); and Recommendations 166.210, 166.220, 166.221, 166.245, and 166.246 (on the right to freedom of association).

<sup>30</sup> Discussed in section 3.2 of the Report.

<sup>31</sup> Discussed in section 3.3 of the Report.

<sup>32</sup> Contrary to several recommendations received by the State in the 2014 Universal Periodic Review concerning, *inter alia*, the adoption of measures to eliminate violence against women. See Recommendations 166.76, 166.77, 166.83, 166.99, 166.144, 166.145, 166.147, 166.148, 166.149, 166.150, 166.151, 166.153, 166.154, 166.155, 166.156, 166.157, 166.158, 166.159, 166.160, 166.161, 166.162, 166.163, 166.164, 166.165, 166.166, and 166.167; 166.85 and 166.168 (concerning female-genital mutilation) and 166.168 (concerning forced marriage).

<sup>33</sup> See Recommendations 166.81 and 166.276 (on education); 166.79, 166.86, 166.87, 166.88, 166.89, 166.97, 166.98, 166.257, 166.258, and 166.263 (on employment); 166.84 (on healthcare); and 166.90, 166.91, and 166.99 (on the participation of women in political life and positions of responsibility).

<sup>34</sup> Discussed in section 3.4 of the Report.

<sup>35</sup> Discussed in section 3.5 of the Report.

<sup>36</sup> Discussed in section 3.6 of the Report.

<sup>37</sup> Discussed in section 3.7 of the Report.

<sup>38</sup> Discussed in section 3.8 of the Report.

<sup>39</sup> ILGA, *State-Sponsored Homophobia: A World Survey of Sexual Orientation Laws: Criminalisation, Protection and Recognition*, 2017, p. 8, available at:

[https://ilga.org/downloads/2017/ILGA\\_State\\_Sponsored\\_Homophobia\\_2017\\_WEB.pdf](https://ilga.org/downloads/2017/ILGA_State_Sponsored_Homophobia_2017_WEB.pdf).

<sup>40</sup> See the Trust's detailed recommendations in Part 4 of the Report.

<sup>41</sup> See the Trust's specific recommendations for the strengthening of Egypt's international commitments related to equality at pp. 306-307 of the Report.

<sup>42</sup> See the Trust's specific recommendations at pp. 307-310 of the Report.

<sup>43</sup> *Ibid.*, pp. 310-312.

<sup>44</sup> *Ibid.*, pp. 312-313.

<sup>45</sup> *Ibid.*, p. 313.

<sup>46</sup> *Ibid.*, pp. 314-318.

<sup>47</sup> *Ibid.*, p. 319.