

EGYPT

CCPR A/39/40 (1984)

287. The Committee considered the initial report of Egypt (CCPR/C/26/Add.1/Rev.1) at its 499th, 500th and 505th meetings, held on 2 and 5 April 1984.

288. The report was introduced by the representative of the State party who stressed that the Government of Egypt attached great importance to human rights and human dignity since, as stated in the law promulgating the Constitution, “man was the cornerstone on which the fatherland was build”. Modern Egypt had always recognized that promotion of human rights was a historic necessity because it was the prerequisite for the full development of the individual’s personality. Furthermore, the shari’a, which reflected the principles of the Koran regarding dignity, honour, freedom and equality of all men without distinction of religion, race, or colour, was a primary source of law in Egypt. He drew attention to the explicit statement in the Constitution that Egypt encouraged all efforts to ensure respect for personal freedom, the latter being the keystone of Egypt’s modernization and the full development of its population. Against this background it was clear why Egypt had assumed a major role in elaborating the Universal Declaration of Human Rights and the two covenants on Human Rights.

289. The representative explained that the initial report of Egypt sought to describe the general framework guaranteeing the exercise of the rights and freedoms mentioned in the Covenant without going into the details of various legislative provisions. It should be regarded as a “prelude” to the dialogue which Egypt hoped to establish with the Committee.

290. Turning briefly to the report itself, the representative highlighted the fact that under article 57 of the Constitution, any assault on personal freedom, on the private life of citizens or the violation of other rights protected in the Constitution was a crime and not subject to prescription. He also noted that the report covered a number of human rights that were specifically enumerated in the Constitution, including the equality of all citizens before the law (art. 40), the protection of the human dignity of any citizen arrested or detained (art. 42) and freedom of the press (art. 48), and also dealt with constitutional guarantees for the exercise of these rights and freedoms.

291. Members of the Committee welcomed the accession of Egypt to the Covenant referring to Egypt’s major role in the history of the Arab world and thanked the Government of Egypt for the timely submission of its report. They regretted, however, that the Committee’s general guidelines concerning the form and content of reports were not followed; that the report was too concise, particularly with regard to information on measures taken to implement the provisions on human rights; that no reference were made to restrictions of human rights; and that the report did not discuss any factors or difficulties affecting the implementation and application of the Covenant

292. With regard to the status of the Covenant in Egyptian law, members noted that article 151 of the Constitution stated, inter alia, that “Conventions to which the Arab Republic of Egypt accedes

have the effect of law after they have been signed, ratified and published in accordance with the prescribed procedures". Hence, they concluded that the provisions of the Covenant had been incorporated into Egyptian law. In this connection, it was asked whether those provisions could be directly invoked in court and, if so, whether there were any judicial decisions in that field. Information was also requested as to how conflicts between the principles of Islamic Law and the articles of the Covenant, particularly articles 2, 3, 23 and 24, were resolved; and whether and in what language the Government had published the text of the Covenant.

293. Concerning article 1 of the Covenant, it was noted with regret that the report did not provide any specific information on the right to self-determination. Clarification was sought as to what measures had been taken by Egypt to promote the exercise of the right of self-determination, particularly with respect to the Palestinian and Namibian peoples.

294. It was noted that the report made no reference to article 3 of the Covenant (equality of women). The question was raised why Egypt felt it necessary to make a reservation to article 16 of the Convention on the Elimination of All Forms of Discrimination against Women after not having made such a reservation to article 23 of the Covenant which was equally concerned with equality of women in all matters relating to marriage and family relations. It was also remarked that no specific information on the implementation of articles 23 and 26, particularly with regard to the equality of sexes, was contained in the report. Statistics were requested on the employment of women in the public and private sectors as well as on the proportion of women in elected bodies and in educational establishments. Information was also sought regarding measures taken by the Government of Egypt to improve the status of women and ensure their participation in the development process, particularly in rural areas.

295. Referring to article 4, members remarked that little information was provided about the "State of Emergency" introduced by Act No. 162 of 1958, which had been amended in 1981 and 1982 and had remained in force without interruption since its adoption, and noted that the increased powers which it conferred on the executive had been institutionalized to such an extent that it could be questioned whether the provisions of the Constitution were still applicable. Members also wondered, in the absence of notification by the Government of the state of emergency, whether the implementation of the Act implied no derogation from the obligations set forth in the Covenant. Regarding the Supreme Court of State Security established by the Emergency Act, it was asked whether articles 165 to 168 of the Constitution, which guaranteed the independence of the judiciary, also applied to that Court and who appointed its judges. Further questions were posed as to what powers the President of the Republic had under the state of emergency and what remedies were available to an individual to counter adverse decisions under the state of emergency or to what court appeal could be made. Noting with satisfaction the adoption of the most recent amendment to the Emergency Act (Act No. 50 of 1982), which provided for some liberalization, information was requested whether this process would continue so that article 9, paragraphs 2 and 3, and article 14, paragraphs 1 and 3 (a) and (c), of the Covenant could be fully implemented. Regret was expressed, however, that Act No. 50 of 1982 had not abolished the power of the Prime Minister to order that a person who had already been convicted or acquitted by a definitive judgement should be judged again on the same offence, such order seeming to be contrary to article 14, paragraph 7, of the Covenant; and that the executive still had the power to promulgate decrees and ordinances which could affect rights guaranteed in the Covenant. For example, it appeared that Act No. 34 of 1972,

relating to the protection of national unity, restricted the exercise of fundamental rights.

