



Thirty-Seventh Ordinary Session

27 April - 11 May 2005, Banjul, The Gambia

Consideration of Reports submitted by States Parties under the Terms of Article 62 of the African Charter on Human and Peoples' Rights

Concluding Observations and Recommendations on the Seventh and Eighth Periodic Report of the Arab Republic of Egypt

I- Introduction

1. The Arab Republic of Egypt (Egypt) is a State Party to the African Charter on Human and Peoples' Rights (the African Charter) having ratified it on 20 March 1984, and the latter entered into force on 21 October 1986. Egypt expressed reservations with respect to Articles 8 and 18(3) of the African Charter, whose application it considers, should be carried out subject to the guidance of Islamic Law (*Shari'a*).
2. The present Concluding Observations follow from the presentation and consideration of the 2nd combined Periodic Report of Egypt. The report was submitted to the Secretariat of the African Commission on Human and Peoples' Rights (the Secretariat) on 30 December 2004, and was considered during the 37th Ordinary Session of the African Commission on Human and Peoples' Rights (the African Commission) held from 27

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April to 11 May 2005, in Banjul, The Gambia. The Report combines Egypt's 7th and 8th Periodic Reports.

3. The Report was presented by a Delegation led by H.E Counsellor Ms Sanaa Khalil, Deputy Minister of Justice for Human Rights Affairs.
4. These Concluding Observations give an account of the positive aspects identified in the Report as well as the factors which restrict the enjoyment of human and peoples' rights as stipulated in the African Charter.
5. These Concluding Observations also outline the concerns drawn from the contents of the Report and information provided during the presentation of the Report, and the recommendations formulated in this context by the African Commission.
6. The African Commission notes with satisfaction the frank and constructive dialogue that it had with the Delegation during the presentation of the Report. The African Commission accordingly wishes to express its gratitude to H.E Counsellor Sanaa Khalil and her Delegation for the comprehensive information they provided in response to questions posed and requests for clarification by the Members of the Commission.

II- Positive Aspects

The African Commission:

7. Commends Egypt for presenting its Periodic Report in conformity with Article 62 of the African Charter and the African Commission's Guidelines for the Preparation of Periodic Reports.

8. Appreciated the efforts of the Government of Egypt in implementing the rights and freedoms guaranteed by the African Charter. In this context, the African Commission notes that Egypt has:

- Promulgated, *inter alia*, in 2001 laws eliminating punishment by flogging in its prisons and abolished in 2003 the penalty of life-imprisonment and temporary hard labour;
- Abolished State Security Courts;
- Ratified most of the International and Regional instruments on human rights;
- Deployed efforts in the dissemination of human rights instruments including the African Charter;
- Established the National Human Rights Council and a Committee for Human Rights within the Parliament;
- Made a progressive definition and protection through legislation for older persons and persons with disabilities;
- Initiated dialogue with the political opposition on various issues including amendments to the Constitution in order to strengthen democracy and the rule of law;
- Guaranteed the provision of health care, prevention and emergency services and made medicines available to the citizens at reduced prices;
- Facilitated an increase in access of the population to higher education; and
- Acknowledged that some human rights problems do exist in Egypt and expressed its readiness to address them.

III- Factors Restricting the Enjoyment of Rights Guaranteed by the African Charter

9. Political, economic and social obstacles centred on illiteracy, poverty and unemployment preclude the adequate implementation of the rights and freedoms guaranteed by the African Charter;
10. The incontrollable increase in population and the inability of the State to efficiently face the multiple requests of such a situation.

IV- Areas of Concern

While recognising the efforts of Egypt to promote and protect human rights and to create awareness on the principles and provisions of the African Charter, the African Commission remains concerned:

11. That the state of emergency, which has been ongoing for decades, now is most unlikely to favour the full enjoyment by the population of the rights and freedoms enshrined in the relevant human rights instruments, in particular, the African Charter.
12. With the lack of specific figures and statistics on issues of poverty eradication and alleviation and the extent to which efforts have been made in Egypt to ensure equitable distribution of resources;
13. With the lack of details on the status of child labour, early marriages and the means and efforts to seek solutions on these issues;

14. With the delay in the process of the ratification of regional human rights instruments including the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights (the Protocol Establishing the African Court) and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Women's Protocol);
15. With the lack of details on the procedure of the appointment of members of the National Human Rights Council, its conformity to the Paris Principles and the resolution of the African Commission on Granting Affiliate Status to National Human Rights Institutions in Africa and unavailability of copy of the Council's report;
16. With the lack of clarification and information on allegations by NGOs in Egypt of generalised practice of torture in prisons;
17. With the alleged arbitrary declarations of curfews that infringe on the freedom of movement and the situation of alleged detainees/prisoners of conscience especially the *Muslim Brotherhood group* in Egypt;
18. That the independence of the judiciary is not guaranteed;
19. That the right to freedom of religion and the right to freedom of expression is allegedly being infringed upon;
20. That there is poor level of participation of women in the public sector, especially in public service and political processes, the issue of divorced

- women and widows, as well as the rights of women to inheritance, institute divorce proceedings and equality.
21. That details of the protection of refugees rights are not included in the Report;
 22. That information on the problems the Government is experiencing in upholding relevant regional human rights instruments, particularly the African Charter are unavailable; and
 23. That the measures taken to fight against terror are not always consistent with the respect for human rights.

V- Recommendations

The African Commission urges the Government of Egypt to:

24. Intensify efforts for the effective implementation of the African Charter, and ensure that gender equity and equality is integrated in all programmes, structures and activities;
25. Withdraw reservations on the African Charter, particularly those on the equality of women and address the continued rise in Female Genital Mutilation;
26. Lift the State of Emergency;
27. Guarantee independent, free and fair presidential elections and the participation of more candidates in the upcoming elections;

28. Implement the Robben Island Guidelines and facilitate their wide distribution among the State security agents and citizenry;
29. Intensify efforts to interact more with members of civil society organisations, in particular those working in the field of human rights and encourage them to apply for observer status with the African Commission;
30. Ratify the Protocol Establishing the African Court and the Women's Protocol;
31. Respect the right to freedom of movement and residence;
32. Address environmental pollution problems especially in the Urban areas;
33. Allow the African Commission to undertake missions to Egypt;
34. Ensure that measures taken to fight terror are taken in conformity with human rights standards set forth by relevant human rights instruments ratified by Egypt, including the African Charter;
35. Take appropriate steps to meet international requirements in the fight against torture and, in particular, implement the recommendations and concluding observations adopted by the United Nations Committee Against Torture on Egypt;
36. Take appropriate steps to implement the recommendations of the National Council for Human Rights; and

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37. Inform the African Commission, in its next Periodic Report in 2007, of the steps it has taken to address the areas of concern, as well as how it has implemented the recommendations in this Concluding Observations.

Adopted at the 37th Ordinary Session of the African Commission on Human and Peoples' Rights held from 27 April to 11 May 2005, Banjul, The Gambia