Egypt
Submission to the Human Rights Committee
134th session (28 February 2022 – 25 March 2022)
List of Issues

For more information, please contact:
Women’s International League for Peace and Freedom (WILPF)
Email: secretariat@wilpf.org | Tel: +41 (0) 22919 70 80 | Web: wilpf.org
# Contents

I. **REPRESSION OF CIVIL SOCIETY (Arts. 2.1, 3, 9, 14, 19, 21, 22)** .............................................................. 1  
   Violations of rights of Women Human Rights Defenders (WHRDs) ................................................................. 3  
   Crackdown on Women Social Media Influencers ........................................................................................................... 5  
   Suggested questions ..................................................................................................................................................... 8

II. **IMPACTS OF MILITARISATION ON HUMAN RIGHTS (Arts. 2.1, 3, 6, 17, 19, 21)** ............................................. 10  
   Impacts of arms on human rights .................................................................................................................................. 10  
   Impacts on women’s rights .............................................................................................................................................. 10  
   Arms imports and arms proliferation ................................................................................................................................ 11  
   Impacts of small arms on human rights .......................................................................................................................... 13  
   Examples of violations linked to the use of other types of weapons .................................................................................. 14  
   Impacts of surveillance technologies on human rights .................................................................................................. 16  
   Examples of human rights violations of WHRDs and LGBTIQ+ persons enabled by surveillance and digital technologies .......................................................................................................................... 17  
   Suggested questions ..................................................................................................................................................... 18
I. REPRESSION OF CIVIL SOCIETY (Arts. 2.1, 3, 9, 14, 19, 21, 22)

In its last review of Egypt almost 20 years ago, the Human Rights Committee expressed serious concerns about the “semi-permanent state of emergency”1 (the then state of emergency had been in place since 1981);2 “the persistence of torture, cruel, inhuman or degrading treatment at the hands of law-enforcement personnel, in particular the security services, whose recourse to such practices appears to display a systematic pattern;”3 the lack of accountability for such violations.4 It also voiced concerns over the broad and general definition of terrorism;5 the use of military courts and State security courts to try civilians and recommended Egypt to ensure that “legitimate action against terrorism does not become a source of violations of the Covenant.”6

The Committee also expressed concern at the criminalisation of some behaviours characterised as “debauchery”7 and at discriminatory provisions against women in the Penal Code, notably with regard to adultery.8 It also recommended Egypt to review its laws and practices on NGOs to enable them to discharge their functions without impediments such as, prior authorisation, funding controls and administrative dissolution.9 Twenty years later, not only are these concerns still present but they have, by and large, become worse.

The state of emergency proclaimed in 1981 was in place for 31 years (it was ended in 2012); however, a state of emergency was proclaimed again in April 2017. Throughout 2020, amidst the COVID-19 crisis, the Egyptian authorities intensified repression of critical voices,10 including by adopting amendments to the Emergency Law

---

2 The state of emergency was eventually ended in 2012 (see, for example, “Egypt must return to rule of law as state of emergency ends” at https://www.amnesty.org/en/latest/news/2012/06/egypt-must-return-rule-law-state-emergency-ends/ ). However, it was proclaimed again in 2017 (see for example, ‘Egypt’s Emergency Law Explained’ at https://www.aljazeera.com/features/2017/4/11/egypt-s-emergency-law-explained; ‘https://www.bbc.com/news/world-middle-east-18283635’.)
4 Ibid.
5 Ibid. para. 16 (a).
6 Ibid. para. 16.
7 Ibid. para. 19.
8 Ibid. para. 9.
9 Ibid. para. 21.
No. 162 of 1958 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.\textsuperscript{11}

The state of emergency was eventually lifted in October 2021.\textsuperscript{12} While this is a positive step, existing trials before these emergency courts are set to continue, which is even more concerning given that, as reported by Amnesty International, “in the three months preceding this decision, the Egyptian authorities referred at least 20 human rights defenders, activists and opposition politicians to trial before emergency courts.”\textsuperscript{13} Moreover, the Emergency Law was just one aspect of an overall repressive legal arsenal, which has normalised emergency-like powers during normal times including in the law on public protests and in the Counter-terrorism law.\textsuperscript{14}

In this context, human rights defenders, journalists, LGBTQ+ persons or those perceived as such, peaceful protesters, 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.\textsuperscript{15}


Such violations include mass arbitrary detentions, torture, forced disappearances, and extrajudicial killings, including of civilians during protests. In 2019, in its latest Universal Periodic Review (UPR), Egypt received 15 recommendations related to freedom of expression and 16 recommendations on human rights defenders, demonstrating the scale of international concern on these issues. In November 2021, in its review of Egypt, the CEDAW Committee expressed deep concern that women human rights defenders (WHRDs), “have been subjected to restrictions, arbitrary detention, prolonged pre-trial detention, ill-treatment in detention and travel ban for their civic engagement.” It recommended that Egypt “respect its obligations in accordance with international human rights treaties when dealing with women human rights defenders and their organisations exercising the right to freedom of expression and association” and “to systematically investigate cases of reprisals, harassment and restrictions against women human rights defenders, including gender-based violence and ill-treatment in detention by law enforcement officials.

