



Home Office

# **Country Policy and Information Note**

## **Egypt: Background Information, including actors of protection, and internal relocation**

**Version 2.0**

**July 2017**

# Preface

This note provides country of origin information (COI) and policy guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the policy guidance contained with this note; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

## Country information

COI in this note has been researched in accordance with principles set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#) and the [European Asylum Support Office’s research guidelines, Country of Origin Information report methodology](#), namely taking into account its relevance, reliability, accuracy, objectivity, currency, transparency and traceability.

All information is carefully selected from generally reliable, publicly accessible sources or is information that can be made publicly available. Full publication details of supporting documentation are provided in footnotes. Multiple sourcing is normally used to ensure that the information is accurate, balanced and corroborated, and that a comprehensive and up-to-date picture at the time of publication is provided. Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source is not an endorsement of it or any views expressed.

## Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email [the Country Policy and Information Team](#).

## Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office’s COI material. The IAGCI welcomes feedback on the Home Office’s COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. IAGCI may be contacted at:

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5th Floor, Globe House, 89 Eccleston Square, London, SW1V 1PN.

Email: [chiefinspector@icinspector.gsi.gov.uk](mailto:chiefinspector@icinspector.gsi.gov.uk)

Information about the IAGCI’s work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s website at <http://icinspector.independent.gov.uk/country-information-reviews/>

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# Policy guidance

Updated: 24 July 2017

## 1. Introduction

### 1.1 Basis of claim

- 1.1.1 Whether in general those at risk of persecution or serious harm from non-state actors are able to seek effective state protection and/or internally relocate within Egypt.

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## 2. Consideration of issues

### 2.1 Credibility

- 2.1.1 For information on assessing credibility, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).
- 2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).
- 2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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### 2.2 Protection

- 2.2.1 The police responsibilities are divided between the National Police (NP) and Central Security Forces (CSF). The NP is responsible for law enforcement across the country, while the CSF protect infrastructure, key officials and assist with crowd control. The army can also assist the police in protecting vital public facilities and have powers of arrest during periods of 'significant turmoil' (see [Armed forces](#) and [Police](#)).
- 2.2.2 Sources report that professionalism varies across the police and its effectiveness is limited by a shortage of equipment, lack of training, low pay and poor investigative skills – particularly in relation to cases of sexual assault. Sources also identified deficiencies in due process and impunity for human rights abuses including excessive use of force, torture and unlawful killings as continuing problems. Although some police officers are investigated and prosecuted, these rarely result in judicial punishment (see [Police](#), [police effectiveness](#), [police abuses](#) and [Accountability and impunity](#)).
- 2.2.3 Sources report that the civilian courts generally act independently although the quality and impartiality of judges varies, particularly at junior levels, and they are open to political influence. Courts also reportedly arrived at outcomes not supported by publicly available information. Sources reported that civilians are sometimes tried in the military courts with do not afford defendants the same rights as in the civilian courts (see [Judiciary](#)).

- 2.2.4 If the person's fear is from non-state agents, then the state is generally willing and able to provide protection although it's ability to do so may be undermined and limited by weaknesses in the police and criminal justice system. Any past persecution and lack of effective protection may indicate that effective protection would not be available in the future.
- 2.2.5 Decision makers must assess each case on its facts, with the onus on the person to demonstrate that protection would not be available.
- 2.2.6 For guidance and information on protection for women, see the [Country policy and information note on Egypt: Women](#) and for guidance on assessing the availability of protection generally, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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### 2.3 Internal relocation

- 2.3.1 The government keeps records of entries and exits from the country, and security services have the capacity to find out if an individual is in Egypt or abroad. It is therefore unlikely that a person will be able to leave Egypt without the authorities being aware (see [Exit and entry procedures](#)).
- 2.3.2 Egypt is over 1 million square kilometres in area, with a population of over 94 million including several large cities with populations of 1 million or more (see [Geography](#)). The constitution provides for freedom of internal movement and the government generally respected these rights although travel into military zones, in border areas and large areas of Sinai, is prohibited and straying into them could lead to arrest. The Egyptian authorities also placed travel restrictions and curfews on certain areas of the country due to its counterinsurgency efforts (see [Freedom of movement](#)).
- 2.3.3 Cities, such as Cairo and Alexandria, have large, socio-economically and culturally diverse populations which co-exist, for the most part, peaceably. Many people move to different parts of Egypt for social and economic reasons (see [Geography](#), [Demography](#) and [Freedom of movement](#)).
- 2.3.4 In general, where the person fears non-state agents, internal relocation is likely to be reasonable but will depend on the nature and origin of the threat as well as the person's circumstances and profile.
- 2.3.5 For guidance and information on internal relocation for women, see the [Country policy and information note on Egypt: Women](#). For further guidance on considering internal relocation generally and the factors to be considered, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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## 3. Policy summary

- 3.1.1 In general, the state is generally willing and able to provide protection to a person fearing non-state agents, although it's ability to may be undermined and limited by weaknesses in the police and criminal justice system.
- 3.1.2 In general, where the person fears non-state agents, internal relocation is likely to be reasonable but will depend on the nature and origin of the threat as well as the person's circumstances and profile.

# Country information

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## 4. History

- 4.1.1 A full timeline of Egypt's history can be found on the BBC's Egypt Profile webpage<sup>1</sup>. Detailed information about Egypt's ancient and modern history is available on Britannica Encyclopaedia website<sup>2</sup>.

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## 5. Geography

- 5.1.1 The UN Geospatial Information Section provides a useful [map of Egypt](#)<sup>3</sup>.
- 5.1.2 According to Egypt's State Information Service in their article, Your Gateway to Egypt, the country is divided into 4 parts:

### **'The Nile Valley and Delta**

'It extends from north of the valley to the Mediterranean Sea and is divided into Upper Egypt and Lower Egypt: extending from Wadi Halfa to the south of Cairo and from North Cairo to the Mediterranean Sea. The River Nile in the north is divided into two branches, Dumiat and Rashid which embrace the highly fertile agricultural lands of the Delta

### **'The Western Desert**

'It extends from the Nile Valley in the East to the Libyan borders in the west, and from the Mediterranean in the north to Egypt's Southern borders. It is divided into: 1) The Northern section includes the coastal plane, the northern plateau and the Great Depression, Natroun Valley and Baharia Oasis. 2) The Southern section includes Farafra, Kharga, Dakhla, and el-Owainat in the extreme South.

### **'The Eastern Desert**

'Extends from the Nile Valley in the West to the Red Sea, Suez Gulf, and Suez Canal in the East, and from Lake Manzala on the Mediterranean in the North to Egypt's southern borders with Sudan in the south. The Eastern Desert is marked with the Eastern Mountains that extend along the Red Sea with peaks that rise to about 3000 feet above sea level. This desert is rich with natural resources including various ores such as gold, coal and oil.

### **'The Sinai Peninsula**

Sinai is shaped like a triangle with its base at the Mediterranean in the North and its tip in the South at Ras Mohammed, the Gulf of Aqaba to the East and the Gulf of Suez and Suez Canal to the West. It is topographically divided

<sup>1</sup> BBC News, 'Egypt Country Profile', 15 November 2016, [www.bbc.co.uk/news/world-africa-13313370](http://www.bbc.co.uk/news/world-africa-13313370). Accessed: 1 March 2017

<sup>2</sup> Encyclopaedia Britannica, 'Egypt', updated 5 February 2017, <https://www.britannica.com/place/Egypt>. Accessed: 7 June 2017.

<sup>3</sup> UN Geospatial Information Section, 'Map of Egypt', undated, <http://www.un.org/Depts/Cartographic/map/profile/egypt.pdf>. Accessed: 7 June 2017.

into three main sections: 1) The Southern section is an extremely tough terrain. It is composed of high rise Granite Mountains. Mount Catherine rises about 2640 metres above sea level, a matter that makes it the highest mountain top in Egypt. 2) The Central Section is bounded by the Mediterranean to the North and the At-Teah plateau to the South. It is a plain area with abundant water resources derived from rain water that flows from Southern heights to the central plateau.

'Both the Nile Valley and the Delta occupy about 33,000 square kilometres, accounting to less than 4 percent of the total area of the country.

'The Western Desert occupies an area of about 671,000 square kilometres.

'The Eastern Desert occupies about a quarter of the total area of Egypt, (some 225,000 square kilometres).

'The Sinai Peninsula occupies about 61,000 kilometres.'<sup>4</sup>

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## 6. Demography

### 6.1 Overview

6.1.1 The Central Intelligence Agency (CIA) World Factbook noted that Egypt has an estimated population of 94,666,993 as of July 2016.<sup>5</sup> Around 98 per cent of Egyptians live in the fertile areas of the Nile Valley and the Suez Canal, with about half living in urban areas.<sup>6</sup> Those living in towns and cities '[a]s a whole... have had greater contact with the outside world, particularly with the rest of the Middle East and with Europe, than the inhabitants of the more remote southern valley and are generally less traditional and conservative than those in other regions of the country.'<sup>7</sup> Jane's noted that:

'Egypt's largest cities are the Greater Cairo area (including Giza and Shubra el-Kheima) with over 16 million inhabitants, Alexandria with 4.7 million inhabitants, Port Said with 654,000 and Suez with 608,000. Among the largest towns in the Nile Valley are Minya (5 million), Asyut (4.12 million), Faiyum (3.07 million), Qena (2.96 million), Beni Suef (2.77 million), Aswan (1.395 million), and Luxor (1.1 million).'<sup>8</sup>

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### 6.2 Ethnic and religious groups

6.2.1 According to the CIA World Factbook updated over 99% of the population are 'Egyptian'. The main religions are:

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<sup>4</sup> State Information Service, Your Gateway to Egypt, 15 May 2016, <http://www.sis.gov.eg/Story/4?lang=en-us> Accessed: 1 March 2017

<sup>5</sup> Central Intelligence Agency, The World Factbook – Egypt, People and Society, Population, <https://www.cia.gov/library/publications/the-world-factbook/geos/eg.html> Accessed: 29 March 2017

<sup>6</sup> Australian Government, Department of Foreign Affairs and Trade (DFAT), 'Country Information Report Egypt' (para 2.6), 19 May 2017, Copy on request. Accessed: 7 June 2017

<sup>7</sup> Encyclopaedia Britannica, 'Egypt' (Settlement patterns), updated 5 February 2017, <https://www.britannica.com/place/Egypt/Settlement-patterns>. Accessed: 7 June 2017.

<sup>8</sup> Jane's Information Group Sentinel Security Assessment: Egypt – Demography, Language, Updated 6 March 2017. Available on Subscription only. Date accessed: 31 March 2017

- Muslim (predominantly Sunni) 90%
- Christian (majority Coptic Orthodox, other Christians include Armenian Apostolic, Catholic, Maronite, Orthodox and Anglican) 10% (2012 est.)<sup>9</sup>

6.2.2 Jane's Security Assessment noted that: 'About 98 percent of the Egyptian population is descended from the indigenous ancient Egyptians or from the Arabs who conquered Egypt in the 7th Century. There are also minorities of Nubians in the South as well as dispersed Gypsies, Greeks, Italians, Armenians, Syro-Lebanese and others.'<sup>10</sup>

6.2.3 For more information about Christians, see the [country policy and information note on Egypt: Christians](#).

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### 6.3 Languages

6.3.1 The CIA Factbook noted that the official language is Arabic but English and French are widely understood by the 'educated classes'.<sup>11</sup>

6.3.2 Jane's observed 'Egyptian Arabic is the country's universally understood language, but Nubian languages (Nobiin and Kenuzi-Dongola) are also widely spoken in the South. English and French are understood by many members of the governmental and business elite. A number of newspapers have adopted the English or French languages, and all official correspondence is conducted in both Arabic and English.'<sup>12</sup>

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## 7. Freedom of movement

### 7.1 Within Egypt

7.1.1 According to Freedom House in their 2017 annual report for Egypt: 'Freedom of movement and property rights have been severely affected by the government's counterinsurgency efforts in the Sinai. In addition to the curfew, checkpoints, and other travel restrictions, the military has summarily demolished buildings in the town of Rafah to create a buffer zone along the border with the Gaza strip.'<sup>13</sup>

7.1.2 The US Department of State Country Report on Human Rights Practices for 2016 for Egypt ('the USSD report for 2016') stated that:

'The law provides for freedom of movement within the country, foreign travel, emigration and repatriation and the government generally respected these rights, albeit with some exceptions, including the handling of potential

<sup>9</sup> Central Intelligence Agency, The World Factbook – Egypt, People and Society, Religions, <https://www.cia.gov/library/publications/the-world-factbook/geos/eg.html> Accessed: 31 March 2017

<sup>10</sup> Jane's Information Group Sentinel Security Assessment: Egypt – Demography, Ethnic Groups, Updated 6 March 2017. Available on Subscription only. Date accessed 31 March 2017

<sup>11</sup> CIA, The World Factbook – Egypt, People and Society, Population, updated 30 May 2017, <https://www.cia.gov/library/publications/the-world-factbook/geos/eg.html> Accessed: 7 June 2017

<sup>12</sup> Jane's Information Group Sentinel Security Assessment: Egypt – Demography, Language, Updated 6 March 2017. Available on Subscription only. Date accessed 29 March 2017

<sup>13</sup> Freedom House, Freedom in the World 2017', Egypt (Personal Autonomy and Individual Rights), 15 April 2017, <https://freedomhouse.org/report/freedom-world/2017/egypt>. Accessed: 9 June 2017

refugees and asylum seekers. The authorities maintained a “no-fly” list that prevented some defendants in court cases from fleeing the country.

