EGYPT

Submission to the CEDAW Committee

80th session (18 October 2021 - 12 November 2021)

Submitted on 20 September 2021

For more information, please contact:

Women’s International League for Peace and Freedom (WILPF)

Email: secretariat@wilpf.org | Web: wilpf.org
Contents

I. REPRESSION OF CIVIL SOCIETY
   A. Violations of rights of Women Human Rights Defenders (WHRDs) ................................................................. 2
   B. Crackdown on Women Social Media Influencers ................................................................. 4
   C. Recommendations .............................................................................................................. 7

II. IMPACTS OF MILITARISATION ON HUMAN RIGHTS
    A. Impacts of arms on women’s human rights .......................................................................... 8
    B. Impacts of surveillance technologies on women’s human rights ......................................... 12
    C. Recommendations .............................................................................................................. 14
I. REPRESSION OF CIVIL SOCIETY

Amidst the COVID-19 crisis Egyptian authorities’ intensified repression of critical voices throughout 2020,¹ including by adopting amendments to the Emergency Law in 2020, which granted additional power to police and security forces and prohibited all public and private meetings, assemblies, protests, parades, and any other forms of assemblies — thus adding to the existing severe restrictions on freedom of expression and association and rendering peaceful assembly almost impossible.² Activists, journalists, LGBTIQ+ persons or those perceived as such, human rights organisations, and healthcare workers questioning the government’s management of the pandemic, are continuously subjected to a myriad of violations, often facing charges of ‘terrorism’ as the regime clamps down on peaceful opposition.

Such violations include mass arbitrary detentions, torture, forced disappearance, and extrajudicial executions, including summary killings of civilians during protests.³ In its latest Universal Periodic Review, Egypt received 15 recommendations related to freedom of expression⁴ and 16 recommendations on human rights defenders, demonstrating the scale of international concern on these issues.⁵ As the CEDAW Committee stated in its List of issues (LOIs) on Egypt, “civic space for women human rights defenders is shrinking, given that women human rights activists and journalists continue to be subjected to threats, arrests and prosecution on arbitrary charges, in particular for offences related to morality.”⁶

⁶ Committee on the Elimination on all forms of Discrimination Against Women, ‘List of issues and questions in relation to the combined eight to tenth periodic reports of Egypt’ (17 November 2020) UN Doc CEDAW/C/EGY/Q/8-10, para 12.
A. Violations of rights of Women Human Rights Defenders (WHRDs)

Egyptian WHRDs have faced reprisals due to their engagement with the UN, including when participating in training on gender equality and women’s rights. For example, the Special Rapporteur on the right to housing condemned arbitrary arrest, intimidation and reprisals and other violations against persons she met during her official country visit to Egypt. Together with the Special Rapporteur on Human Rights Defenders (HRDs), she cautioned against further Special Procedures’ visits in current circumstances. The experts stated that “unless Egypt ensures that human rights defenders and victims of human rights violations can interact with UN human rights envoys without fear of reprisal, it is in our view not ready to host further visits.”

Moreover, despite Egypt’s passing of a new law on NGOs in 2019 (Law no. 149), human rights defenders are still facing travel bans, asset freezes, and, in case no. 173/2011, up to 25 years imprisonment. Abductions, arrests and torture of WHRDs have been reported on multiple occasions. In some cases, WHRDs were subjected to house arrest on the basis of false accusations,

---

such as in case 173 (NGOs foreign funding case)\(^\text{12}\) and case 621.\(^\text{13}\)

Furthermore, in July 2021, the Special Rapporteur on HRDs stated that HRDs have been “detained without warrants, held incommunicado and then accused of multiple spurious offences.”\(^\text{14}\) These include WHRDs such as: a lawyer, two board members of the Egyptian Coordination for Rights and Freedoms (ECRF) and a film editor.\(^\text{15}\) WHRDs are facing gender-specific risks and violence during their detention. For instance, a journalist and whistleblower, who was finally released in April 2021, had been denied access to food and medical supplies and contact with her family during her detention.\(^\text{16}\) She also had repeatedly been physically and sexually assaulted whilst in prison.\(^\text{17}\)

\(^{12}\) Case No 173 known as the “case on foreign funding of civil society.” In July 2011, the cabinet ordered the Minister of Justice to set up a fact-finding committee to look into foreign funding received by civil society groups and to determine which of those groups are registered under Law 84. The document includes a report from the National Security Agency and another from the Egyptian General Intelligence Agency that lists almost every independent human rights organisation in Egypt as well as the international NGOs who were subsequently prosecuted and sentenced; See FIDH, ‘Background on Case No. 173 - the “foreign funding case” Imminent Risk of Prosecution and Closure’ (23 March 2016), available at: https://www.fidh.org/en/region/north-africa-middle-east/egypt/background-on-case-no-173-the-foreign-funding-case-imminent-risk-of.

