



Excellency,

The undersigned organizations are writing to urge your government to ensure that the human rights situation in Egypt is addressed by your delegation at the Human Rights Council at its upcoming twenty third session in June 2013.

We urge members and observer states of the Human Rights Council to explicitly address the ongoing human rights violations taking place in Egypt under items 3 and 4 of the programme of work. We also urge your delegations to call for the Office of the High Commissioner for Human Rights to ensure that any memorandum of understanding establishing an OHCHR regional office between the OHCHR and the Egyptian government allows the regional office to monitor and report on violations of human rights in Egypt to the OHCHR and other relevant entities.

Egypt is currently at a crucial crossroads in its history: the future of independent civil society is currently under threat. The human rights situation in Egypt remains of serious concern, with human rights violations committed against diverse segments of the population. Violations of women's rights and the rights to freedom of assembly, association, religion and expression, attacks on the judiciary, violations to the right of peaceful assembly, as well as practices of arbitrary detention and torture or other ill-treatment continue to be carried out with impunity. In a number of cases, the Public Prosecutor has also used preventive detention against activists simply because they peacefully exercised their rights to freedom of expression and assembly. There is continued discrimination against Copts and no serious investigations have been carried out following clashes.

Freedom of association is being particularly threatened by several draft laws regulating NGOs, including one being drafted by the Freedom and Justice Party (FJP). The current FJP draft law would create a new oversight body referred to as the Coordinating Committee, which would likely include representatives of the security forces. This committee would have absolute discretion to block the funding of domestic organizations and control all matters pertaining to foreign NGOs.

The threat on independent civil society organizations and the level of human rights violations require the Human Rights Council's action.

Even in the most repressive times experienced by civil society in Egypt, the security bodies have never exercised legal control of vital NGO matters such as foreign funding. This new official role would allow the security apparatus to control the activities of associations by rejecting

funding for legitimate activities of which it does not approve. The FJP bill grants the Coordinating Committee the authority to contest an association's domestic funding or the collection of donations from natural or legal persons, whether Egyptians or non-nationals. It also gives the Committee the right to reject funding for local organizations from foreign organizations that do not have registered offices in Egypt. This raises the question of whether security or other government-affiliated bodies that might violate human rights would approve funding for advocacy activities that document such violations and report on these bodies' compliance with international human rights standards. The draft law also grants the Coordinating Committee wide powers over the registration and activities of international NGOs, which in practice may translate into a refusal to allow any international human rights NGOs critical of the government's human rights record to operate in the country.

Furthermore, a review of the FJP bill reveals that it does not permit NGOs to operate freely, but rather gives the Ministry of Insurances and Social Affairs, the responsible administrative body, the authority to interfere in their operations, violate their privacy, and challenge their internal decisions. These provisions also contravene international standards for freedom of association.

The bill also makes an association's legal personality contingent on the non-objection of the Coordinating Committee within 30 days from the date of the notification. Further, there is no deadline for the issuance of a certificate of registration from the administrative body. The UN Special Rapporteur on the rights to freedom of peaceful assembly and association has noted that states should implement a notification – rather than prior authorization – procedure under which “associations are automatically granted legal personality as soon as the authorities are notified by the founders.”ⁱ The FJP draft law contravenes this internationally accepted principle of notification, whereby civic associations should acquire legal personality simply upon notification.

Given this situation of domestic impasse and the demonstrated hostility of the authorities against non-governmental organisations and members of civil society, particularly human and women's rights organizations, we believe international human rights mechanisms have a responsibility to address the ongoing human rights violations in Egypt. The UN High Commissioner for Human Rights and some special procedures of the Human Rights Council have already spoken out about the situation in Egypt.

In a press released published on May 8th 2013, 'Egypt Risks Drifting Further Away from Human Rights Ideals that Drove Revolution' UN High Commissioner for Human Rights Navi Pillay warned of that governments that seek to constrain certain types of activities such as freedom of association risk slipping into authoritarianism. She said:

“If a law is passed that severely constrains the activities of civil society organizations, whose constructive contributions will be crucial to the country's future direction as an inclusive democracy, it will mark a further blow to the hopes and aspirations that were raised during the 2011 ‘Egyptian Revolution.’”

She concluded her statement,

“I am very concerned that the new law, if adopted in its current form, may leave them in a worse situation than they were prior to the fall of the Mubarak Government in 2011”

In a joint public statement published on the 28th of March 2013 by the special rapporteurs on freedom of expression, freedom of peaceful assembly and association and on human rights defenders, the three special rapporteurs deplored that “valuable recommendations put forward by

Egyptian civil society actors were not taken into account in the drafting of the text [of the FJP draft law]”. The three special rapporteurs also expressed serious concern that numerous provisions contained in the FJP draft law may be used to hamper the legitimate work of civil society organizations, particularly those advocating human rights.

Already in a press release published on the 29th of January 2013, UN High Commissioner for Human Rights Navi Pillay expressed alarm at the deteriorating human rights situation in Egypt and at the increased levels of violence. She especially stressed the need to investigate cases of excessive use of force and sexual violence against protesters. Egyptian and international human rights organizations have also documented excessive and unnecessary use of force by the security forces in policing demonstrations.

We therefore encourage your government to ensure that it addresses the human rights situation in Egypt at the twenty-third session of the Human Rights Council under items 3 or 4, urging the government of Egypt to:

- Withdraw the current FJP draft NGO law, or amend the it to bring it in line with International actors and Egyptian civil society input aimed at ensuring that it complies with international standards;
- Conduct independent, effective and transparent investigations into all allegations of human rights violations, including torture, cases of sectarian violence, and cases of sexual violence and excessive use of force that took place over the last year;
- Ensure that adequate mechanisms for accountability are put in place in order to end the legacy of impunity for perpetrators of torture, arbitrary detention, and deaths resulting from the security forces’ excessive and unnecessary use of force; and
- Withdraw the separate draft bill to regulate assemblies, which would severely undermine the right of Egyptians to peaceful protest including by sanctioning the use of force to disperse peaceful protests.

In thanking you for your attention to this matter, please accept the expression of our highest consideration.

Sincerely,

- Amnesty International
- Cairo Institute for Human Rights Studies
- Civicus
- Human Rights Watch
- International Federation for Human Rights
- International Service for Human Rights
- World Organisation Against Torture

ⁱ *Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai* (UN Doc: A/HRC/20/27), 21 May 2012, para. 58.