‘Citizens and foreigners may not travel in areas of the country designated as military zones. The government sought to prevent private individuals, journalists, and civil society activists from entering the Sinai Peninsula, stating it was to protect their safety; however, some persons avoiding government detection did enter the Sinai, particularly irregular migrants attempting to reach the Israeli border and the western border zone.’<sup>14</sup>

7.1.3 The Australian government’s Department of Foreign Affairs and Trade (DFAT) Country Information Report, Egypt, 19 May 2017, stated that:

‘Article 62 of the Constitution guarantees freedom of movement, residence and emigration. There is no legal impediment to internal relocation movement within Egypt, and Egyptians can and do relocate for a variety of reasons. Major cities, such as Cairo and Alexandria, offer Egyptians greater opportunities for employment. Some Egyptians from the poorer parts of Upper Egypt have moved to the north coast of the country in search for better jobs and living conditions. Urban middle class Egyptian women will likely have a greater ability to find work and shelter, and will likely have better access to support networks, than Egyptian women from poor and move conservative areas.’<sup>15</sup>

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## 8. Exit and entry procedures

### 8.1 Entry/exit

8.1.1 According to the 2017 DFAT Egypt Country Information Report:

‘The Passport Control Department of the Interior Ministry is responsible for conducting exit checks, which DFAT assesses as strictly enforced. When leaving Egypt, Egyptians must present a valid passport and a valid visa for their destination country, if required. Egyptian males are required to show evidence of their military service status (including proof of exemption, if relevant). Such proof could be an exemption certificate; an expired passport noting exemption from military service; or a permission to travel issued by the Conscription Department.

‘Egypt keeps records of entries and exits from the country, and security services have the capacity to find out if an individual is in Egypt or abroad. Egyptian law prevents persons from leaving the country if they have criminal charges against their names. These names are recorded on a ‘warning list’, amended by judges and the Prosecutor-General, against which all travellers are checked prior to departing from the country. Credible human rights organisations have reported that the Interior Ministry and the Egyptian

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<sup>14</sup> U.S Department of State, Country Report on Human Rights Practices, Egypt 2016, 3 March 2017, <https://www.state.gov/documents/organization/265706.pdf> Accessed: 7 April 2017

<sup>15</sup> Australian Government, Department of Foreign Affairs and Trade, Egypt Country Information Report, Other Considerations, Internal Relocation, Paragraph 5.27, 19 May 2017, Copy on request. Accessed: 23 May 2017

General Intelligence Service can amend this ‘warning list’ to include persons of interest to the security apparatus, including for political reasons [...].

‘Not all people with charges against their names (or trials or appeals pending) are automatically put on the warning list, and it is up to the Prosecutor-General to add their names. It is possible for names to be taken off the list, even if trials are pending. Should a person’s lawyer request a name be taken off the list, it is the responsibility of the Prosecutor-General to show why the name should remain on it. There have been numerous cases where a person facing trial has had his or her name removed from the list, and subsequently travelled abroad without incident.

‘Children travelling with their mothers only must present proof of their father’s approval to leave the country. This can take the form of: in-person approval by the father, written approval from the father presented by a paternal uncle or grandfather, written approval from the father signed and stamped by the Notary Office, or written approval from the father stamped by an embassy or consulate.’<sup>16</sup>

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## 8.2 Travel restrictions

### 8.2.1 The USSD report for 2016 for Egypt noted that:

‘Men who have not completed compulsory military service, however, may not travel abroad or emigrate. National identification cards indicated completion of military service. Married Bahais and their children faced difficulties obtaining national identification cards because the government did not recognize Bahai marriages as legitimate. Some Bahai men of draft age were unable to establish they either had fulfilled or were exempt from military service and, therefore, were unable to obtain passports. Police officials reportedly forced unmarried young women, sometimes including those in their 30s, to present their father’s written permission to obtain a passport and to travel abroad, although the law does not require such permission.

‘Authorities required citizens between the ages of 18 and 45 to obtain permission from the Ministry of Interior (MOI) to travel to 16 countries: Guinea, Indonesia, Israel, Jordan, Malaysia, South Africa, South Korea, Thailand, Yemen, Iraq, Lebanon, Libya, Qatar, Sudan, Syria, and Turkey.

‘Enforcement of these regulations was sporadic. The government stated it intended to make it more difficult for citizens to join terrorist groups and to stop flight of criminals. These regulations also affected the ability of other individuals to travel outside the country.

‘The government increasingly imposed travel bans on human rights defenders and political activists. In March, Mada Masr reported there had been 554 cases of politically motivated banned entry and exit imposed by authorities in airports since 2011... Several local and international human rights organizations reported a string of exit bans issued against human rights defenders and human rights activists. Individuals connected with

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<sup>16</sup> Australian Government, DFAT, ‘Country Information Report Egypt’ (5.28 – 5.31), 19 May 2017. Copy on request. Accessed: 9 June 2017.

NGOs facing investigation as part of the reopened NGO foreign funding case faced travel bans.<sup>17</sup>

8.2.2 Amnesty International, in their Article, Egypt: Lift Abusive and Arbitrary Travel Bans, 2 November 2016 observed that ‘The authorities have imposed... travel bans arbitrarily or as part of an abusive criminal investigation into the registration and funding of non-governmental organisations (NGOs). They are contrary to international human rights law and Egypt’s Constitution, both of which protect the right of Egyptians to leave and enter their own country, blatantly violate the rights to freedom of movement and association and stifle the right to freedom of expression.’<sup>18</sup>

8.2.3 The same Amnesty article stated that:

‘In many of the cases documented by Amnesty International and Human Rights Watch, airport authorities gave no reason for stopping the person from boarding a flight abroad and have refused to provide any formal documentation of the travel ban. In some cases, officers of the Interior Ministry’s National Security Agency questioned the traveller, searched their luggage and phones and seized their passport without justification. In others, the Office of the Public Prosecutor ordered the bans in relation to criminal investigations without informing the individual of the particular case or charges against them. In most cases, the people barred from travelling have not been told when or if the ban will end.

‘In three cases known to Amnesty International and Human Rights Watch, political and human rights activists who have challenged the arbitrary travel bans imposed on them in relation to the abusive criminal investigation into the funding and registration of their NGO have had their case rejected in court.’<sup>19</sup>

8.2.4 According to Freedom House in their 2017 annual report for Egypt: ‘A growing list of rights activists, journalists, political party members, bloggers, and academics have been subjected to arbitrary travel bans in recent years, and the practice appeared to intensify during 2016. In addition to orders preventing Egyptians from travelling abroad, many foreign researchers or activists have been expelled or denied entry to the country.’<sup>20</sup>

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### 8.3 Returnees

8.3.1 The DFAT report of May 2017 noted:

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<sup>17</sup> U.S Department of State, Country Report on Human Rights Practices, Egypt 2016, 3 March 2017, <https://www.state.gov/documents/organization/265706.pdf> Accessed: 7 April 2017

<sup>18</sup> Amnesty International, Egypt: Lift Abusive and Arbitrary Travel Bans, 2 November 2016, <https://www.amnesty.org/en/latest/news/2016/11/egypt-lift-abusive-arbitrary-travel-bans/> Accessed: 28 February 2017

<sup>19</sup> Amnesty International, Egypt: Lift Abusive and Arbitrary Travel Bans, 2 November 2016, <https://www.amnesty.org/en/latest/news/2016/11/egypt-lift-abusive-arbitrary-travel-bans/> Accessed: 28 February 2017

<sup>20</sup> Freedom House, Freedom in the World 2017’, Egypt (Personal Autonomy and Individual Rights), 15 April 2017, <https://freedomhouse.org/report/freedom-world/2017/egypt>. Accessed: 9 June 2017

'The International Organization for Migration (IOM) runs a program in Egypt that assists voluntary returnees, in cooperation with the country from which they are returning. Egyptian authorities cooperate with the IOM in these arrangements. DFAT assesses that people who return to Egypt after several years' absence will not face any adverse attention on their return due to their absence. Likewise, DFAT assesses that failed asylum seekers will not face adverse attention because of their failed application for asylum when they return to Egypt.

'Egypt accepts involuntary returnees. Egyptian officials generally pay little regard to failed asylum seekers upon their return to the country, although it is possible that some individuals will be questioned upon entry, or will have their entry delayed. Many thousands of Egyptians enter and leave the country every day. Egyptians who out-stay their work or tourist visas in other countries are regularly returned to Egypt with no attention paid to them by authorities. DFAT is not aware of failed asylum seekers being reported by airport authorities to the Ministry of the Interior or any of the security services beyond the normal processes for returning Egyptian nationals.'<sup>21</sup>

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## 9. Economy

### 9.1.1 According to the DFAT Country Information Report, Egypt, 19 May 2017

'The World Bank classifies Egypt as a lower middle-income country. Egypt's economy has relatively large tourism, agricultural and services sectors; derives substantial revenues from the Suez Canal; receives considerable remittances from overseas workers; and garners some additional income from the sale of hydrocarbons. Military-owned companies, often run by retired generals, have long played an active role in Egypt's economy. The military has significantly broadened its economic profile since the overthrow of the Morsi government, including through co-ordinating massive infrastructure projects and running a retail network that distributes discounted food.

'Significant falls in tourism and foreign investment since the 2011 Revolution have severely affected the Egypt economy. Travellers' safety concerns over political instability were exacerbated by the downing of a Russian jetliner over the Sinai in late 2015 and the unexplained crash of an EgyptAir flight in the Mediterranean in May 2016. According to official statistics, overall tourism to Egypt declined by 15 percent in 2015, costing more than \$US1 billion in lost revenue.'<sup>22</sup>

### 9.1.2 The World Bank, in their Egypt Overview, October 2016 has observed that:

'Unemployment at 12.5 percent in mid-2016 (up from 9 percent prior to 2011) is a particular concern, with higher rates among the youth and women.

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<sup>21</sup> Australian Government, DFAT, 'Country Information Report Egypt' (paras 5.32 – 5.33), 19 May 2017, Copy on request. Accessed: 9 June 2017

<sup>22</sup> Australian Government, Department of Foreign Affairs and Trade, Egypt Country Information Report, Background Information, Economic Overview, Paragraph 2.8 and 2.9, 19 May 2017, Copy on request. Accessed: 24 May 2017

Furthermore, recent increases in the population growth rate, is placing additional pressure on infrastructure and services. This is creating additional impetus for reforms to generate economic growth and to respond to the needs of the population and their expectations of improvements in well-being.<sup>23</sup>

### 9.1.3 According to DFAT Country Information Report, Egypt, 19 May 2017

‘The size of Egypt’s informal sector makes the unemployment rate difficult to measure accurately. Unemployment in Egypt has officially been around 12-13 percent for the past five years. However, the actual rate is likely to be considerably higher, with under-employment also a significant issue. Youth unemployment is of particular concern given more than half of all Egyptians are aged under 30. The official unemployment rate for those aged under 30 is 30 percent, and is 49.8 percent for young women.

‘Many of the young unemployed are university graduates. There is considerable frustration over the lack of economic opportunities, which prevent many young Egyptians from being able to marry or access their own housing. DFAT assesses that the lacklustre economy, low income levels and poor economic opportunities all act as ‘push factors’ for emigration’<sup>24</sup>

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## 9.2 Social security system

### 9.2.1 The US government’s Social Security Administration provided information about the social system programme in Egypt including laws, sources of contributions and entitlements as of 2015.<sup>25</sup> A working paper released in 2012 by the Population Council provided a detailed study of the social protection system in Egypt, detailing the scope of the programme and its shortcomings. The paper noted in its introduction:

‘... an extensive social protection system was one of the cornerstones of the state-centered social policy model developed in the 1950s and 1960s (World Bank 2006). This system, which includes social insurance, health insurance, and social assistance mechanisms, remains in place today without having seen any major reforms[...] The expansion of social protection under the current system was heavily based on growth in government employment and the extension of social protection benefits to public sector employees. However, the public-sector driven model proved unsustainable, and public sector employment has been sharply curtailed since the late 1990s as part of a broader program of economic reform and structural adjustment (see Assaad, ed. 2009). The resulting informalization of the labor market and contraction of social insurance coverage, in combination with the failure of social assistance programs to reach a large percentage of the poor (UNDP

<sup>23</sup> The World Bank, Egypt Overview, 1 October 2016, <http://www.worldbank.org/en/country/egypt/overview> Accessed: 31 March 2017

<sup>24</sup> Australian Government, Department of Foreign Affairs and Trade, ‘Country Information Report Egypt’ (para 2.2.12), 19 May 2017, Copy on request. Accessed: 24 May 2017

<sup>25</sup> US Government, Social Security Administration, ‘Social Security Programs Throughout the World: Africa, 2015’, Egypt, undated, <https://www.ssa.gov/policy/docs/progdesc/ssptw/2014-2015/africa/egypt.html>. Accessed: 10 July 2017.

2005; World Bank 2006) have brought into question the efficacy of the current social protection scheme and the state's ability to provide for its citizens' basic welfare. Incomplete and unequal access to social protection mechanisms, in combination with the low quality of benefits delivered by these mechanisms, has furthermore led to the development of private markets for social goods and services that should be welfare rights (UNDP 2005).<sup>26</sup>

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## 10. Political system

### 10.1 Constitution

10.1.1 Egypt's new constitution was approved by 98% of participants (38.6 percent turnout) in the first Egyptian vote of the post-Morsi era in January 2014.<sup>27</sup>

10.1.2 For the full text, see [Constitution of The Arab Republic of Egypt 2014](#).

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### 10.2 Electoral system and elections

10.2.1 According to African Union Commission, in their final Report, African Union Election Observation Mission to the 2015 Parliamentary Elections in the Arab Republic of Egypt, January 2016:

'The electoral system used for the 2015 parliamentary elections in Egypt was defined in the 2014 Constitution, the 2014 House of Representative Law (as Amended), and the 2014 Electoral Districting Law (As Amended). Article 102 of the Constitution prescribes that elections shall be based on the plurality voting system or proportional list system, or a combination of both, in a manner that observes fair representation of the population, governorates and voters.

'While the Constitution is not very clear on the electoral system, Article 3 of the House of Representatives Law prescribes a mixed electoral system in which the Individual-Seat system runs alongside the Absolute-Closed-Lists system. Both systems are operated under election thresholds that require an absolute majority of valid votes cast (50 percent plus one vote) to secure a win. The law allows for parties and independent candidates to run under both systems.'<sup>28</sup>

10.2.2 The USSD report for 2016 for Egypt stated that:

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<sup>26</sup> Population Council, Maia Sieverding and Irene Selwaness, 'Social Protection in Egypt: A Policy Overview' (ps 4-5), September 2012, <https://www.popcouncil.org/uploads/pdfs/wp/mena/23.pdf>. Accessed: 10 July 2017.