**Violations of rights of Women Human Rights Defenders (WHRDs)**

This submission, which draws from a WILPF submission to the CEDAW Committee, highlights of the concerns specifically relating to the situation of 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. In 2018, 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) and case 621.

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.” These include WHRDs such

---

23 Ibid.


26 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: International Federation for Human Rights, ‘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.


as: a lawyer, two board members of the Egyptian Coordination for Rights and Freedoms (ECRF) and a film editor. 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. She also had repeatedly been physically and sexually assaulted whilst in prison.

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).

**Crackdown on Women Social Media Influencers**

Two laws passed in 2018, namely the Law on the Organisation of Press, Media and the Supreme Council of Media (hereinafter the ‘Media Regulation Law’) and the Anti-Cyber and Information Technology Crimes (hereinafter the ‘Cyber-crime Law’), are used to curb freedom of expression online, including of women social media influencers.

---


32 Communication sent by the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Special Rapporteur on Human Rights Defenders and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, AL EGY 6/2021 (8 July 2021), available at: https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26522.

33 The search function is available at: https://spcommreports.ohchr.org/TmSearch/Results, a Search guide is available at: https://spcommreports.ohchr.org/about/guide.

34 Law No. 180 of 2018.

media influencers. The Media Regulation Law stipulates, among other things, 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 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 written replies to the CEDAW Committee 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 a journalist, who was subjected to a smear campaign on social media using her personal photos before her arrest in October 2019.”

Moreover, as Human Rights Watch has 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

---


45 Ibid.

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.

Suggested questions

- What steps have been taken to immediately and unconditionally release all those arbitrarily detained and to drop charges against HRDs and others who are being prosecuted for exercising their right to freedom of expression, association and assembly?
- What steps have been taken to cease the ongoing harassment of HRDs, including defamation campaigns and threats against them?
- What steps have been taken to repeal all laws and policies that infringe on the rights to freedom of expression, association and peaceful assembly and restrict activities and rights of HRDs such as the Anti-Cyber and Information Technology Crimes Law and the Media Regulation Law?
- Provide information on the status of prosecutions 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” such as those 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;
- How does the State party ensure that HRDs are protected from prosecutions based on defamation and security grounds? What are the mechanisms put in place to ensure specific and enhanced protection for WHRDs and others needing it?


• Which steps has the State party taken towards removing restrictions and amending laws to guarantee the rights to freedom of expression, association and peaceful assembly, and in particular towards ending the practice of “precautionary measures” against HRDs, including WHRDs, such as the freezing of accounts, travel bans, passport confiscations and other intimidation measures?

• Which measures has the State party taken towards the release of all journalists, political activists, HRDs and anyone held simply for expressing their opinions, peacefully protesting or charged for offences related to “morality”?

• What are the remedies available to those who have been arbitrarily arrested, physically assaulted or tortured for their human rights work, political opinions or online content?

• Provide information on the status of social media influencers who have been prosecuted for their conduct online in the name of “morality” and “decency”. What measures is the State party taking to respect and protect women’s rights to privacy, freedom of expression, non-discrimination and bodily autonomy online, including on social media in the country?

• What steps has the State Party taken to address 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 (Arts. 2.1, 3, 6, 17, 19, 21)

Impacts of arms on human rights

The negative impacts of weapons on human rights have been recognised, inter alia, by several human rights treaty bodies and are increasingly being investigated and criticised by investigative mechanisms created by the UN Human Rights Council (HRC).

Impacts on women’s rights

The specific impacts on women and girls have also been highlighted. For example, the CEDAW Committee has repeatedly recognised such negative impacts 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.” It has further observed that the accessibility and availability of firearms heighten women’s risk of exposure to serious forms of gender-based violence. It has recalled the State parties’ obligations under the Convention to focus on the prevention of conflict and all forms of violence and that prevention measures include robust and effective arms regulation.

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.

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

52 ‘General Recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations’ (18 October 2013), UN Doc CEDAW/C/GC/30, para. 32.