296. Regret was also voiced, in connection with article 6 of the Covenant, that the report made no reference to measures to abolish capital punishment, which still existed under the Egyptian Penal and Military Codes, and it was asked whether the legislation could be revised. It was added in this connection that in the view of the Committee, any measure designed to abolish capital punishment would represent progress in the enjoyment of human rights. Hope was also expressed that supplementary information would be provided on such subjects as life expectancy and infant mortality. In connection with articles 7 and 10, information was requested on any steps that had been taken to prevent maltreatment of persons in police or military custody, and in connection with article 10, about prison conditions in Egypt and about training programmes for police and prison guards.

297. Concerning article 9 of the Covenant, clarification was sought as to the conditions of preventive detention and it was noted that the intervention of the President of the Republic in cases of preventive detention was a serious violation of the principle of separation of powers. In particular, members inquired as to how long a person could be detained prior to appearing before a judge, whether there was any right of appeal, and whether individuals could be arrested on political grounds without having committed any criminal acts.

298. Noting that no information was provided in the report on article 13 of the Covenant, it was asked whether any legislation had been enacted to effectively implement the provisions of that article.

299. A considerable number of questions and points were raised by members concerning article 14, including the following: (a) what were the qualifications of appointees to the State Security Courts established under article 171 of the Constitution and were they such as to ensure the impartiality of the Courts and their independence of the executive; (b) was there a right to appeal against decisions of the State Security Courts to higher tribunals; (c) the power of the President or Prime Minister to order a retrial before another court of persons acquitted by a State Security Court represented double jeopardy - contrary to article 14, paragraph 7, and hope was expressed that the provision would be reviewed by the Government; (d) doubt was expressed that individuals could be assured a fair hearing before a State Security Court, if tried together with other defendants in mass trial; (e) was there an independent professional association of lawyers; (f) were judges elected or appointed and what moral criteria were used in the process? Was the term "socialist conduct", used in the report, defined anywhere?

300. Referring to the protection of privacy laid down in article 17 of the Covenant, members inquired whether measures such as surveillance of correspondence and telephone conversations could be ordered or implemented by authorities other than judicial authorities and, if so, by which authorities and in which cases.

301. As regards article 18 of the Covenant, it was noted that according to the report Egypt guaranteed freedom of belief and of religious observance. In this connection, information was sought on the relationship between on the one hand Christian churches and those of other religions, and on the other hand, Islam, the State religion. Specific information was also requested concerning

reports indicating that the Coptic community in Egypt did not enjoy equal status, that the head of the Coptic Church was under a formal house arrest, that church publications had been banned and that the church had difficulty in obtaining permits to repair and build places of worship. Noting particularly in the context of article 16 that under the Muslim Code of Religious Law it appeared that Muslims who converted to another religion were considered legally dead, members requested information on the legal status of such converts.

302. Referring to article 19 in connection with articles 22 and 25 of the Covenant, members expressed concern that freedom of speech and of association was restricted on grounds of “prejudice to the spirit of national unity”. Members wondered what authority was competent to decide whether “the spoken word” and “association” were opposed to national unity and whether remedies were available to individuals in this context.

303. Regarding article 24, information was requested on specific measures taken by the Government of Egypt to ensure the protection of children.

304. In connection with article 27 of the Covenant, it was noted that minorities were not discussed in the report. Information was requested as to whether there were any minorities in Egypt and whether the situation with regard to minorities was satisfactory.

305. In his reply the representative of Egypt stated that he would answer some questions immediately and that all questions would be answered in a supplementary report which his Government was ready to submit in the near future. His immediate responses are summarized below.

306. Prison personnel had to be police academy graduates and had to attend courses on the treatment of prisoners. Egyptian prisons which came under the authority of the public prosecutor received regular inspections and had to comply with comprehensive instructions. Detainees could be imprisoned only by decision of public prosecutor. Imprisonment which had not been subject to any regulations until 1971 was now governed by legislative texts, e.g. in case a prisoner died an inquiry had to be initiated by the public prosecutor. He explained the mandate of the latter even in other respects. The situation in Egypt as regards torture and maltreatment could not be compared with that of many other countries. Prisoners received normal and humanitarian treatment. A medical examination was obligatory to determine that a prisoner had not been subjected to maltreatment during detention. All cases of alleged health maltreatment were investigated. A law was recently promulgated stipulating that there was no statute of limitation applicable to acts of torture.

307. Egypt did not think it was necessary to abolish capital punishment because it was to safeguard society. It was imposed only on persons jeopardizing the independence or integrity of the State, who voluntarily joined an army hostile to Egypt or who had been found guilty of wilful homicide or homicide accompanied by theft. All had the right to a fair trial; in the mass trial of President Sadat’s killers sentence had not yet been passed because each of the accused should be able to defend himself.