<sup>27</sup> The Guardian, Egypt's New Constitution gets 98% 'Yes' Vote, 18 January 2014, <http://www.theguardian.com/world/2014/jan/18/egypt-constitution-yes-vote-mohamed-morsi>. Accessed: 5 April 2017

<sup>28</sup> African Union Commission, African Union Election Observation Mission to the 2015 Parliamentary Elections in the Arab Republic of Egypt, January 2016, <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=5836cd414&skip=0&query=pollution%20corruption&coi=EGY&searchin=fulltext&sort=date>. Accessed: 7 April 2017

‘Domestic and international observers concluded the presidential election that took place in 2014 was administered professionally and in line with the country’s laws, while also expressing serious concerns that government limitations on association, assembly, and expression constrained broad political participation. Domestic and international observers also concluded that government authorities professionally administered the parliamentary elections that took place October through December 2015 in accordance with the country’s laws, while also expressing concern about restrictions on freedom of peaceful assembly, association, and expression and their negative effect on the political climate surrounding the elections.’<sup>29</sup>

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### 10.3 Presidency

#### 10.3.1 According to DFAT Country Information Report, Egypt, 19 May 2017,

‘Egypt is a presidential republic. The President is head of state and head of the executive branch of government, is elected to a four year term for a maximum of two terms, must be an Egyptian born to Egyptian parents, be over 40 years of age, have performed military service and neither s/he, his or her parents or spouse may have held other citizenship. The Constitution gives considerable power to the President, who appoints the Prime Minister and other Ministers, civil and military personnel and diplomatic representatives, is Supreme Commander of the Armed Forces, can declare a state of emergency, can issue a pardon or mitigate a sentence, can issue a decree with the force of law should the Parliament not be in session (the Parliament must subsequently approve it within 15 days of convening), and can call for a referendum.

‘Egypt does not have a Vice-President. If the President is temporarily unable to carry out the functions of office, the Prime Minister acts in his/her place. If the Presidential office becomes vacant due to resignation, death, permanent disability or any other reason, the Speaker of Parliament temporarily assumes presidential powers. An election must be held within 90 days of the office becoming vacant.’<sup>30</sup>

#### 10.3.2 As cited by Jane’s Security Assessment:

‘The President is elected every four calendar years, according to the 2014 Constitution, and can only be re-elected once. A presidential candidate must be endorsed by at least 20 elected House of Representatives members, or by at least 25,000 citizens eligible to vote, with at least 1,000 supporters across at least 15 governorates. The President is the Supreme Commander of the Armed Forces. The Defence Minister, however, is the Commander-in-Chief of the Armed Forces, and this appointment must be approved by the Supreme Council of the Armed Forces (SCAF).

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<sup>29</sup> U.S Department of State, Country Report on Human Rights Practices, Egypt 2016, 3 March 2017, <https://www.state.gov/documents/organization/265706.pdf> Accessed: 7 April 2017

<sup>30</sup> Australian Government, Department of Foreign Affairs and Trade, Egypt Country Information Report, Background Information, Political System, Paragraph 2.18 and 2.19, 19 May 2017, Copy on request. Accessed: 24 May 2017

'The Defence Minister also heads the SCAF, while it was previously headed by the President. The President can only dissolve the Parliament following a referendum. The Parliament can now also declare a no-confidence vote in the President if the motion is approved by two-thirds of its members. The President selects the Prime Minister from the majority coalition or party in the House of Representatives, and if the government fails to win the House's confidence, it is automatically dissolved. Cabinet reshuffles by the President must also gain the approval of the Parliament. A state of emergency is limited to three months, and two-thirds of parliament must approve subsequent extensions.'<sup>31</sup>

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## 10.4 Parliament

### 10.4.1 The DFAT report noted that:

'The current Parliament consists of 596 members, with 448 seats elected through an individual candidacy system: 120 elected through a block vote by winner-take-all party lists (with quotas for youth, women, Christians and workers) and 28 selected by the President. Although independent candidates won over 57 percent of the seats in the 2015 parliamentary elections, post-election coalition building resulted in the formation of a pro-Sisi parliamentary block, the Support Egypt Coalition, which holds a majority. The newly elected Parliament, which was first convened in January 2016, has been criticised for not acting as an effective check on executive power.'<sup>32</sup>

### 10.4.2 Janes observed that:

'The upper parliamentary house, the Majlis al-Shura (Advisory Council), was abolished by the 2014 Constitution. Instead, Egypt's legislature now consists of a single House of Representatives of 596 members. The house can now also declare a no-confidence vote in the President if the motion is approved by two-thirds of its members. It is elected every five years. The President can appoint a maximum of 5 percent of the House's members. The President previously had the power to appoint up to 35 percent of the Shura members. The President, the Cabinet, and any members of the House can propose laws. Whenever the Parliament approves a law, the President can refer it back within 30 days; otherwise, the law would be issued.

'Amendments to the electoral law in Egypt made in 2015 were intended to reduce the effectiveness of the Parliament to mount any serious opposition to the executive; 448 members are elected as independents across 205 national districts compared with 120 for party lists in four districts. This undermines the unity of a party-based system and increases the chances of

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<sup>31</sup> Jane's Information Group Sentinel Security Assessment: Egypt, Internal Affairs, Updated 3 April 2017. Available on subscription only. Accessed: 5 April 2017

<sup>32</sup> Australian Government, Department of Foreign Affairs and Trade, Egypt Country Information Report, Background Information, Political System, Paragraph 2.20 and 2.21, 19 May 2017, Copy on request. Accessed: 24 May 2017

wealthy and well-connected individuals in securing seats. These local notables are likely to be supportive of the states agenda.’<sup>33</sup>

10.4.3 The European Parliamentary Research Service in their Article, The New Egyptian Parliament, Electoral System, February 2016 stated that:

‘Independent [parties] secured 326 seats out of a total of 568 elected seats, equivalent to 54 percent, marking a shift from Egypt’s long-standing tradition of majority parties ruling the Parliament. Some 385 members of Parliament have joined the pro-Sisi ‘State Support’ coalition; however, the alliance has already proven to be unstable. Three secular political parties that formed the backbone of the pro-Sisi electoral coalition ‘For the love of Egypt’ (‘Fi Hob Misr’) gained a third of the seats in the new Parliament. The three parties – the Free Egyptians Party, the Future of a Homeland Party and the Wafd Party – won 152 seats between them. A further 13 political parties share the remaining 90 seats, giving parties a total of 242 seats, or 43 percent of the total seats.’<sup>34</sup>

10.4.4 See [Constitution of The Arab Republic of Egypt 2014 – Article 228 – 231](#)<sup>35</sup>.

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## 10.5 Political parties

10.5.1 The DFAT report noted that:

‘Article 74 of the Constitution gives citizens the right to form political parties by notification as regulated by the law. Political parties cannot be formed based on religion, sex, origin, sect or geographic location. Activities that are hostile to democracy, secretive or military in nature are prohibited. Every Egyptian has the right to vote and run for office. The National Elections Commission oversees elections. Although not perfect and marred by a low voter turnout, local and international observers deemed the most recent parliamentary elections of late 2015 to be technically proficient and largely carried out in a calm and orderly manner.’<sup>36</sup>

10.5.2 The USSD report for 2016 observed that:

‘The constitution grants citizens the ability to form, register, and operate political parties. The law requires new parties to have a minimum of five thousand members from at least 10 governorates. The constitution also states, “no political activity may be practiced and no political parties may be formed on the basis of religion or discrimination based on gender, origin, or sectarian basis or geographic location. No activity that is hostile to democratic principles, secretive, or of military or quasi-military nature may be

<sup>33</sup> Jane’s Information Group Sentinel Security Assessment: Egypt, Internal Affairs, Updated 3 April 2017. Available on subscription only. Accessed: 5 April 2017

<sup>34</sup> European Parliamentary Research Service, The New Egyptian Parliament, Electoral System, [https://cisnet.online.immi.gov.au/CountryInfo/Library/2016/Documents/The New Egyptian Parliament.pdf](https://cisnet.online.immi.gov.au/CountryInfo/Library/2016/Documents/The%20New%20Egyptian%20Parliament.pdf) Accessed: 6 April 2017

<sup>35</sup> Constitution of the Arab Republic of Egypt, 18 January 2014, <http://www.refworld.org/docid/3ae6b5368.html> Accessed: 5 April 2017

<sup>36</sup> Australian Government, Department of Foreign Affairs and Trade, Egypt Country Information Report, Background Information, Political System, Paragraph 2.20 and 2.21, 19 May 2017, Copy on request. Accessed: 24 May 2017

practiced. Political parties may not be dissolved except by virtue of a court judgment.”

‘The Freedom and Justice Party, the political wing of the Muslim Brotherhood, remained banned. Authorities did not ban other Islamist parties, including the Strong Egypt Party and the Building and Development Party, although those parties boycotted the 2015 parliamentary elections, citing a “negative political environment.” The Islamist al-Noor Party participated, winning 11 seats. In September [2016], citing lack of jurisdiction, a court dismissed a lawsuit filed by a private individual demanding the dissolution of the al-Noor Party, among other parties alleged to have formed on a religious basis.’<sup>37</sup>

10.5.3 The CIA Factbook provides a list of the main political parties and those represented in parliament following the 2015 elections<sup>38</sup>.

10.5.4 As cited by Jane’s Security Assessment, the main political parties include:

**‘For the Love of Egypt (In Support of Egypt)**

This broad-based coalition represents the state and backs President Sisi. It consists of former Mubarak loyalists from the National Democratic Party (NDP), local notables, independents, and members of political parties who defected from or have an ambiguous relationship with their formal parties. Its exact numbers are difficult to ascertain given its fractious nature, although it reports that a quarter of the MPs are members, including some who are also members of other parties. This core bloc of voters is expected to back the government's agenda on most issues.

**‘Free Egyptians Party (Hizb al-Masryeen al-Ahrar: FEP)**

Although the Free Egyptians Party (FEP) is the biggest single party in the Parliament, it is limited by only holding around 10 percent of the seats - a reflection of the government's deliberate design of the electoral law to benefit local notables, on who it has influence, rather than party institutions. The biggest bloc in Parliament is For the Love of Egypt, with which the FEP co-operates, having supported Sisi's overthrow of Morsi and his subsequent election as President. However, the party increasingly opposes some of Sisi's economic policies and his general state mismanagement.

‘The party was established after the 2011 uprising by Egyptian Coptic billionaire Naguib Sawiris. The party calls for establishing a civil state based on the rule of law and separation between religion and state. It also supports election by the public, as opposed to appointment by the Executive, of local government officials, such as Mayors, local Council Members, and Governors. The party supports enhanced state and private-sector partnership with a free market economy.

**‘New Delegation Party/Wafd(Hizb al-Wafd al-Jadid)**

<sup>37</sup> U .S Department of State, Country Report on Human Rights Practices, Egypt 2016, 3 March 2017, <https://www.state.gov/documents/organization/265706.pdf> Accessed: 7 April 2017

<sup>38</sup> CIA ‘World Factbook’, Egypt, Government, updated 30 May 2017, <https://www.cia.gov/library/publications/the-world-factbook/geos/eg.html>. Accessed: 8 June 2017.

The Wafd party was established in 1919 by Saad Zaghlul to lead the struggle for Egyptian independence, curb the powers of the monarchy, and introduce a liberal political and economic system. The party champions a market economy, encourages private enterprise, and seeks to lift restrictions on investment. It argues, however, that national and strategic projects should remain in the public sector. It is now headed by El-Sayyid El-Badawi, who was part of the National Salvation Front alliance and supported Sisi's presidential candidacy.

'The Wafd Party was leading an electoral coalition to compete in the first parliamentary election since Sisi's election, including the Egyptian Social Democratic Party, the Conservative Party, the Consciousness Party, and the Reform and Development Misruna Party. However, several parties, including the Tagammu Party and the Egyptian Social Democratic Party, left its coalition. It holds 45 seats in the current Parliament, less than 10 percent of the total.

### **'Party of Light (Hizb al-Nour)**

'The party was originally the political arm of the ultra-orthodox Sunni Salafi Da'wa (Calling) Movement. The Nour party supported the army's removal of Morsi and the subsequent election of Sisi. However, by siding with the army and endorsing the repression of the Muslim Brotherhood, the Nour Party lost many of its more hardline supporters. Some of these are joining the Salafi Front (al-Jabha al-Salafiya), which supports armed conflict with the state.

'The Nour Party has been recurrently challenged in courts for its religious foundations (theoretically banned by the Constitution), with the latest attempt at dissolving it rejected by the Courts in July 2015. The Nour Party won 22 percent of the Parliament seats in the 2011-12 elections, placing it second to the MB's Freedom and Justice Party. Its performance in the 2015 elections was hit by legal changes, and it only gained 11 seats. The party's strength used to be in rural, conservative areas.'<sup>39</sup>

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## 10.6 Other political groups

10.6.1 According to Freedom House in their 2017 annual report for Egypt: 'Serious political opposition is virtually nonexistent, as both liberal and Islamist activists face criminal prosecution and imprisonment.'<sup>40</sup>

10.6.2 Janes noted:

'The Muslim Brotherhood remains the main political opposition to President Sisi's administration, but is unable to participate in any election; the secular opposition is highly fragmented...

'The main secular opposition to army political dominance comes from the highly fragmented April 6 Youth Movement and, to a lesser extent, other leftist groups such as the Popular Current. These supported the army's

<sup>39</sup> Jane's Information Group Sentinel Security Assessment: Egypt, Internal Affairs, Updated 27 March 2017. Subscription only. Date accessed 29 March 2017

<sup>40</sup> Freedom House, Freedom in the World 2017', Egypt (Personal Autonomy and Individual Rights), 15 April 2017, <https://freedomhouse.org/report/freedom-world/2017/egypt>. Accessed: 9 June 2017

intervention to topple Morsi, but have widely opposed the army's ambitions since then, including the constitutional enshrining of the army's right to try civilians in military courts, and the election of Sisi as president. Since Morsi's toppling, the April 6 Youth Movement has been affected by security crackdowns and detentions of its key members. Both April 6 and the Popular Current have failed to successfully unite in an institutional opposition. As a result of this failure to build legitimate institutions capable of presenting a uniform challenge to the government, these movements have fallen largely into irrelevance as concerning the Egyptian opposition.<sup>41</sup>

- 10.6.3 For more information about the Muslim Brotherhood see the [country policy and information note on Egypt: Muslim Brotherhood](#).

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## 11. Security forces

### 11.1 Overview

#### 11.1.1 According to the USSD report for 2016:

'The primary security forces of the [Ministry of the Interior] MOI are the Public Police and the Central Security Forces. The Public Police are responsible for law enforcement nationwide. The Central Security Forces provide security for infrastructure and key domestic and foreign officials, and are responsible for crowd control.