\(^{13}\) Case No 621 where different activists were prosecuted and detained for the charges of spreading false news that harms national security and joining a group established contrary to the provisions of the law and the constitution. See: ‘The chilling effect: A study on the use of pre-trial detention as a tool of repression against human rights defenders and activists in Egypt’ (Euromed Rights, March 2020) p.13, available at: https://euromedrights.org/wp-content/uploads/2020/03/Chilling-Effect-of-Pre-Trial-Detention-on-Human-Rights-Defenders-in-Egypt.pdf.


In July 2021, three Special Procedures sent to the government a detailed communication with concerns regarding the Law 149/2019 and its 2021 by-law (or regulations). Cases of HRDs have also been the subject of several urgent appeals and communications by Special Procedures (all available in the OHCHR Communications database).

B. Crackdown on Women Social Media Influencers

Two laws passed in 2018, namely the Media Regulation Law and the Anti-Cyber and Information Technology Crimes (Cyber-crime Law), are used to curb freedom of expression online, including of women social media influencers. The Media Regulation Law stipulates that social media accounts with over 5,000 followers are treated as media outlets and can therefore be subject to censorship and penalties for publishing false news. The Cyber-crime law legalises censorship and website blocking and allows the mass surveillance of communications. In its latest UPR, Egypt received three recommendations, which it did not support, to amend these laws and to bring them in line with international human rights standards.

According to Amnesty International, “Since April 2020, the authorities have intensified their crackdown on social media influencers in an apparent attempt to control cyber space by policing women’s bodies and conduct and by undermining their ability to earn an independent living. Since then, the Egyptian authorities have arrested and prosecuted ten women TikTok influencers for violating the draconian Cyber-crimes law, and other overly vague legal provisions related to “decency” and “inciting

---

18 Communication sent by the Special Rapporteurs on the rights to freedom of peaceful assembly and of association, on HRDs and, on the promotion and protection of human rights and fundamental freedoms while countering terrorism, available at: https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26522
19 https://spcommreports.ohchr.org/TmSearch/Results
immorality.” A clear example is two social media influencers known as “TikTok women”, who were prosecuted under absurd charges of undermining family values and principles by publishing “indecent” videos, sentenced a Misdemeanours Cairo Economic Court to two years in prison and a fine each, but an appeal court acquitted one of them and commuted the sentence of the other to a fine. Egypt indicated in its report that on 12 January 2021, the Economic Court of Appeals of Cairo acquitted them and three others of the charge of infringing family values and principles. However, the public prosecution indicted them on separate charges including “human trafficking” and referred them to criminal court. They were then sentenced, respectively, to six years and ten years' imprisonment for “human trafficking” in June 2021. Amnesty International, which has reviewed the videos and found no credible evidence linking the two women to acts that would amount to trafficking in persons as defined by the Protocol to Prevent, Suppress and Punish Trafficking in Persons, has issued an urgent action calling for their immediate release and their sentences to be quashed (additional information on the case available at the link to the urgent action in the footnote.)

Also, according to Amnesty International, “women who reported sexual assault, violations of their right to privacy and online abuse are among social media influencers targeted by the authorities’ use of new repressive tactics to control cyber space by policing women’s bodies and conduct and by undermining their ability to earn an independent living.”

The crackdown on women social media influencers follows a pattern used by the government against WHRDs, using degrading and misogynist stereotypes of women’s sexuality, women’s personal and

---


marital status/choices, how they dress, the language they use, sometimes considered “indecent” or “improper” for a woman, or accusations related to the type of work and activism they do. Indeed, a WHRD working for the Committee for Justice emphasises, in an interview for EuroMed Rights, that “the attacks on social media are exacerbated for WHRDs, who are seen as the weakest link in the movement.”