54 ‘General Recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations’ (18 October 2013), UN Doc CEDAW/C/GC/30, para. 29 in which the Committee recalls that “Obligations under the Convention require States parties to focus on the prevention of conflict and all forms of violence. Such conflict prevention includes (...) robust and effective regulation of the arms trade, in addition to appropriate control over the circulation of existing and often illicit conventional arms, including small arms, to prevent their use to commit or facilitate serious acts of gender-based violence.”
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.\footnote{See for example, 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’ (10 April 2020), available at: https://www.wilpf.org/advocacy_documents/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/; WILPF, HRC45: Written Statement on the Gendered Impact of Arms (19 August 2020) available at: https://www.wilpf.org/advocacy_documents/hrc45-written-statement-on-the-gendered-impact-of-arms/ .} 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 exacerbating hegemonic masculinities.\footnote{For example, the Group of Experts on Yemen as well as a joint report by WILPF and partners offer in-depth analyses how the armed conflict has exacerbated already deeply rooted gender inequalities in Yemen: a report of the Commission of Inquiry on Syria provides similar analysis for Syria; see: HRC ‘Report of the detailed findings of the Group of Eminent International and Regional Experts on Yemen’ (3 September 2019) UN Doc A/HRC/42/17, paras. 624–633, available at: https://www.ohchr.org/Documents/HRBodies/HRCouncil/GEE-Yemen/A_HRC_42_CRP_1.PDF; WILPF et al., ‘Changes ahead: Yemeni women map the road to peace, joint submission to the Universal Periodic Review of Yemen’ (July 2018), available at: https://reliefweb.int/sites/reliefweb.int/files/resources/WILPF_Yemen-Publication_web.pdf; HRC, “‘I lost my dignity’: Sexual and gender-based violence in the Syrian Arab Republic’ (8 March 2018) UN Doc A/HRC/37/CRP.3, available at: https://www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/A-HRC-37-CRP-3.pdf .} 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.\footnote{See, for example, HRC, ‘Impact of arms transfers on the enjoyment of human rights’ (3 May 2017), UN Doc A/HRC/35/8, para. 12, available at: https://undocs.org/A/HRC/35/8.}

## Arms imports and arms proliferation

In its General Comment 36 on the right to life, the Committee stated that:

> “States parties engaged in the deployment, use, sale or purchase of existing weapons and in the study, development, acquisition or adoption of weapons, and means or methods of warfare, must always consider their impact on the right to life.”\footnote{Human Rights Committee, ‘General comment No. 36 - Article 6: right to life’ (3 September 2019) UN Doc CCPR/C/GC/36, para. 65.}

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% between the periods of 2011–15 and 2016–20,\(^{59}\) becoming the world’s 3rd largest importer of arms in the years 2016-2020.\(^{60}\) Despite this, Egypt is not a State party to the Arms Trade Treaty.\(^{61}\) In 2021, Egypt notably became the largest buyer of German weapons, helping Germany hit record levels with Egypt’s imported goods valued at EUR 4.34 billion and making up 46% of total German arms exports that year; among the weapons imported by Egypt are three MEKO A-200 EN frigates from Kiel-based Thyssenkrupp Marine Systems and 16 air defence systems from Diehl Defence in Baden-Württemberg.\(^{62}\) Moreover, there are reports that the US State Department has approved the sale to Egypt of 12 Super Hercules C-130 transport aircrafts and air defence radar systems estimated at USD 2.5 billion in January 2022.\(^{63}\) This despite the US’ own concerns regarding Egypt’s human rights record, confirmed by the fact that the US State Department has recently announced that Egypt will not receive the annual USD 130 million in military aid as it failed to meet the conditions for it.\(^{64}\)

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 3,900,000 registered and illicit weapons;\(^{65}\) though exact figures for illicit firearms trade and holding are not available, a comparison of expert assessments indicates that the number of civilian firearms in 2017 had doubled compared to 2007.\(^{66}\) Egypt was also the first in Africa

---


\(^{66}\) Small Arms Survey found that Egypt had the highest number of firearms among civilians in 2017, estimated at a total of 3,900,000 registered and illicit weapons; this is more than twice the number of civilian firearms in 2007, estimated at 1,900,000. (Estimates for 2007 can be found in Small Arms Survey, ‘Annexe 4: Civilian gun ownership for 178 countries, in descending order of averaged firearm’ to Chapter 2. Completing the Count: Civilian Firearms of ‘Small Arms Survey 2007: Guns and the City’ (August 2007), available at: http://www.smallarmsurvey.org/publications/by-type/yearbook/small-arms-survey-2007.html; estimates for 2017 are available in Small Arms Survey, ‘Civilian Firearms
in terms of military small arms holding with a reported at around 1,540,000 firearms,\(^\text{67}\) and one of the continent’s top five in firearms reportedly held by law enforcement with 1,530,000.\(^\text{68}\) Egypt is also a producer of small arms and munitions.\(^\text{69}\)

**Impacts of small arms on human rights**

According to the Committee’s General Comment on the right of peaceful assembly,

“Law enforcement officials [...] are obliged to exhaust non-violent means and to give prior warning if it becomes absolutely necessary to use force, unless doing either would be manifestly ineffective. Any use of force must comply with the fundamental principles of legality, necessity, proportionality, precaution and non-discrimination applicable to articles 6 and 7 of the Covenant, and those using force must be accountable for each use of force. Domestic legal regimes on the use of force by law enforcement officials must be brought into line with the requirements enshrined in international law, guided by standards such as the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement.”\(^\text{70}\)

In Egypt, 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.\(^\text{71}\) 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.\(^\text{72}\) This grants wide discretion to the police regarding the use of force in the context of public protests

---


\(^{70}\) Human Rights Committee, ‘General comment No. 37 (2020) on the right of peaceful assembly (article 21)’ (17 September 2020), UN Doc CCPR/C/GC/37, para. 78.