'The National Security Sector, which investigates counterterrorism and internal security threats, also reports to the MOI. The armed forces report to the Minister of Defence and are generally responsible for external defence, but they also have a mandate to "assist" police in protecting "vital public facilities," including roads, bridges, railroads, power stations, and universities. Military personnel have arrest authority during "periods of significant turmoil."

'The Border Guards Department is responsible for border control and includes members from the army and police. Single-mission law enforcement agencies, such as the Tourist and Antiquities Police and the Antinarcotics General Administration, also worked throughout the country.<sup>42</sup>

- 11.1.2 As cited by Jane's Security Assessment 'Egypt's Armed Forces are deployed to guard the country's land frontiers and coastal areas, and to protect areas of strategic importance, such as the Suez Canal, from hostile incursions. Regional military commanders also liaise with governors and other senior officials in the civil administration on matters of domestic security. Internationally, the Egyptian Army is considered to have a pivotal role as the West's cornerstone of stability in North Africa.'<sup>43</sup>

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<sup>41</sup> Janes, 'Sentinel Security Assessment: Egypt', (Internal Affairs), updated 1 June 2017, [www.janes.com](http://www.janes.com) (subscription only). Accessed 8 June 2017.

<sup>42</sup> U.S Department of State, Country Report on Human Rights Practices, Egypt 2016, Section 1, 3 March 2017, <https://www.state.gov/documents/organization/265706.pdf> Accessed: 7 April 2017

<sup>43</sup> Jane's Information Group Sentinel Security Assessment: Egypt, Army, Updated 13 March 2017. Available on subscription only. Accessed: 7 April 2017

## 11.2 Armed forces

### 11.2.1 DFAT noted that:

'The military comprises an Army, Navy, Air Force, and Air Defence Force. It numbers some 468,500 active personnel, and is one of the largest militaries worldwide. Most Egyptians view the military as an institution that offers stability, and it enjoys considerable power, prestige, independence, and popular support. The military has long played a prominent role in Egyptian political and economic life [...]. It held interim power in Egypt from February 2011 (Mubarak's resignation) until June 2012 (Morsi's election), removed Morsi from power in July 2013, and again held interim power until Sisi's election in May 2014.

'Law 136/2014 allows the military to assist police in the protection of vital public facilities, including roads, bridges, railroads, power stations and universities, and provides military personnel with arrest authority during periods of significant turmoil. Any crimes committed against these facilities fall within the jurisdiction of the military judiciary [...]. The Parliament voted unanimously in August 2016 to extend the application of the law for a five-year period commencing 28 October 2016... it is likely the military will be granted expanded powers as a result of the declaration of a nation-wide state of emergency on 9 April 2017.'<sup>44</sup>

### 11.2.2 See also the [country policy and information note on Egypt: Military Service](#).

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## 11.3 Police

### 11.3.1 DFAT observed that:

'Articles 206 and 207 of the Constitution set out the roles and responsibilities of the police force, namely ensuring safety and security to citizens, and preserving public order and morality. The Supreme Police Council, which is composed of senior police officers and the State Council's Chief Legal Officer, assists the Minister of Interior in organising police affairs.

'Police in Egypt are divided into two main forces: the Egyptian National Police (ENP), and the Central Security Forces (CSF). The ENP is a regular police force with approximately 350,000 personnel. It is responsible for law enforcement and maintaining public order nation-wide. It has a number of specialist agencies, including the General Directorate of Criminal Investigation and the General Administration of Criminal Evidence Verification. All police cadets are trained at the Cairo-based Mubarak Police Academy. The paramilitary CSF, which includes conscripts and whose estimated numbers vary considerably, is responsible for security at key infrastructure sites, diplomatic missions, and public events.'<sup>45</sup>

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<sup>44</sup> Australian Government, DFAT, 'Country Information Report Egypt' (paras 5.1-5.3), 19 May 2017, Copy on request. Accessed: 8 June 2017

<sup>45</sup> Australian Government, DFAT, 'Country Information Report Egypt' (paras 5.4-5.5), 19 May 2017, Copy on request. Accessed: 8 June 2017

## 11.4 Police effectiveness

### 11.4.1 According to the U.S Department of State Country Reports on Human Rights Practices for 2016:

‘Civilian authorities maintained effective control over security forces. Official impunity, however, was a problem. Police investigative skills remained poor. Police did not investigate reported police abuses sufficiently, according to local and international human rights groups. The government investigated and prosecuted some, but not all, reports of abuse, and some prosecutions resulted in acquittals due to insufficient or contradictory evidence. The government frequently called for investigations of abuses by security forces, although these investigations rarely resulted in judicial punishment.’<sup>46</sup>

### 11.4.2 DFAT observed that:

‘Professionalism varies across the police. The effectiveness of the police in general is limited by a shortage of equipment, a lack of training, low pay, and poor investigative skills, particularly in relation to investigating cases of sexual assault. In May 2015, the Ministry of Interior commenced a new policing strategy aimed at improving responses to violence against women, including through human rights training and the deployment of more female physicians to hospitals.

‘The police do not enjoy the same high public esteem as the Egyptian military. The police’s ability to deal with evidence is widely mistrusted, particularly in relation to politically sensitive cases. Police mistreatment and impunity was a particular focus of protesters in the January 2011 revolution. Calls for investigations into incidents of police brutality are common. In April 2015, the Ministry of Interior called on citizens to report police abuses. It announced in February 2017 the formation of committees to evaluate police officers on ethics, behaviour and psychological condition. In March 2017, the NCHR and the Ministry of Interior signed a joint protocol to train 300 police officers on human rights.’<sup>47</sup>

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## 11.5 Police abuses

### 11.5.1 According to Human Rights Watch, in their 2017 Annual Report:

‘Members of the security forces, particularly the Interior Ministry’s National Security Agency, continued to routinely torture detainees and forcibly disappeared hundreds of people with little or no accountability for violations of the law’

‘Officers of the National Security Agency routinely tortured and forcibly disappeared suspects with few consequences. Many of the detainees who suffered these abuses were accused of sympathy with or membership in the MB, which the government named a terrorist group in 2013 but has remained the country’s largest opposition movement...

<sup>46</sup> US Department of State, ‘Country Report on Human Rights Practices for 2016’, Egypt, (section 1), 3 March 2017 <https://www.state.gov/documents/organization/265706.pdf> Accessed: 7 April 2017

<sup>47</sup> Australian Government, DFAT, ‘Country Information Report Egypt’ (paras 5.6-5.7), 19 May 2017, Copy on request. Accessed: 8 June 2017

'National Security officers routinely tortured suspects during these enforced disappearances. Between January and October 2016, 433 detainees claimed that police or prison officers mistreated or tortured them while they were in custody, according to a count by the Nadeem Centre for the Rehabilitation of Victims of Violence and Torture based on media reports, lawyers' statements, criminal complaints, and other sources. In one case documented by Human Rights Watch, National Security officers in Alexandria forcibly disappeared and tortured 20 people, including eight children, in connection with a protest and an alleged arson attack on a garage and a traffic police vehicle.'<sup>48</sup>

#### 11.5.2 The USSD report for 2016 stated that:

'The most significant human rights problems were excessive use of force by security forces, deficiencies in due process, and the suppression of civil liberties. Excessive use of force included unlawful killings and torture. Due process problems included the excessive use of preventative custody and pretrial detention, the use of military courts to try civilians, trials involving hundreds of defendants in which authorities did not present evidence on an individual basis, and arrests conducted without warrants or judicial orders.

'There were numerous reports that the government or its agents committed arbitrary or unlawful killings while making arrests or holding persons in custody. There were reports that the government or its agents committed arbitrary or unlawful killings during disputes with civilians. There were a few reports of such killings while the government or its agents dispersed demonstrations. There were also reports of civilians killed during military operations in the Sinai. Impunity was a problem. There were instances of persons tortured to death and other allegations of killings in prisons and detention centers.

'There were reports of police killing unarmed civilians during personal or business disputes, which local academics and human rights groups claimed were part of a culture of excessive violence within security services.

'Several international and local human rights groups, including the quasigovernmental National Council on Human Rights (NCHR), reported a spike in enforced disappearances, alleging authorities increasingly relied on this tactic to intimidate critics.

'Local rights organizations documented hundreds of incidents of torture throughout the year, including deaths that resulted from torture ...According to domestic and international human rights organisations, police and prison guards sometimes resorted to torture to extract information from detainees, including minors. Reported techniques included beatings with fists, whips, rifle butts, and other objects; electric shocks; sexual assault; attacks by dogs; and forced standing for hours. Government officials denied the use of torture was systemic. Authorities stated they did not sanction these abuses

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<sup>48</sup> Human Rights Watch, World Report 2017 Egypt, 12 January 2017, <https://www.hrw.org/world-report/2017/country-chapters/egypt>. Accessed: 6 April 2017

and, in some cases, prosecuted individual police officers for violating the law.’<sup>49</sup>

- 11.5.3 Freedom House noted in its report covering events in 2016 that: ‘Police brutality and impunity for abuses by security forces were catalysts for the 2011 uprising, but no reforms have been enacted. Reports of alleged extrajudicial killings and forced disappearances continued throughout 2016, with estimates among various NGOs ranging from dozens to several hundred cases.’<sup>50</sup>

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## 11.6 Accountability and impunity

- 11.6.1 Amnesty International, in their 2016 Annual Report:

‘The authorities failed to adequately investigate the vast majority of alleged human rights violations, including torture and other ill-treatment, enforced disappearances, deaths in custody and the widespread use of excessive force by security forces since 2011, and to bring perpetrators to justice.

‘Prosecutors regularly refused to investigate detainees’ complaints of torture and other ill-treatment, as well as evidence that security forces had falsified dates of arrest in cases of enforced disappearances.

‘On 15 August, President al-Sisi signed amendments to the Police Authority Law which prohibited security forces from “ill-treating citizens” and prohibited officers from making unauthorized statements to the media and unionizing.’<sup>51</sup>

- 11.6.2 The USSD report for 2016 stated that:

‘...The government inconsistently punished or prosecuted officials who committed abuses, whether in the security services or elsewhere in government. In most cases either the government did not comprehensively investigate human rights abuses, including most incidents of violence by security forces, or investigations resulted in acquittals, contributing to an environment of impunity...

‘There were numerous reports that the government or its agents committed arbitrary or unlawful killings while making arrests, dispersing demonstrators, or holding persons in custody. There were also reports of civilians killed during military operations in the Sinai. Impunity was a problem...’<sup>52</sup>

- 11.6.3 The same report noted that:

‘...Official impunity was a problem. Police investigative skills remained poor. Police did not investigate reported police abuses sufficiently, according to

<sup>49</sup> U.S Department of State, Country Report on Human Rights Practices, Egypt 2016, Section 1, 3 March 2017, <https://www.state.gov/documents/organization/265706.pdf> Accessed: 7 April 2017

<sup>50</sup> Freedom House, ‘Freedom in the World 2017’, Egypt (Rule of law), 15 April 2017, <https://freedomhouse.org/report/freedom-world/2017/egypt>. Accessed: 9 June 2017.

<sup>51</sup> Amnesty International, Annual Report, Egypt 2016 – 2017, Impunity, <https://www.amnesty.org/en/countries/middle-east-and-north-africa/egypt/report-egypt/> Accessed: 6 April 2017

<sup>52</sup> US Department of State, ‘Country Report on Human Rights Practices for 2016’, Egypt, Executive Summary, Sections 1 and 3, 3 March 2017, <https://www.state.gov/documents/organization/265706.pdf> Accessed: 17 May 2017

local and international human rights groups. The government investigated and prosecuted some, but not all, reports of abuse, and many prosecutions resulted in acquittals due to insufficient or contradictory evidence. The government frequently called for investigations or appointed fact-finding committees to investigate abuses by security forces, although these investigations rarely resulted in judicial punishment. Human rights organisations stated that the amended counterterrorism law issued on August 15 could shield security forces from prosecution...

'The law provides criminal penalties for official corruption, but the government did not consistently enforce the law. There were allegations members of the government, as well as the previous Mubarak and Morsi governments, engaged in corrupt practices with impunity. Court cases still pending at year's end were inconclusive regarding the accusations of impunity. The current government has pursued corruption cases against senior officials...'<sup>53</sup>

#### 11.6.4 HRW observed in its annual report covering 2016 that:

'Incidents of abuse by police officers, including fatal incidents of torture and illegal killings at protests, rarely resulted in accountability. Of the hundreds of such cases recorded in media reports and by activist groups since July 2013, when the military ousted Former President Mohamed Morsi, only 10 had gone through trial as of October 2016, resulting in six guilty verdicts against police officers.

'Many convicted officers have appealed initial verdicts and won acquittals or shorter sentences. In February [2016], Egypt's highest appeals court ordered a retrial for an officer originally sentenced to 15 years for shooting and killing political activist Shaimaa al-Sabbagh at a peaceful protest in January 2015, an incident that was photographed and videotaped. In October [2016], the same court ordered a retrial for two officers who received five-year sentences for torturing lawyer Karim Hamdy to death in a police station in 2015.'<sup>54</sup>

#### 11.6.5 DFAT commented that:

'A number of police officers have been successfully prosecuted for sexually assaulting or fatally beating detainees. Recent examples include: the July 2016 conviction and sentencing of six police officers of manslaughter in connection with the beating to death of a detainee in Luxor in November 2015; the November 2016 charging of nine police officers with torturing to death a Cairo fish vendor (case ongoing); and the November 2016 sentencing to life in prison of a police officer for the murder in April 2016 of a Cairo tea vendor following a dispute over the price of a cup of tea.