She explains that “smear campaigns against WHRDs often use their personal photos and information, and that this was the case for journalist, who was subjected to a smear campaign on social media using her personal photos before her arrest in October 2019.”

Moreover, as HRW raised, “the public prosecution’s aggressive campaign targeting women social media influencers stands in stark contrast to the authorities’ failure to investigate and prosecute men for sexual violence against women and girls.” Indeed, four defendants have been released for “lack of evidence” in “the Fairmont case” in which a woman reported that several men had gang-raped her in Cairo’s Fairmont Hotel in 2014. Instead, the authorities arrested seven witnesses in the case, and some were prosecuted on spurious “immorality” and “debauchery” charges. Four witnesses were released early, including three on bail, but three others were detained for over four months before being released in January 2021. One female witness described being abused in detention. Instead of prosecuting sexual violence, Egyptian authorities are sending the message that survivors and witnesses of sexual violence can themselves face charges and imprisonment if they report the crime.

C. **Recommendations**

- Immediately cease ongoing harassment, including defamation campaigns and threats, of HRDs and immediately release all those arbitrarily detained and drop charges against HRDs who are being prosecuted for exercising their right to freedom of expression, association and association;
- Repeal all laws and policies that restrict activities and rights of HRDs, including WHRDs, such as the Anti-Cyber and Information Technology Crimes Law and the Media Regulation Law;
- Cease malicious prosecution restricting WHRDs’ activities and women’s right to freedom of expression online and offline, including prosecutions regarding online content deemed to “violate the family principles and values upheld by Egyptian society” including based on provisions of the Penal Code, the law no 10/1961 on the combating of prostitution, the 2010 Trafficking law and article 25 of the Anti-Cyber and Information Technology Crimes Law;
- Ensure that HRDs are protected from prosecutions based on defamation and security grounds and put in place specific and enhanced protection mechanisms for WHRDs;
- Remove restrictions and amend laws to guarantee the rights of freedom of expression, association and peaceful assembly. Especially by putting an immediate end to and refraining from taking “precautionary measures” against HRDs, including WHRDs, such as the freezing of accounts, travel bans, passport confiscations and other intimidation measures;
- Immediately and unconditionally release all journalists, political activists, HRDs and anyone held simply for expressing their opinions, peacefully protesting or charged for offences related to “morality”;
- Provide remedies in line with international standards to women who have been arbitrarily arrested, physically assaulted or tortured for their human rights work, political opinions or online content;
- Ensure the immediate release of social media influencers being punished for their conduct online in the name of “morality” and “decency”, protect their rights to privacy, freedom of expression, non-discrimination and bodily autonomy, and put an end to the wider crackdown on women social media influencers in the country;
- End acts of intimidation and reprisals against HRDs and others who cooperate, have cooperated or seek to cooperate with the UN, its representatives and mechanisms.
II. IMPACTS OF MILITARISATION ON HUMAN RIGHTS

A. Impacts of arms on women’s human rights

The CEDAW Committee has repeatedly recognised the negative impacts of arms on women and girls and in particular has noted that: “the proliferation of conventional arms, especially small arms, including diverted arms from the legal trade, can have a direct or indirect effect on women as victims of conflict-related gender-based violence, as victims of domestic violence and also as protesters or actors in resistance movements.”\textsuperscript{35} It has further observed that the accessibility and availability of firearms heighten women’s risk of exposure to serious forms of gender-based violence.\textsuperscript{36} Weapons such as battle tanks and armoured vehicles can be used to block roads or surround a village in order to force women or men to be cornered or trapped and subsequently raped, killed, or abducted. Weapons that use surveillance to build ‘target profiles’ for people, such as drones, are also capable of being used to facilitate gender-based violence and discrimination.

WILPF has shown numerous times how the “regulated” or “legal” arms trade with end users that include armies, police, and state security services is connected to a high risk of human rights violations.\textsuperscript{37} Arms transfers and small arms availability is also linked to violent masculinities and the heightened levels of militarisation within communities. This means that arms are correlated with an increase in gendered inequality and a generalised culture of violence, often with specific gendered impacts. Violence against women and girls increases along with militarisation, often as a result of

\textsuperscript{35} It has done so in General Recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations, CEDAW/C/GC/30, 18 October 2013, para 32; General Recommendation No. 35 on gender-based violence against women, updating General Recommendation No. 19, CEDAW/C/GC/35, 14 July 2017, para 31 (c), and General recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration, para 34, CEDAW/C/GC/38, 20 November 2020, para 34 and 70.