\(^{72}\) *Ibid.*
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{73}

**Examples of violations linked to the use of other types 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{74} 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{75} 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{76} In its General Comment regarding the right to life, the Human Rights Committee stated that in situations of armed conflict,

“[P]ractices inconsistent with international humanitarian law, entailing a risk to the lives of civilians and other persons protected by international humanitarian law, including the targeting of civilians, civilian objects and objects indispensable to the survival of the civilian population, indiscriminate attacks, failure to apply the principles of precaution and proportionality, and the use of human shields would also violate article 6 of the Covenant.”\textsuperscript{77}

CSOs have 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{78} Security forces have a bleak record


\textsuperscript{74}{Carnegie Endowment for International Peace, ‘The Egyptian Military’s Terrorism Containment Campaign in North Sinai’ (30 June 2020), available at: https://carnegieendowment.org/sada/82218.}


\textsuperscript{77}{Human Rights Committee, ‘General comment No. 36 - Article 6: right to life’ (3 September 2019) UN Doc CCPR/C/GC/36, para. 64.}

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-Adawiya Square and al-Nahda squares in Cairo. At least 900 people were killed largely by gunshot including children and 21 women.

In its General Comment 37 on the right of peaceful assembly, the Committee stated that:

"Firearms are not an appropriate tool for the policing of assemblies. They must never be used simply to disperse an assembly. In order to comply with international law, any use of firearms by law enforcement officials in the context of assemblies must be limited to targeted individuals in circumstances in which it is strictly necessary to confront an imminent threat of death or serious injury. Given the threat that such weapons pose to life, this minimum threshold should also be applied to the firing of rubber-coated metal bullets. [...] It is never lawful to fire indiscriminately or to use firearms in fully automatic mode when policing an assembly."

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.

---


81 General comment No. 37 (2020) on the right of peaceful assembly (article 21)’ (17 September 2020) UN Doc CCPR/C/GC/37, para. 88.


Impacts of surveillance technologies on 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.\(^{85}\) 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.\(^{86}\) 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.\(^{87}\)

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.\(^{88}\) 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.\(^{89}\) 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.\(^{90}\) 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.

In December 2021, Citizen Lab found out that the phone of a prominent Egyptian opposition leader in exile was hacked in two separate attacks including with the Pegasus spyware developed by the Israeli NSO Group and with the Predator spyware developed by the Europe-based firm Cytrox. Another Egyptian journalist in exile was also targeted with the Predator software.

**Examples of human rights violations of WHRDs and LGBTIQ+ persons 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. Large-scale phishing campaigns against activists that likely originated from government-backed entities were also documented in 2016-2017 and 2019. These attacks have notably targeted WHRDs including an organisation promoting the political participation of women, addressing sexual violence, and on other gender issues. Egyptian women activists in exile also continue to

---

93 Citizen Lab is an interdisciplinary laboratory based at the Munk School of Global Affairs & Public Policy, University of Toronto, focusing on research, development, and high-level strategic policy and legal engagement at the intersection of information and communication technologies, human rights, and global security: https://citizenlab.ca/about/  
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{98} 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{99}

**Suggested questions**

- What measures are in place to ensure the respect and protection of 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, and the State party’s human rights obligations?
- How does the State party ensure that domestic laws permit the use of surveillance technologies only in accordance with the Covenant, in particular with article 17 and the principles of legality, necessity and legitimacy of objectives?
- How does the State party ensure that all types of surveillance activities and interference with privacy, including online surveillance for the purposes of state security and interception, are subject to judicial authorisation, to effective and independent oversight mechanisms?
- Which steps have been taken to establish legal mechanisms of redress consistent with the State party’s obligation to provide victims of surveillance-related abuses with an effective remedy?
- Which mechanisms are in place to ensure public and independent approval, oversight and control of the purchase of surveillance technologies?
- Has the State party taken steps to 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 its human rights obligations, especially with regard to the right to privacy and freedom of expression?
- Does the State party intend to accede to the Arms Trade Treaty and does it report on its military spending as well as on its weapons acquisition by to the UN Register of Conventional Arms?