'However, credible human rights organisations (including Amnesty International, Human Rights Watch and Freedom House) have reported that

<sup>53</sup> US Department of State, Country Report on Human Rights Practices, Egypt 2016, Executive Summary, Section 1 and Section 3, 3 March 2017, <https://www.state.gov/documents/organization/265706.pdf> Accessed: 17 May 2017

<sup>54</sup> Human Rights Watch, 'World Report 2017', Egypt, 12 January 2017, <https://www.hrw.org/world-report/2017/country-chapters/egypt>. Accessed: 6 April 2017

impunity for the police (and other security forces) remains an ongoing problem. Not all reports of police abuse are investigated, and many prosecutions have resulted in acquittals due to insufficient or contradictory evidence. As of the publication date, no government official or member of the security forces had been held accountable for the violence associated with the 2013 change of government, in particular the deaths of up to 1,000 civilian protesters during the dispersal of pro-Morsi supporters from two squares in August 2013.<sup>55</sup>

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## 12. Judiciary

### 12.1 Court system - overview

#### 12.1.1 As cited by Jane's Security Assessment:

'The legal system in Egypt is a combination of English common law, the Napoleonic Code, sharia (Islamic law), and relics of Ottoman law. Judicial authority is exercised through three levels of ordinary courts: Summary Tribunals in the districts that hear minor civil, commercial, and criminal cases; Assize Courts that deal with serious criminal cases that may be referred to the seven Courts of Appeal in the governorates; and the Supreme Court or Court of Cassation, which serves as the final court of appeal in criminal and civil cases.

'In addition, there are Military Courts that try cases involving armed forces, including civilians accused of attacks targeting state assets. Capital punishment is legal. The Supreme Constitutional Court is the highest judicial body in Egypt, with exclusive jurisdiction over questions of the constitutionality of laws, rules, and regulations. The Supreme Judicial Council (Majlis al-Qadai al-A'La) deals with the appointment, promotion, and transfer of judges, while the administrative court system of the Council of State (Majlis al-Dawla) settles administrative and disciplinary matters.<sup>56</sup>

#### 12.1.2 According to the International Commission of Jurists (ICJ), in their Report, Egyptian Judiciary: A Tool of Repression, September 2016:

'Chapter three of the 2014 Constitution concerns the judiciary in Egypt ... Article 94 states that "[t]he state is subject to the law, while the independence, immunity and impartiality of the judiciary are essential guarantees for the protection of rights and freedoms" and Article 186 provides that the conditions and procedures for appointment, secondment, retirement and disciplinary accountability shall be governed by laws which ensure "the independence and impartiality of the judiciary and judges and shall prevent conflicts of interest."

'The Constitution also provides that each judicial body "shall have an independent budget" and shall be "consulted on the draft laws governing their affairs." Despite these protections...the International Commission of

<sup>55</sup> Australian Government, DFAT, 'Country Information Report Egypt' paras 5.1-5.3, 19 May 2017, Copy on request. Accessed: 8 June 2017

<sup>56</sup> Jane's Information Group Sentinel Security Assessment: Egypt, Internal Affairs, Updated 13 March 2017. Available on subscription only. Accessed: 8 May 2017

Jurists (ICJ) is concerned that the independence and impartiality of the judiciary is undermined by other legislation and through practice. The Egyptian judiciary consists of judges sitting in ordinary, administrative, military and emergency state security courts.<sup>57</sup>

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## 12.2 Ordinary courts

### 12.2.1 The ICJ report noted that:

‘Ordinary Courts are divided into Criminal and Civil Courts. Each Court has a General Assembly composed of all judges of that court. The Office of the Public Prosecutor (OPP) is also invited to attend meetings of the General Assembly and the opinion of the OPP is considered on issues that are related to prosecutorial work. A court’s General Assembly is tasked with, among other things: organising and establishing the court’s circuits and the composition of the circuits; distributing cases to the various circuits; determining the number, days and timings of hearings; and assigning judges of courts of appeal to work in felonies courts and judges of first instance courts to summary courts.

‘Courts of first instance are located within each of the 27 governorates in Egypt and hear all civil and commercial cases and preside over criminal cases involving minor offences, “misdemeanours.”

‘Eight Appellate Courts located throughout Egypt hear appeals from the Courts of first instance, and serve as the court of first instance in relation to serious crimes known as “felonies.” The Court of Cassation is the high instance Appellate Court for all criminal, civil and commercial matters. The Court of Cassation is composed of a President and a “sufficient number” of judges, known as “Deputies” (vice presidents) and “Counsellors.” Separate sections of the Court address criminal, civil, commercial, personal status and other matters. The Deputies of the Court of Cassation are appointed with the consent of the High Judicial Council, after nomination by the Court’s General Assembly.

‘The Supreme Constitutional Court (SCC) has jurisdiction, among other things, over questions about the constitutionality of laws and regulations and the interpretation of legislation...<sup>58</sup>

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## 12.3 Administrative courts

### 12.3.1 The International Commission of Jurists, in their Report, Egyptian Judiciary: A Tool of Repression, September 2016 observed that:

‘The State Council (“Majlis il Dawla”) is a quasi-judicial body. First established in 1946, it gives legal advice to the government, reviews draft contracts to which the State or a public authority is party, reviews and drafts

<sup>57</sup> International Commission of Jurists, Egyptian Judiciary: A Tool of Repression, Chapter 2, September 2016, <http://www.refworld.org/pdfid/586e71ea4.pdf> Accessed: 3 April 2017

<sup>58</sup> International Commission of Jurists, Egyptian Judiciary: A Tool of Repression, Chapter 2, September 2016, <http://www.refworld.org/pdfid/586e71ea4.pdf> Accessed: 3 April 2017

draft laws and has jurisdiction over administrative cases, including disciplinary cases involving public officials.

'In the judicial section of the State Council, lower Administrative Courts hear cases in the first instance. The Administrative Judicial Court hears appeals from these Courts. At the top of the judicial section is the Supreme Administrative Court, which hears appeals from the Administrative Judicial Court...

'The Supreme Administrative Court has played a pivotal role in shaping events since the 2011 uprising. Shortly after President Mubarak stepped down from power, the Supreme Administrative Court issued a verdict dissolving the political party he chaired, the National Democratic Party (NDP). In April 2012, the Supreme Administrative Court dissolved the first Constituent Assembly. This was followed by a ruling in June 2012 nullifying a decision of the Ministry of Justice that would have allowed military police to arrest civilians.'<sup>59</sup>

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## 12.4 Military and emergency courts

### 12.4.1 The ICJ report stated:

'Military and emergency Courts exist in parallel to the ordinary court system. They have been used by successive governments to try civilians in proceedings that afford less respect for the minimum guarantees of fair trial than afforded in the ordinary courts. Since Military Courts are not part of the ordinary court system of Egypt, the rulings of Military Courts are not subject to review by the Court of Cassation. Additionally, because there is no right of appeal against any decision of any emergency Court, there is also no review by the Court of Cassation for cases heard in emergency Courts.

'During a state of emergency, emergency courts have jurisdiction over cases transferred to them by the President. The types of cases that can be transferred to such courts has varied over the years, to include, amongst others, offences under the emergency law and those against the internal and external security of the State.'<sup>60</sup>

### 12.4.2 The DFAT report noted:

'Under Sisi, the long-standing practice of trying civilians in military courts has expanded considerably. Egypt's military courts operate under the authority of the Defence Ministry rather than civilian judicial authorities. Military courts typically deny defendants rights accorded by civilian courts, including the right to be informed of the charges against them; to access a lawyer; and to be brought promptly before a judge following arrest. Although Article 204 of the Constitution prohibits military trials of civilians, it has a broad exemption for crimes representing a direct assault against whatever falls under military authority.

<sup>59</sup> International Commission of Jurists, Egyptian Judiciary: A Tool of Repression, Chapter 2, September 2016, <http://www.refworld.org/pdfid/586e71ea4.pdf> Accessed: 3 April 2017

<sup>60</sup> International Commission of Jurists, Egyptian Judiciary: A Tool of Repression, Chapter 2, September 2016, <http://www.refworld.org/pdfid/586e71ea4.pdf> Accessed: 3 April 2017

'In the wake of a deadly attack in North Sinai in October 2014 that killed 22 soldiers, Sisi issued Law 136/2014 that granted the military the authority to protect public and state facilities for two years and directed state prosecutors to refer any crimes committed at these places to their military counterparts. Over 7,000 civilians have been tried by the military in the two years following the passing of the law. Many of these civilians were either accused of belonging to the Brotherhood, or had taken part in university student protests. In August 2016, Parliament approved the extension of Law 136/2014 for an additional five years until 2021. The jurisdiction of military courts was expanded further in June 2016 when Sisi issued a decree granting the military the authority to police public lands up to two kilometres from public roads and highways. In addition, a series of amendments to the Military Judiciary Law have redefined state properties and institutions – including roads, bridges, factories, gas pipelines, and companies – as military property.'<sup>61</sup>

12.4.3 See [Article \(54\) of the Constitution of the Arab Republic of Egypt](#).

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## 12.5 Independence and fair trial

12.5.1 The USSD report for 2016 noted:

'The constitution provides for the independence and immunity of judges. Courts generally acted independently, although individual courts sometimes appeared to lack impartiality and to arrive at politically motivated outcomes or without individual findings of guilt. The government generally respected court orders. Judicial and executive review is available to individuals sentenced to the death penalty.'<sup>62</sup>

12.5.2 The same source also noted: 'Other human rights problems [in Egypt] included...a judiciary that in some cases appeared to arrive at outcomes not supported by publicly available evidence or that appeared to reflect political motivations.'<sup>63</sup> and that: 'Individuals had access to civil courts for lawsuits relating to human rights violations and filed such lawsuits during the year. Nonetheless, courts often dismissed cases or acquitted defendants for lack of evidence or conflicting witness testimonies.'<sup>64</sup>

12.5.3 According to DFAT Country Information Report, Egypt, 19 May 2017

'Article 184 of the Constitution guarantees the independence of the judiciary, and prohibits interference in judicial affairs; Article 186 guarantees the

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<sup>61</sup> DFAT, 'Country Information Report Egypt' (paras 5.19-5.20), 19 May 2017. Copy on request. Accessed: 9 June 2017.

<sup>62</sup> US Department of State, 'Country Report on Human Rights Practices for 2016', Egypt, Executive summary, Sections 1 and 3, 3 March 2017, <https://www.state.gov/documents/organization/265706.pdf> Accessed: 17 May 2017

<sup>63</sup> US Department of State, 'Country Report on Human Rights Practices for 2016', Egypt (Executive Summary), 3 March 2017, <https://www.state.gov/documents/organization/265706.pdf> Accessed: 22 May 2017

<sup>64</sup> US Department of State, 'Country Report on Human Rights Practices for 2016', Egypt (Executive Summary), 3 March 2017, <https://www.state.gov/documents/organization/265706.pdf> Accessed: 22 May 2017

independence and permanent status of judges; and Article 198 prohibits the arrest or detention of lawyers engaged in defence...

'Despite occasional attempts over the decades by various presidential administrations to wind back their power, Egyptian judges have successfully asserted and retained their autonomy. The judiciary remains a powerful actor in Egyptian society, and one with broad public support and respect. The mass demonstrations in 2013 that ultimately brought down the Morsi government were sparked by his decision to remove executive decisions from judicial oversight. Senior judges, including those sitting on the Supreme Constitutional Court, are generally seen as professional and independent. However, the quality and impartiality of individual judges may vary, particularly at more junior levels.

'Individual judges can be subjected to community pressure to rule in accordance with dominant social and political mores, particularly in cases where religion is a factor. DFAT is aware of instances in Upper Egypt where conservative Muslim lawyers and/or community leaders have demonstrated outside courtrooms hearing defamation of religious cases, implicitly threatening community unrest in the event of an unsatisfactory ruling.'<sup>65</sup>

12.5.4 The International Commission of Jurists, in their Report, Egyptian Judiciary: A Tool of Repression, September 2016 observed that:

'Egypt's judiciary has frequently failed to fulfil its essential role in upholding the rule of law and safeguarding human rights throughout the transition period. An analysis of recent cases, in particular those initiated or decided since the overthrow of President Morsi, demonstrates that Egypt's judges and prosecutors have become to be seen as a primary tool in the repression of political opponents, journalists and human rights defenders.

'Furthermore, an examination of individual cases demonstrates that criminal proceedings against political opponents, journalists and human rights defenders have been marred by a litany of violations of internationally recognised rights. More specifically, prosecutions have been initiated by prosecutors and, in many instances, continued by judges, where the charges are unfounded. A presumption in favour of pre-trial detention has routinely been applied by both prosecutors and judges, as seen in the cases of Yara Sallam and 22 others and Alaa Abdel Fattah and 24 others.

'The accused in many cases have not been given adequate time and facilities to prepare a defence, for example in the case of Alaa Abdel Fattah and 24 others, the first accused was restricted to meeting his lawyers once every 30 days and was denied any confidential access to them. In addition, judges have refused to refer constitutional challenges to laws to the Constitutional Court and have instead applied laws that violate human rights, notably the Demonstration Law (Law No.107 of 2013).

'Judges have also failed to ensure equality of arms and rights of defence during trial and to ensure public hearings in such trials. Convictions have frequently been based on a lack of credible evidence of the individualized

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<sup>65</sup> Australian Government, Department of Foreign Affairs and Trade, 'Country Information Report Egypt', (paragraph 5.10, 5.17 and 5.18), 19 May 2017. Copy on request. Accessed: 22 May 2017

guilt of each of the accused despite the absence of proof beyond a reasonable doubt. Thousands have been convicted following unfair trials and, of them, hundreds have been sentenced to death in violation of the right to life. As such, some of the most egregious examples of fair trial violations have involved trials involving hundreds of accused, dozens or hundreds of whom have been sentenced to death or life imprisonment.

‘At the same time, judges who are considered to be opponents of the current regime and/or have spoken out against attacks on the rule of law and human rights violations, have been subjected to unfair disciplinary proceedings. These proceedings have frequently been pursued in violation of judges’ rights to freedom of expression, association and assembly and have been marred by due process violations and well as violations of the right to a fair hearing.’<sup>66</sup>

12.5.5 The same source concluded that: ‘Urgent measures are required to prevent a complete collapse of the rule of law in Egypt, including measures to ensure that the judiciary is independent and serves to safeguard human rights, such as the right to a fair trial and the right to life.’<sup>67</sup>

12.5.6 According to Amnesty International in their article, *New legislation Threatens Judicial Independence in Egypt*, 27 April 2017:

‘A new law passed by Parliament...granting the President the power to appoint the most senior members within the justice system, could further undermine the independence of the judiciary in Egypt, Amnesty International said... If ratified by President Abdel Fattah al-Sisi, the law would grant him powers to select the heads of judicial bodies, including the heads of the Court of Cassation, the State Council, the Administrative Prosecution Authority and the State Lawsuit Authority’...Previously, Egypt’s judicial councils had the power to appoint heads of the different branches of the justice system. The name of the selected candidate was then passed to the President who would issue a decree confirming the appointment as a formality – effectively, the final decision still rested with the judicial council. Under the proposed amendments the President will have the power to select the heads of judicial bodies from a pool of three senior judges nominated by their peers from the most seven senior members in each judicial body.’<sup>68</sup>

12.5.7 The AI article continued:

‘The bill was passed on 26 April [2017] after two thirds of parliament members voted in favour of the amendments. Several judicial bodies, including the State Council, the Supreme Council of Judiciary and the State Lawsuit Authority, had formally registered their opposition in advance of the parliamentary vote.