\textsuperscript{36} General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19, CEDAW/C/GC/35, 14 July 2017, para 42.

\textsuperscript{37} WILPF, Submission to the UN Office of the High Commissioner for Human Rights on the Impact of the Diversion of Arms and Unregulated or Illicit Arms Transfers on the Human Rights of Women and Girls.
exacerbating hegemonic masculinities. In addition to being used to facilitate or commit sexual and gender-based violence, the proliferation of small arms and light weapons jeopardises women’s ability to participate in public and political life including conflict resolution, elections and public protests. It negatively impacts on women’s equality and bargaining power within the household, their mobility, and access to, and use of, resources and business and employment opportunities.

Arms imports and arms proliferation
Since Abdel Fattah al-Sisi assumed office in 2014, Egypt’s arms and surveillance imports increased to a marked extent. According to a report by the Stockholm International Peace Research Institute (SIPRI), Egypt’s arms imports increased by 136 per cent between the periods of 2011–15 and 2016–20, becoming the world’s 3rd largest importer of arms in the years 2016-2020. Despite this, Egypt is not a State party to the Arms Trade Treaty.

In terms of firearms possession, Small Arms Survey found that Egypt had the highest number of firearms among civilians in 2017, estimated at a total of 3,930,000 registered and illicit weapons; though exact figures for illicit firearms trade and holding are not available, expert assessments indicate

---

that compared to 2007, the number of civilian firearms has nearly doubled. Egypt was also the first in Africa in terms of military small arms holding with a reported 1,540,000 firearms, and one of the continent’s top five in firearms reportedly held by law enforcement with 1,530,000. Egypt is also a producer of small arms and munitions.

**Impacts of small arms on human rights**

Reportedly, Egyptian private gun ownership laws are considered to be “restrictive” and applicants for a firearms license must pass a series of background checks. In contrast national laws on the use of firearms by the police are extremely lax and do not comply with international standards on the use of force by the police. For instance, article 102 of the 1971 Police Act Law permits the police to use firearms when they are guarding prisoners or to disperse gatherings or demonstrations of at least five people when public order is under threat and after warning the protesters to disperse. This grants wide discretion to the police regarding the use of force in the context of public protests and is particularly concerning given the draconian 2020 amendments to the Emergency Law, which have

---


granted additional power to police and security forces and which severely restricted the right to peaceful assembly.\textsuperscript{51}

**Examples of violations linked to use of weapons**

Following the military coup led by Al-Sisi in 2013, clashes between armed insurgents and the Egyptian army — supported by special military units of the Central Security Forces — have proliferated in the Sinai Peninsula. In addition to ongoing activity in the peninsula, Al-Sisi’s forces carried out large-scale operations in Sinai 2015 and 2018, committing numerous violations of international law under the government’s counter-terrorism campaign.\textsuperscript{52} Since the onset of armed conflict, the Egyptian military engaged in indiscriminate attacks on local population, with ground and air raids claiming mostly civilian lives; in the 2018 Sinai Operation, internationally banned cluster munitions were utilised in North Sinai.\textsuperscript{53} There are also credible reports of crimes including extrajudicial killings, enforced disappearances and arbitrary arrests, as well as in the displacement of around 3,200 families through mass demolitions near the Gaza Strip border in 2013-2015.\textsuperscript{54}

CSOs have also for long raised alarm at transfers of arms and military equipment to Egypt including armoured vehicles, which have been used to violently repress peaceful protests.\textsuperscript{55} Security forces have a bleak record of using arbitrary and abusive force against protesters including through the use of firearms. For example, in 2013, police and military forces systematically and intentionally used excessive lethal force including with live ammunition on a large scale to disperse protests in Rab’a al-Adawiyah Square and al-Nahda squares in Cairo.\textsuperscript{56} At least 900 people were killed largely by gunshot.