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<sup>66</sup> International Commission of Jurists, *Egyptian Judiciary: A Tool of Repression*, Executive Summary, September 2016, <http://www.refworld.org/pdfid/586e71ea4.pdf> Accessed: 3 April 2017

<sup>67</sup> International Commission of Jurists, *Egyptian Judiciary: A Tool of Repression*, Executive Summary, September 2016, <http://www.refworld.org/pdfid/586e71ea4.pdf> Accessed: 6 July 2017

<sup>68</sup> Amnesty International, *New Legislation Threatens Judicial Independence in Egypt*, 27 April 2017, <https://www.amnesty.org/en/latest/news/2017/04/new-legislation-threatens-judicial-independence-in-egypt/> Accessed: 8 May 2017

‘After the amendments were passed, Egypt’s Judges Club issued a statement urging the President not to ratify the amendments and invited judges to an urgent general assembly on 5 May [2016] to protest against the amendments. The State Council Judges Club also issued a statement condemning the new law and sent a letter to the President urging him to refrain from accepting it on the basis that it undermines the independence of judiciary and the principle of separation of powers.

‘Two of the highest courts in the country, the Court of Cassation and the Supreme Administrative Court will be particularly affected by the new law. They were considered by many in Egypt’s legal community as the last hope of keeping the injustice that has characterized the judiciary for years in check...’<sup>69</sup>

- 12.5.8 The USSD observed that the ‘... authorities used military courts to try civilians during the year. Public access to information about military trials was limited. Military trials were difficult to monitor because they were usually subjected to media restraint orders. Rights groups and lawyers stated defence attorneys in military trials had difficulty gaining access to their clients and to documentation related to the cases.’<sup>70</sup>

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## 12.6 Trial procedures

- 12.6.1 The USSD report for 2016 observed:

‘The law presumes defendants are innocent, and authorities usually inform them promptly and in detail of charges against them. Defendants have the right to be present at their trials. Attendance is mandatory for individuals charged with felonies and optional for those charged with misdemeanours. Civilian criminal and misdemeanour trials usually are public. Defendants have the right to consult an attorney, and the government is responsible for providing counsel if the defendant cannot afford a lawyer. Defendants have the right to free interpretation from the moment charged through all appeals. An interpreter is assigned by the court. The law allows defendants to question witnesses against them and to present witnesses and evidence on their own behalf, and it provides defendants and their attorneys the right to access government-held evidence. Defendants have adequate time and facilities to prepare a defence. The constitution provides for the right of an accused person to remain silent in his own trial. In civilian courts defendants have the right of appeal up to the Court of Cassation. In civilian courts the judge must seek the nonbinding review of the Grand Mufti on all death sentences, and the president must confirm all such sentences.

‘The law permits individual members of the public to file charges with the prosecutor general, who is charged with deciding whether the evidence

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<sup>69</sup> Amnesty International, New Legislation Threatens Judicial Independence in Egypt, 27 April 2017, <https://www.amnesty.org/en/latest/news/2017/04/new-legislation-threatens-judicial-independence-in-egypt/> Accessed: 8 May 2017

<sup>70</sup> US Department of State, ‘Country Report on Human Rights Practices for 2016’, Egypt (section 1e), 3 March 2017, <https://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#section1edenial>. Accessed: 8 June 2017

justifies referring the charges for a trial. Observers reported, however, that, due to unclear evidentiary standards, the Prosecutor General's Office investigates and refers for trial the overwhelming majority of such cases, regardless of the strength of the evidence.<sup>71</sup>

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## 12.7 Mass trials

### 12.7.1 The USSD report for 2016 observed:

'Some trials involving hundreds of defendants, particularly in cases involving demonstrators sympathetic to former president Morsy and the Muslim Brotherhood in 2013 and 2014, continued.

'Retrials in two cases based in Minya with hundreds of defendants continued at year's end. In January 2015 the Court of Cassation ordered a retrial in the case in which a Minya court issued a provisional sentence condemning 529 persons to death on charges of killing a police officer and attempting to kill two other police officers. Authorities scheduled the next hearing for January 4, 2017.

'In February 2015 the Court of Cassation ordered a retrial in the second high-profile Minya trial, in which the Minya Criminal Court issued provisional death sentences in 2014 to 683 defendants, including Muslim Brotherhood Supreme Guide Mohamed Badie, on charges of attacking a police station and killing two police officers. On December 28, a judge ordered the release of 13 defendants pending trial. The retrial continued, and the next hearing was scheduled for 23 January 2017.'

'Military courts, however, often tried defendants in a matter of hours, frequently in groups, and sometimes without access to an attorney, leading lawyers and NGOs to assert they did not meet basic standards of due process.'<sup>72</sup>

### 12.7.2 According to Amnesty International, in their 2016 Annual Report:

'Criminal Courts continued to conduct mass unfair trials involving dozens – sometimes hundreds – of defendants on charges of participating in protests and political violence following the ousting of Mohamed Morsi as President in July 2013. In some trials involving defendants who had been subjected to enforced disappearance, Courts accepted "confessions" obtained through torture as evidence.

'In addition to dedicated "circuits" (special Courts) for terrorism-related trials, Military Courts unfairly tried hundreds of civilians, including in mass trials. In August [2016] the authorities extended a law vastly expanding the jurisdiction of military courts to include crimes committed against "public installations" for a further five years.

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<sup>71</sup> US Department of State, 'Country Report on Human Rights Practices for 2016', Egypt (section 1e), 3 March 2017, <https://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#section1edenial>. Accessed: 8 June 2017

<sup>72</sup> US Department of State, 'Country Report on Human Rights Practices for 2016', Egypt (section 1e), 3 March 2017, <https://www.state.gov/documents/organization/265706.pdf>. Accessed: 8 June 2017

'Courts tried more than 200 people on charges of taking part in protests against the government's decision to cede the islands of Tiran and Sanafir to Saudi Arabia, sentencing many to prison terms of between two to five years and heavy fines. Appeals Courts subsequently overturned most prison sentences.

'More than 490 people, including Irish national Ibrahim Halawa, faced charges of participating in violence during a protest in August 2013, in a mass trial which opened in 2014. The charges against Ibrahim Halawa were considered by Amnesty International to be trumped up.

'On 18 June, a court sentenced ousted president Mohamed Morsi to 25 years in prison for leading a "banned group" and a further 15 years for stealing classified information. The court sentenced six other men to death in the case, including three journalists in their absence.'<sup>73</sup>

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## 12.8 Juvenile justice

### 12.8.1 The USSD report for 2016 stated that:

'Reports that guards abused prisoners, including juveniles, in adult [prison] facilities were common...

'Authorities did not always separate juveniles from adults and sometimes held pre-trial detainees with convicted prisoners. Rights organisations continued to allege the illegal use of Central Security Forces camps as detention facilities. In 2014 a local rights group claimed that authorities held at least 600 children between the ages of 14 and 17 at a Central Security Forces camp in Banha.

'On 25 February [2016], Bani Mazar Juvenile Misdemeanour Court sentenced four Christian high school students to five years' imprisonment for denigrating Islam after the students appeared in video pretending to perform a Muslim prayer. The same Court sentenced the students' teacher, Gad Youssef Younan, who reportedly filmed the video, to three years in prison for denigrating Islam in December 2015.'<sup>74</sup>

### 12.8.2 The report also observed that:

'Rights organisations reported children faced mistreatment in detention, including torture, sharing cells with adults, denial of their right to counsel, and authorities' failure to notify their families. For example, Human Rights Watch (HRW) reported that security forces allegedly tortured a group of 20 individuals, eight of them children, in February [2016] after arrests in Alexandria. According to HRW, relatives and lawyers said authorities refused to acknowledge holding them or to tell their families their whereabouts for

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<sup>73</sup> Amnesty International, Annual Report, Egypt 2016 – 2017, Unfair Trials, <https://www.amnesty.org/en/countries/middle-east-and-north-africa/egypt/report-egypt/> Accessed: 6 April 2017

<sup>74</sup> U.S Department of State, Country Reports on Human Rights Practices for 2016 Egypt, Section 2, <https://www.state.gov/documents/organization/265706.pdf> Accessed: 6 April 2017

more than a week and tortured them to obtain confessions to crimes or provide the names of other suspects.’<sup>75</sup>

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## 13. Civil society

13.1.1 The International Centre for Not-for-Profit Law provided the following on its webpage, Civic Freedom Monitor: Egypt, on the law and situation for civil society organisations<sup>76</sup>:

|   |   |
|---|---|
| <b>Organisational Forms</b>               | Associations, Foundations, and Not-for-Profit Companies   |
| <b>Registration Body</b>                  | Ministry of Social Solidarity and Justice (associations and foundations)<br>Ministry Industry and Trade (not-for-profit companies)  |
| <b>Approximate Number</b>                 | 47,312 (2016 estimate). This number from the Ministry of Social Solidarity refers to associations and foundations registered under Law 84 of 2002.  |
| <b>Barriers to Entry</b>                  | Registration is mandatory; informal (unregistered) associations are prohibited. Grounds for denial of registration are overly vague, inviting the exercise of excessive government discretion.  |
| <b>Barriers to Activities</b>             | Requirements relating to the General Assembly meetings invite interference in internal affairs of the association. Grounds for dissolution are overly vague, inviting the exercise of excessive government discretion. Sanctions for legal violations include imprisonment. |
| <b>Barriers to Speech and/or Advocacy</b> | The law prohibits NGO engagement in “political activities” – which has been used to limit NGO advocacy activity. Criminal defamation laws have been used to silence critics of the Government.  |
| <b>Barriers to International</b>          | Advance Ministry approval is  |

<sup>75</sup> U.S Department of State, Country Reports on Human Rights Practices for 2016 Egypt, Section 2, <https://www.state.gov/documents/organization/265706.pdf> Accessed: 6 April 2017

<sup>76</sup> International Center for Not-for-Profit Law, ‘Civic Freedom Monitor: Egypt’ (At a glance), undated, <http://www.icnl.org/research/monitor/egypt.html>. Accessed 8 June 2017.

|                              |   |
|------------------------------|---|
| <b>Contact</b>               | required to join or affiliate with a foreign organisation.  |
| <b>Barriers to Resources</b> | Advance Ministry approval is required to receive foreign funds or funds from Egyptian individuals abroad.   |
| <b>Barriers to Assembly</b>  | Excessive force used against protesters, arbitrary detainment of participants in protests, and burdensome restrictions on organisers of protests. |

### 13.1.2 The USSD report for 2016 observed:

‘The government continued to exhibit an uncooperative and suspicious approach to international and local human rights organisations. Government officials publicly asserted they shared the civil society organisations’ goals, but they rarely cooperated with or responded to the organisations’ inquiries. Domestic civil society organisations criticized the government’s consultations with civil society as insufficient. Provisions in the NGO law and penal code for penalties of up to life imprisonment for requesting or accepting foreign funding to undermine state security continued to have a chilling effect on NGO operations [...].

‘Extended delays in gaining government approvals and an unclear legal environment continued to limit the ability of domestic and international NGOs to operate. State-owned and independent media frequently depicted NGOs, particularly international NGOs and domestic NGOs that received funding from international sources, as undertaking subversive activities. Some NGOs reported receiving visits or calls, to staff both at work and at home, from security service officers and tax officials monitoring their activities, as well as societal harassment.

‘Human rights defenders and political activists were also subjected to governmental and societal harassment and intimidation, for example, through travel bans [...]. Print and television media published articles that included the names, photographs, business addresses, and alleged meetings held by activists, including meetings held with foreign diplomatic representatives.

‘Well-established, independent domestic human rights NGOs operated throughout the country. Internet activists and bloggers continued to play a significant role in publicizing information about human rights abuses. Authorities generally allowed civil society organisations not registered as NGOs to operate, but such organisations sometimes reported harassment, along with threats of government interference, investigation, asset freezes, or closure.

‘Major international human rights organisations, such as Human Rights Watch (HRW) and AI, did not have offices in the country after closing them in 2014 due to “concerns about the deteriorating security and political

environment in the country.”<sup>77</sup>

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## 14. Media and internet

### 14.1 Media environment

#### 14.1.1 The DFAT report of May 2017 stated:

‘The Constitution provides numerous guarantees relating to the freedom of the press, of media outlets and the prevention of censorship. Egypt has a wide variety of traditional and electronic media. While not a monopoly, the state is a major force in the media and runs many TV and radiostations, websites, newspapers and magazines. Television – including via satellite – is the most popular source of news. There are two state-run national and six regional TV channels, and more than 20 daily newspapers, state-run or privately published. Some 30.1 million Egyptians were online in 2016. Following the July 2013 military intervention, the military forcibly shut down several channels perceived to be pro-Islamist. Most pro-Brotherhood media has now been closed, or broadcasts only from abroad. The majority of the privately owned media strongly supported the military intervention, and continues to run a pro-Sisi line.

‘A counter-terrorism law passed in August 2015 imposed a large fine on any person who ‘spreads false news’ or who publishes a report contradicting an official Ministry of Defence statement. This law has been repeatedly used to prevent journalists reporting on issues of sensitivity, including the North Sinai insurgency and anti-government protests. Reporters Without Borders (RWB) ranked Egypt 161st out of 180 countries in its 2017 World Press Freedom Index. According to the Committee to Protect Journalists (CPJ), the number of journalists imprisoned in Egypt for their work had risen considerably under Sisi. CPJ reported that as of 2016, Egypt was the third-worst jailer of journalists worldwide (behind only Turkey and China). The relatives of detained journalists have claimed that some have been tortured in prison, while others have been denied adequate medical care.’<sup>78</sup>

#### 14.1.2 The U.S Department of State Country Reports on Human Rights Practices for 2016 has observed that:

‘Citizens expressed their views on a wide range of political and social topics. The government investigated and prosecuted critics for alleged incitement of violence, insults to religion, insults to public figures and institutions such as the judiciary and the military, or violation of public morals. Individuals also faced societal and official harassment for speech viewed as sympathetic to the Muslim Brotherhood, such as using a hand gesture showing four fingers, a reference to the 2013 security operation to disperse the sit-in at Rabaa al-Adawiya Square. The law provides a broad definition of terrorism, to include

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<sup>77</sup> US Department of State, ‘Country Report on Human Rights Practices for 2016’, Egypt (section 1e), 3 March 2017, <https://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#section1edenial>. Accessed: 8 June 2017

<sup>78</sup> Australian Government, Department of Foreign Affairs and Trade, ‘Country Information Report Egypt’ (paras 3.64-3.65), 19 May 2017, Copy on request. Accessed: 24 May 2017

“any act harming national unity or social peace.” The president stated in a September speech that lying was a form of terrorism. Human rights observers expressed concern that authorities could use the ambiguous definition to stifle nonviolent speech and nonviolent opposition activity.’

‘The government regulated the licensing of newspapers and controlled the printing and distribution of a majority of newspapers, including private newspapers and those of opposition political parties. The law does not impose restrictions on newspaper ownership. The more than 20 state-owned media outlets broadly supported official state policy. The term for the governmental Higher Press Council, which had the power to appoint and dismiss editorial leadership of state-owned print outlets, expired in January. The governmental Egyptian Radio and Television Union appointed the heads of state-owned radio and television channels. Both state-owned and private media (including television and online journalism) sometimes criticized the government, but dominant media narratives supported the president and his policy initiatives. As of December [2016] the Committee to Protect Journalists reported there were 25 imprisoned journalists in the country.’

‘According to media reports and local and international human rights groups, state and nonstate actors arrested and imprisoned, harassed, and intimidated journalists. Foreign correspondents reported cases where the government denied them entry, deported them, and delayed or denied issuance of media credentials; some claimed these actions were part of a government campaign to intimidate foreign media...Official censorship occurred.’

‘The government did not generally restrict or disrupt access to the internet or censor online content, albeit with some exceptions. The Constitution protects the right to privacy, including on the internet. The Constitution provides for the confidentiality and “inviolability” of postal, telegraphic, and electronic correspondence; telephone calls; and other means of communication. They may not be confiscated, revealed, or monitored except with a judicial order, only for a definite period, and only in cases defined by law.

‘The Constitution prohibits the government from “arbitrarily” interrupting, disconnecting, or depriving citizens seeking to use all forms of internet communications. Law enforcement agencies occasionally restricted or disrupted individuals’ access to the internet, and the government monitored social media accounts and internet usage, relying on a law that only allows targeted interception of communications under judicial oversight for a limited period of time and does not permit indiscriminate mass surveillance. The Public Prosecutor occasionally prosecuted individuals accused of posting “insulting” material.’<sup>79</sup>

- 14.1.3 Freedom House, in their 2017 Annual Report has noted that: ‘Military authorities shut down virtually all Islamist and opposition media outlets following the 2013 coup and pressured others if they carried any critical

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<sup>79</sup> US Department of State, Country Reports on Human Rights Practices for 2016 Egypt, Section 2, <https://www.state.gov/documents/organization/265706.pdf> Accessed: 6 April 2017

coverage of the new government. As a result, state media and most surviving private outlets strongly support Sisi and the military.<sup>80</sup>

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## 14.2 Number of newspapers/TV/Radio Stations

14.2.1 For information on newspapers, as well as other arms of the media, see [BBC News, Egypt Profile](#). The main newspapers are:

- Al-Ahram - state-owned daily, the oldest newspaper in the Arab world
- Al-Ahram Weekly - in English
- Al-Jumhuriyah - state-owned daily
- Al-Misri al-Yawm - private daily
- Al-Shuruq - private daily
- Al-Yawm al-Sabi - private daily
- Egypt Independent - in English, sister paper of Al-Misri al-Yawm
- Daily News Egypt - private, in English<sup>81</sup>

14.2.2 Jane's Security Assessment provided the following information:

### **'Mobile network**

'By the end of 2016, mobile penetration was 112 percent ... with at least 96 million subscribers. Coverage is concentrated in the populated coastal and delta region in the north of the country and along the Nile. An estimated 80 million of these lines are prepaid subscriptions and are held by the poorer segments of Egypt's population...

**'Television:** Egyptian Television (ETV) is government-owned and -controlled but relies heavily on commercial advertising for revenue. ETV has two main channels, six regional channels, and three satellite channels. Channel 1 is an exclusively Arabic station, while Channel 2 broadcasts in English and French in addition to Arabic. Private stations have been permitted since 2001.

**'Radio:** Radio in Egypt is almost entirely government-controlled, using 44 short-wave frequencies, 18 medium-wave stations, and four FM stations. In total, there are seven regional radio stations covering the country. In general, radio is subject to less government control than television.<sup>82</sup>

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## 15. Corruption

15.1.1 The USSD report covering events in 2016 noted:

<sup>80</sup> Freedom House, 'Freedom in the World 2017' (Freedom of Expression and Belief), 15 April 2017, <https://freedomhouse.org/report/freedom-world/2017/egypt>. Accessed: 6 April 2017

<sup>81</sup> BBC News, 'Media profile – Egypt', 17 June 2016, <http://www.bbc.co.uk/news/world-africa-13313373>. Accessed: 9 June 2017.

<sup>82</sup> Jane's Information Group Sentinel Security Assessment: Egypt, Infrastructure, Updated 16 March 2017. Available on subscription only. Accessed: 7 April 2017

'The law provides criminal penalties for official corruption, but the government did not consistently enforce the law. There were allegations members of the government, as well as the previous Mubarak and Morsy governments, engaged in corrupt practices with impunity. Court cases still pending at year's end were inconclusive regarding the accusations of impunity. The existing government pursued corruption cases against senior officials.

'On March 28, the president dismissed the head of the [Central Agency for Auditing] CAA, Hehsam Geneina. In December 2015 Geneina publicly claimed that corruption in public and government circles led to the squandering and misappropriation of more than LE 600 billion (\$33 million). In January a government fact-finding committee alleged that Geneina deliberately exaggerated figures about corruption for political purposes. Geneina told media that the allegations against him were politically motivated. On July 28, a Cairo court convicted Geneina of spreading false information, sentencing him to a one-year suspended prison term and a fine of LE 20,000 (\$1,100). A court rejected Geneina's appeal on December 22 but suspended the implementation of his sentence for three years.'<sup>83</sup>

15.1.2 The DFAT Country Information Report, Egypt, 19 May 2017, stated that:

'Egypt is a State Party to the UN Convention Against Corruption (2005), and Article 218 of the Constitution commits the state to fighting corruption. The Criminal Code criminalises active and passive bribery, attempted corruption, providing gifts with the intention to influence, abuse of office and the use of public resources for private gain. Several government agencies work to combat corruption, including the Central Agency for Auditing and Accounting, the Administrative Control Authority, the Ministry of Justice, the MOI, the Public Prosecution Office, and the Egyptian Money Laundering and Terrorist Financing Combating Unit.

'Corruption is widespread throughout Egypt. The payment of baksheeh, or tips, in order to receive basic services is part of everyday life. A culture of nepotism and favouritism negatively affects Egypt's economy and investment climate. A weak legal framework and a widespread culture of corruption leave businesses reliant on strong connections and the use of intermediaries to operate, and well-connected businesses enjoy privileged treatment. Legislation is enforced unevenly, leading government officials to act with impunity. Facilitation payments and gifts are common, despite being illegal. In January 2017, Transparency International ranked Egypt equal 108<sup>th</sup> out of 176 countries (176 being most corrupt), level with Algeria, Cote d'Ivoire, Ethiopia and Guyana.

'In March 2016, Sisi removed the country's chief corruption auditor after the official made several statements to the media asserting that the state institutions and prosecutors were ignoring or stymying action on his agency's report of endemic government corruption. The dismissal also came after the official was reported as saying in December 2015 that the cost of corruption

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<sup>83</sup> US Department of State, 'Country Report on Human Rights Practices for 2016', Egypt (section 4), 3 March 2017, <https://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#section1edenial>. Accessed: 8 June 2017

to Egypt's economy was \$US67.6 billion in 2015. The official was convicted in July 2016 of disseminating false news that harmed the national interest, and given a suspended one-year prison sentence and EGP20,000 (\$AU1700) fine...'<sup>84</sup>

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## 16. Children

### 16.1 Child protection

#### 16.1.1 According to UNICEF in an undated entry on its website:

'Many children in Egypt suffer various forms of violence, exploitation, human trafficking and inadequate family care. There is a widespread use of violence as a socially acceptable disciplinary practice.

'The 2014 Demographic Health Survey (DHS) shows that 93 percent of children aged 1 to 14 years old have been exposed to violent disciplinary practices, including psychological aggression and/or physical punishment. Moreover, according to the National Centre for Social and Criminological Research and the Special Rapporteur on trafficking in persons in 2011, child trafficking in Egypt includes seasonal or temporary marriages, slavery or forced labour, as well as trafficking for removal of organs and sexual exploitation. The exact number of children who are trafficked is unknown and no reliable surveys or data collection systems on child trafficking exist.

'Girls are particularly vulnerable to various forms of abuse such as Female Genital Mutilation and child marriage. The prevalence of Female Genital Mutilation/cutting (FGM/c) in girls aged 15-17 has steadily decreased in the past decade from 76.5 per cent in 2005 to 61 per cent in 2014 according to the 2014 Egypt Demographic Health Survey. However, regional disparities exist. For example, the percentage of 0 to 17 years old girls, who are expected to undergo FGM/c reaches 90 per cent in some Upper Egypt governorates. Regarding child marriage, the 2014 DHS shows that child marriage among girls aged 15-17 is 6.4 per cent.

'Child labour constitutes also a major threat to the young generation. The 2014 EDHS found that 7 per cent of children aged 5-17 years old, around 1.6 million children, are involved in child labour and 5.6 per cent of these children work under hazardous conditions.

'In terms of family care, the Ministry of Social Affairs data indicate that 8,506 children aged 6-18 were living in residential care institutions (MISA 2013) and there were 16, 019 street children (MISA 2015). Yet, NGOs working with children living on the street estimate the numbers to be much higher.

'Regarding irregular migration of Unaccompanied Minor Children (UMCs), the International Organization for Migration (IOM) in Egypt has observed an increasing trend of Egyptian UMCs migrating to Europe over the past five years. Since 2011, Egypt holds the highest ratio of UMCs among irregular

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<sup>84</sup> Australian Government, Department of Foreign Affairs and Trade, Egypt Country Information Report, Background Information, Economic Overview, Corruption, Paragraph 2.15 to 2.17, 19 May 2017, Copy on request. Accessed: 22 May 2017

adult migrants reaching Europe. 49 per cent of the 4,095 Egyptians arriving irregularly in Italy were unaccompanied children in 2014, compared to 28 per cent in 2011. This upward trend continued in 2015 when 60 per cent or 1,711 out of 2,610 Egyptian irregular migrants were UMCs. Youths aged 16 to 17 represent the highest percentage of UMC. As of June 2016, there are 2,089 unaccompanied and separated refugee children under the protection of UNHCR in Egypt.

‘The situation of children in Egypt is aggravated by lack of preventive and responsive child protection services and an inadequate juvenile justice system. Key legislation achievements such as the amendment to the penal code criminalizing FGM/c and the Child Law have not been accompanied by necessary measures and resources.’<sup>85</sup>

#### 16.1.2 The USSD report for 2016 stated that:

‘There were widespread reports of child abuse, according to local and international rights groups. According to a local rights group, hundreds of cases were recorded each month, and many cases went unreported. According to UNICEF, at least 80 percent of children between 13 and 17 years old were exposed to some form of violence (physical, emotional, or sexual). No effective government institutions were dedicated to addressing child abuse, although several civil society organizations assisted runaway and abandoned children.’

‘Rights organizations reported children faced mistreatment in detention, including torture, sharing cells with adults, denial of their right to counsel, and authorities’ failure to notify their families.’

‘The law provides for sentences of not less than five years in prison and fines of up to LE 200,000 (\$11,000) for commercial sexual exploitation of children and child pornography. The government did not adequately enforce the law. The minimum age for consensual sex is 18. NGOs and local media reported sex tourism and the number of street children in Cairo and other metropolitan areas (where criminals sometimes sexually exploited children) remained high due to economic hardship. Temporary marriages were also sometimes used to mask sexual exploitation of children and child prostitution.’<sup>86</sup>

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## 16.2 Education

### 16.2.1 The 2015 DFAT Egypt Country Information Report has noted that:

‘The right to education is enshrined in Egypt’s Constitution and education in Egypt is free at primary, secondary and tertiary levels. Participation rates in Egyptian primary schools are high. According to the United Nations Children’s Fund’s (UNICEF) 2014 report on Children in Egypt, an estimated

<sup>85</sup> UNICEF, Egypt, Child Protection, Undated, <https://www.unicef.org/egypt/protection.html> Accessed: 23 May 2017

<sup>86</sup> U.S Department of State, Country Reports on Human Rights Practices for 2016 Egypt, Section 6, <https://www.state.gov/documents/organization/265706.pdf> Accessed: 23 May 2017

95 percent of children in Egypt attended primary school in 2013/14, although the participation rate in secondary school was only 64.6 percent.

'The UNICEF report indicated there was no significant variance between the rates of boys' and girls' participation. In 2015, Egypt's youth literacy rate was estimated at 89.8 per cent (91.6 percent for boys, and 87.8 percent for girls). The country's overall literacy rate was estimated at 73.8 percent (82.2 percent for males and 65.4 percent for females), though this figure likely over-states the real level of literacy.'<sup>87</sup>

#### 16.2.2 The report continued that:

'According to the Egyptian Ministry of Higher Education, the education sector in Egypt incorporates 22 public universities and hundreds of higher education institutes and technical colleges, all run under the Ministry's supervision. There are also 21 private universities. In August 2014, Egypt announced a USD5.87 billion higher education plan – to run in two phases between 2014 to 2022, with 61 initiatives – aimed at producing more market-ready graduates, and promoting a knowledge-based economy.