\textsuperscript{52} McManus, A. ‘The Egyptian Military’s Terrorism Containment Campaign in North Sinai’ (Carnegie Endowment for International Peace, 30 June 2020), available at: https://carnegieendowment.org/sada/82218.


\textsuperscript{56} ‘Egypt: Bitter legacy of Rabaa massacre continues to haunt Egyptians’ (Amnesty International, 14 August 2019) available at:
including children and 21 women. In its last UPR, Egypt received a recommendation to investigate excessive violence committed by military and security forces during demonstrations and to bring those responsible to justice. According to Amnesty International, the authorities have failed to this day to hold accountable a single member of the security forces while many protesters are still detained and on death row. In September 2020, in protests which erupted primarily against house demolitions and socio-economic conditions, security forces also used teargas, batons, birdshot and on at least one occasion live ammunition, and arrested hundreds of protestors and bystanders to disperse demonstrations over several days.

B. Impacts of surveillance technologies on women’s human rights

Since 2011, Egyptian authorities have developed their surveillance systems, acquiring tools for mass interception of communications and data collection capable of monitoring citizens’ digital activity and private exchanges. For instance, in 2014 Egypt acquired the cyber surveillance system CEREBRO from French company Nexa Technologies, which enables large-scale interception of communications and real-time surveillance. In June 2021, executives of Nexa Technologies were indicted by

investigating judges of the crimes against humanity and war crimes unit of the Paris Judicial Court for complicity in torture and enforced disappearance in Egypt.63

In addition to CEREBRO, another even more intrusive surveillance system was supplied in 2014 to the Egyptian intelligence services by the French company Ercom through its subsidiary Suneris.64 The system enables voice interception of telephone conversations and offers spatial geolocation of targets in real-time, using the IP address of the mobile phone.65 A 2016 report by Privacy International (PI) also found that surveillance equipment from companies such as Advanced German Technology and the Italian Hacking Team had been sold to an obscure Egyptian intelligence unit — the Technical Research Department (TRD); the report points to acquisitions of equipment with extensive interception and monitoring capacities made by the TRD.66 Other products that Egypt purchased from France include patroller drones and surveillance satellites for crowd control, which provide precise details to spot the beginnings of a crowd including in urban settings, thus potentially preventing the formation of peaceful protests and social movements.67

Examples of human rights violations of WHRDs and LGBTIQ+ individuals enabled by surveillance and digital technologies

As evidenced in the above-mentioned case of “the Tik Tok women”, the government is increasingly expanding its repression to cyberspace, including by violating women’s rights to freedom of expression, privacy, to earn a living online, and by policing women’s bodies.68 Large-scale phishing campaigns

---


against activists that likely originated from government-backed entities were also documented in 2016-2017 and 2019.\textsuperscript{69} These attacks have notably targeted WHRDs including an organisation promoting the political participation of women, addressing sexual violence, and on other gender issues.\textsuperscript{70} Egyptian women activists in exile also continue to face digital threats and online censorship. For instance, the spokesperson for Egypt’s April 6 Youth Movement, has reportedly had her Facebook account shut down numerous times during the past years because of complaints from pro-Sisi digital agents.\textsuperscript{71} LGBTIQ+ individuals are also increasingly targeted and arrested by the police, which use fake accounts on social media and dating apps, as well as digital evidence for prosecution.\textsuperscript{72}

C. Recommendations

- Take immediate measures to respect and protect the right of peaceful assembly and to regulate the use of force and firearms by security forces during assemblies in line with international human rights standards, including the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;
- Immediately cease online targeting and cyberattacks against WHRDs, as well as against LGBTIQ+ individuals;
- Ensure that domestic laws permit the use of surveillance technologies only in accordance with the human rights standards of legality, necessity and legitimacy of objectives, and establish legal mechanisms of redress consistent with their obligation to provide victims of surveillance-related abuses with an effective remedy;


● Establish mechanisms that ensure public approval, oversight and control of the purchase of surveillance technologies;

● Amend the Telecommunication Regulation Law No 10 of 2003, the 2018 Cybercrime law and the Data Protection Law (Law No. 151 of 2020) to bring them in line with international human rights law, particularly with regard to the respect of the right to privacy and freedom of expression;

● Accede to the Arms Trade Treaty and ensure transparency and reporting on military spending as well as on weapons acquisition by reporting to the UN Register of Conventional Arms.