'The quality of public education in Egypt is very low. In 2014, the World Economic Forum's annual Global Competitiveness Report ranked Egypt 141 of 144 countries for quality of primary education (Egypt ranked last in the 2013 report). A 2014 survey by CARE Egypt, an NGO that collaborates with the Ministry of Education, found illiteracy rates in some primary schools as high as 80 per cent. Egypt's education system has faced criticism for overcrowding in classrooms; poor teaching quality; over-centralised control; a focus on rote learning for examinations; a mismatch between the outputs of the education system and the needs of the economy; entrenchment of social inequalities; and inadequate university access, funding and research capacity. Although Egypt's public education system is the largest in the region, it has one of the lowest rates of public spending.'<sup>88</sup>

#### 16.2.3 The DFAT observed in its May 2017 report that:

'According to UNICEF, 95 per cent of children attended primary school in 2013/4, although participation rates in secondary school dropped to 64 per cent. There was no significant variance between the rates of participation for girls and boys. The quality of public education in Egypt is poor – the World Economic Forum's Global Competitiveness Index for 2015-16 ranked Egypt 139 out of 140 countries for education. Egypt's education system has faced criticism for overcrowding in classrooms, poor teaching quality, over-centralised control, a focus on rote learning for examinations, entrenchment of social inequalities, and inadequate university access, funding and research capacity. Quality in the private sector is better. There is a considerable disconnect between the needs of the Egyptian economy and

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<sup>87</sup> Australian Government, Department of Foreign Affairs and Trade, 2015 Egypt Country Information Report, Background Information, Economic Overview, Education, Paragraphs 2.16, 24 November 2015, Copy on request. Accessed: 29 March 2017

<sup>88</sup> Australian Government, Department of Foreign Affairs and Trade, 2015 Egypt Country Information Report, Background Information, Economic Overview, Education, Paragraphs 2.17 – 2.18, 24 November 2015, Copy on request. Accessed: 29 March 2017

the skills taught in Egypt's universities. Vocational training has limited availability, and a social stigma attaches to vocational graduates.'

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## 17. Citizenship and nationality

17.1.1 The Citizenship Laws of the World Egypt states that citizenship is based on Law No.17, promulgated on 22 June 1958 and that the law is based on the concept of legitimate descent:

**'By Birth:** Birth within the country of Egypt does not automatically confer citizenship. Citizenship by birth is only granted under the following conditions: Child born in Egypt, out of wedlock, to an Egyptian mother, when the father is unknown or stateless, is considered a citizen of Egypt. Child born in Egypt of unknown parents is automatically granted Egyptian citizenship.

**By Descent:** Child, born in wedlock, whose father is an Egyptian citizen, is automatically a citizen of Egypt, regardless of the child's country of birth.

**By Naturalization:** There is no standard law for naturalization. Different categories of people face varying requirements. Some groups include: Persons born in Egypt, of a father who was born in Egypt, and who is a member of a racial minority, faces no residency requirements if their language is Arabic or religion is Islam. Person, who was born in and has resided most of their life in Egypt, may opt for Egyptian nationality upon reaching the age of majority. However, a presidential decree is required.

Woman who marries an Egyptian national becomes a citizen of Egypt, providing that she declares her desire to acquire her husband's nationality to the MOI. Upon making the declaration, two years of marriage must follow before citizenship is granted.

Most other persons face a residency requirement of 10 years, as well as the necessity of obtaining a presidential decree, for citizenship to be granted.

**Dual Citizenship: Not Recognized.** Exceptions: Voluntary renunciation of Egyptian citizenship is only valid when the person has obtained prior official authorization. Person must obtain presidential authorization to abandon their Egyptian nationality. In such cases where authorization is not obtained, dual citizenship can exist by default.

However, a woman who marries a foreign national and declares her intention to acquire her husband's nationality can lose her Egyptian citizenship without prior authorization and thus would not acquire this form of dual citizenship.

**Loss Of Citizenship:** (See "Exceptions" to "Dual Citizenship" above for explanation of need for prior authorization in renunciation of citizenship.) In all cases of loss of citizenship, a presidential decree is required. Due to the uncertainty created by the emphasis on prior authorization, questions pertaining to loss of citizenship should be directed to the Egyptian Embassy.

**Voluntary:** Voluntary renunciation of Egyptian citizenship is allowed, provided the person obtains prior authorization through a presidential decree. For aid in the process of properly renouncing Egyptian citizenship, contact the nearest Egyptian Embassy.

**Involuntary:** The following are grounds for involuntary loss of Egyptian citizenship: Person voluntarily obtains foreign citizenship. Person commits certain offences. Person who takes permanent residency abroad will lose citizenship after six months.<sup>89</sup>

- 17.1.2 The Open Study Foundations October 2010 ‘Citizenship Law in Africa, A Comparative Study’ noted that ‘Egypt requires an applicant for naturalisation to “be knowledgeable in Arabic.” It added:

‘Egypt’s 1975 Nationality Law originally provided that a child of an Egyptian woman born outside the country could not be an Egyptian citizen from birth unless born out of wedlock or to a stateless or unknown father. In 2004, however, an important reform amended the law to provide that children born to Egyptian mothers were Egyptian citizens regardless of their father’s status or their place of birth. Those born before the law came into effect (in November 2005) could apply for their citizenship to be recognised.

Thousands of people immediately applied for Egyptian citizenship under the new law, and by 2006 it was estimated that 17,000 people had obtained citizenship, most of them born of Sudanese and Syrian fathers. More were then expected to apply, as the MOI announced that applicants for Egyptian citizenship would be exempted from the LE1,200 fee previously required.

‘The law also provided for foreign wives of Egyptian men to be eligible for citizenship by naturalisation, provided the relevant minister does not object (Article 7); however, this right is not granted to non-Egyptian spouses of Egyptian women, who must follow the criteria stipulated for naturalisation, as for any other foreigner living in the country (Article 4).

‘Although the new law creates new opportunities for citizenship for children born to foreign fathers, the application of the law places considerable constraints in terms of access to the provision. Applicants for citizenship have to provide, among other documents, the birth certificates of both parents, the mother’s identity card and her father’s birth certificate, and the marriage contract. The process of obtaining an identity card and passport can be long and frustrating, even for members of the educated elite.

‘Most problematically, probably the largest group of children in Egypt affected by this law—those children born of Palestinian fathers and Egyptian mothers—are still not regarded as eligible for Egyptian citizenship, though the law does not explicitly state this exception. The roots of the Palestinian exception go back to 1959, when the Arab League issued a decree that Palestinians, as a way of preserving their identity, should not be given citizenship in other Arab countries.

‘Identification documents are mandatory for all Egyptians and necessary to obtain access to employment, education, registration of births and deaths, recognition of marriage, and other state services, as well as most commercial transactions. A person who cannot produce a national ID upon request by a law enforcement official commits an offence punishable by a fine of LE100–200 (US\$18–35). For years, the Egyptian government denied

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<sup>89</sup> Multiplecitizenship.com, [http://www.multiplecitizenship.com/wscl/ws\\_EGYPT.html](http://www.multiplecitizenship.com/wscl/ws_EGYPT.html) Accessed: 7 April 2017

Egyptians who were not members of one of the three recognised religions—Islam, Christianity, or Judaism—the right to access such documents. Members of the small Baha'i minority in Egypt, numbering some 2,000, were those most affected by these laws.

'In addition, on the basis of their interpretation of Shari`a rather than any Egyptian law, government officials regularly deny those who convert from Islam to any other religion the option to change their religious affiliation on their official documentation. The courts have usually supported officials in this practice.

'In March 2009, the Supreme Administrative Court overturned a previous 2006 decision and upheld the right of Egypt's Baha'is to obtain official documents, including identity cards and birth certificates, without revealing their religious affiliations or having to identify themselves as Muslim or Christian. Three days later, the Egyptian MOI accepted the ruling by issuing a decree that introduced a new provision into the Implementing Statutes of Egypt's Civil Status Law of 1994 and instructed Civil Status Department officials to leave the line for religion blank for adherents of religions other than the three the state recognises. The decree came into force on April 15.'<sup>90</sup>

#### 17.1.3 The USSD report for 2016 stated that:

'Children derive citizenship through the citizenship of their parents. The mother or the father transmits citizenship and nationality. The government attempted to register all births soon after birth but some citizens in remote and tribal areas, such as the Sinai Peninsula, resisted registration or could not document their citizenship, thus rendering it difficult to register births. The government cooperated with NGOs in addressing this problem. In some cases failure to register resulted in denial of public services, particularly in urban areas where most services required presentation of a national identification card.'<sup>91</sup>

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## 18. Documents

### 18.1 Passports

#### 18.1.1 The DFAT Country Information Report, Egypt, 19 May 2017, stated that:

'Current requirements for adult passport applicants include a valid national identity card and four photographs. Male adults (except those born prior to March 1941) additionally require proof of completion of military service, a military service exemption certificate, an expired passport with a recorded

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<sup>90</sup> Open Study Foundations, *Citizenship Law in Africa, A Comparative Study*, October 2010 (Naturalisation, p.6; Reforms in North Africa, pages 50/51; Egypt recognises the right of adherents of "non-recognized" religions to documentation, p. 87), [http://www.opensocietyfoundations.org/sites/default/files/citizenship-africa\\_20101118.pdf](http://www.opensocietyfoundations.org/sites/default/files/citizenship-africa_20101118.pdf) Accessed: 7 April 2017

<sup>91</sup> U.S Department of State, *Country Reports on Human Rights Practices for 2016 Egypt*, Section 6, <https://www.state.gov/documents/organization/265706.pdf> Accessed: 23 May 2017

exemption from military service or a permission to travel obtained from the Conscription Department.

‘Children under 12 years of age require a computerised copy of their birth certificate, which includes the child’s national identification number and four photographs. Children between 12 to 16 years of age additionally require an educational enrolment certificate. Children over 16 years of age require all of the above, but with the substitution of a valid national identity card instead of a birth certificate.’<sup>92</sup>

#### 18.1.2 According to the 2015 DFAT Egypt Country Information Report:

‘The Egyptian Passports, Immigration and Nationality Department, which is responsible for issuing passports, has access to the travel warning list and would be able to check the person’s travel ban status. If the person is on the list, he or she will not be issued a passport. DFAT is not aware of any cases where Egyptian authorities have refused to grant or renew passports to people who had been arrested for political activities or who had participated in demonstrations.’<sup>93</sup>

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## 18.2 Identity cards

### 18.2.1 The DFAT Country Information Report, Egypt, 19 May 2017 continued that:

‘National identity cards, which include the religion of the cardholder, are mandatory in Egypt. Many key transactions are essentially impossible to conclude without them, including renting or buying property or vehicles, applying for passports and opening bank accounts. Some banks require clients to provide national identity cards to access their accounts. It can be difficult finding employment without an identity card. Failure to obtain a national identity card does not usually result in prosecution.

‘Egyptians are eligible for national identity cards from 16 years of age. To issue the card, authorities require an original birth certificate and a declaration (in person) from either of the parents that the applicant is their child. The applicant must submit evidence of study (a recent certificate issued and endorsed from a school or university confirming enrolment and the applicant’s photo and identity). A digital photo of the applicant is taken at the time of submitting the application. An electronic record of the identity card and associated documentation is kept at the Civil Registration Authority and is verified against and linked to the applicant’s and parents’ birth records.

‘The address on the identity card should be the holder’s residence. Out-of-date or incorrect addresses may go undetected, as there are no checks on the residence records by the Civil Registration Authority. It is a requirement

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<sup>92</sup> Australian Government, Department of Foreign Affairs and Trade, Egypt Country Information Report, Other Considerations, Documentation, Passports, Paragraph 5.39 and 5.40, 19 May 2017, Copy on request. Accessed: 22 May 2017

<sup>93</sup> Australian Government, Department of Foreign Affairs and Trade, 2015 Egypt Country Information Report, Other Considerations, Documentation, Paragraphs 5.27 – 5.29, 24 November 2015, Copy on request. Accessed: 29 March 2017

that the address is updated when a person relocates, but this requires the holder to actively make the change. There is no penalty for not updating one's address. Lost cards should be reported to the police, and their replacement is a straightforward process.<sup>94</sup>

- 18.2.2 The U.S Department of State Country Reports on Human Rights Practices for 2016 noted that: '...Married Bahais and their children faced difficulties obtaining national identification cards because the government did not recognize Bahai marriages as legitimate.'<sup>95</sup>

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## 19. Fraudulent/forged documents

- 19.1.1 In DFAT's Egypt Country Information Report, they assessed that:

'[...] it may be possible to obtain a genuine passport through fraudulent means. However, DFAT notes that the majority of Egyptians requesting asylum in Australia use genuine passports, and the possible use of fraudulent or fraudulently-obtained passports is not a major factor in the Egyptian cohort facing Australian asylum seeker decision-makers.'<sup>96</sup>

- 19.1.2 The DFAT report also noted that: '...While it appears to be possible to fraudulently obtain a national identity card, DFAT assesses this is rare. Personal identity and other records are cross-checked by the[Ministry of Interior] MOI, making such fraud highly risky.'<sup>97</sup>

- 19.1.3 See also section on [Corruption](#) above.

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<sup>94</sup> Australian Government, Department of Foreign Affairs and Trade, 2015 Egypt Country Information Report, Other Considerations, Documentation, Para 5.34–5.36, 24 November 2015, Copy on request.

<sup>95</sup> U.S Department of State, Country Reports on Human Rights Practices for 2016 Egypt, Section 2, <https://www.state.gov/documents/organization/265706.pdf> Accessed: 23 May 2017

<sup>96</sup> Australian Government, Department of Foreign Affairs and Trade, 2015 Egypt Country Information Report, Other Considerations, Documentation, Paragraph 5.41, 24 November 2015, Copy on request. Accessed: 29 March 2017

<sup>97</sup> Australian Government, Department of Foreign Affairs and Trade, 2015 Egypt Country Information Report, Other Considerations, Documentation, Paragraph 5.37, 24 November 2015, Copy on request. Accessed: 29 March 2017

# Version control and contacts

## Contacts

If you have any questions about this note and your line manager, senior caseworker or technical specialist cannot help you, or you think that this note has factual errors then [email the Country Policy and Information Team](#).

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## Clearance

Below is information on when this note was cleared:

- version **2.0**
- valid from **21 July 2017**

## Changes from last version of this note

Updated COI

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