308. The proclamation of the state of emergency was a sovereign right of the State exercised by the

People's Assembly. The measure was introduced to ensure stability.

309. Only the most eminent persons were selected as judges. The decision to reopen a trial was entirely in keeping with the Constitution. The Bar Association which had been dissolved had appealed to the courts and had won its case. This was evidence of the independence of the judiciary.

310. As to the right of self-determination, Egypt felt that recourse should be had to all possible means to end the colonial domination, terrorism and injustice to which the Namibian and Palestinian peoples were subjected.

311. The Government of Egypt was endeavouring to reduce infant mortality, which was due mainly to dehydration during periods of drought, by undertaking programmes to supply drinking water in various parts of the country. Social centres and medical service for mothers and children were available also in rural areas.

312. Surveillance of telephone conversations had been completely stopped except where the integrity and sovereignty of the State were at risk and could then be authorized only by a court decision.

313. The application of article 27 of the Covenant to ethnic minorities in Egypt, such as the Nubians, was not a problem because they were an integral part of society. The status of Islamic law (the shari'a) was explained in some detail. It did not apply to Egyptians of other religions. Egyptian Copts were full Egyptian citizens, without any discrimination. They were allowed to hold government posts and admitted to any university without restriction. Economic indicators showed that Egyptian Copts had higher incomes than Muslims. Church construction for Christians was not subject to restrictions and the number of Churches constructed per year was rising continuously. The allegation that a Christian could not sue a Muslim was false. The head of the Egyptian Coptic Church was not imprisoned because of his religious function and was free to perform his religious duties and to see members of the Christian community. He had been placed under house arrest by order of President Sadat in accordance with the Constitution, and the case was currently before a civil court.

314. Egypt attached great importance to the role of women in society and in development. Egyptian legislation guaranteed respect for and protection of principle of equality between men and women. Women held posts as ambassadors, were members of governing bodies and worked as administrators and managers.

315. Members thanked the representative of Egypt for his replies, which again served to demonstrate the importance of a fruitful dialogue between States and the Human Rights Committee. They expressed the hope that the supplementary report of Egypt would contain answers to all outstanding questions and would take into account the Committee's recommendations and views as well as the general comments on the interpretation of articles 1 to 14 of the Covenant. As Egypt had been one of the pioneers of the movement of non-aligned countries, many of them would surely wish to follow its example by becoming parties to the International Covenant on Civil and Political Rights.

CCPR A/48/40 (1993)

666. The Committee considered the second periodic report of Egypt (CCPR/C/51/Add.7) at its 1244th to 1247th meetings, held on 19 and 29 July 1993 (CCPR/C/SR.1244-1247). (For the composition of the delegation, see annex XI.)

667. The report was introduced by the representative of the State party, who drew attention to the fact that for many years Egypt had had to confront situations of violence brought about by irresponsible acts by extremist groups which tried to invoke the principles of the Islamic faith in order to achieve their own political ends. Emergency measures had had to be taken by the Egyptian authorities to combat, *inter alia*, the acts of terrorism, but the representative specified that these measures were in conformity with the provisions of article 4 of the Covenant and respected democracy and human rights.

668. The representative of the State party also informed the Committee that after the report under consideration had been submitted, the Egyptian Penal Code was amended by the promulgation of Act No. 97/1992 which regulates the measures to combat terrorism and to protect human rights. Other legislative provisions were enacted in respect of elections to trade union executive committees, the minimum age for the employment of children, which was increased from 12 to 15 years of age, and the nationality of children born of a foreign woman married to an Egyptian. A bill had also been submitted to Parliament to enable an Egyptian woman who had married a foreigner to transmit her nationality to her children. Further, the representative stated that there was no contradiction between the provisions of the Covenant and those of the Islamic Shariah, the only distinction being that the Shariah applied in certain spheres relating to individual and family status, in which case Egyptian courts based themselves on the religious law.

Constitutional and legal framework within which the Covenant is implemented and state of emergency

669. With reference to those issues, the Committee asked for clarification on the status of the Covenant in Egypt, in particular, whether individuals could invoke the provisions of the Covenant directly before the courts, and how a conflict that might arise between the provisions of the Covenant and Shariah law could be resolved. The Committee also wished to know whether there had been any proclamations of a state of emergency in Egypt since the consideration of the initial report and, if so, what the duration of the states of emergency had been, and what rights had been derogated from during such periods; whether there was a constitutional or statutory basis for ensuring conformity with article 4, paragraph 2, of the Covenant in times of emergency; whether any safeguards and effective remedies are available to individuals during a state of emergency. The Committee requested details of the activities being undertaken in Egypt to promote awareness of the provisions of the Covenant; and a description of any factors and difficulties affecting the implementation of the Covenant. It asked, in particular, what impact the cultures and traditions of Egypt had on the implementation of the rights contained in the Covenant.

670. Members of the Committee also requested information on the judgements handed down by the Supreme Constitutional Court concerning the place and status of the Covenant in Egyptian legislation as well as on the role devolving upon this Court in the event of a conflict between a treaty

and Egyptian law. Further information was also requested on the composition and operation of the State Security (emergency) Courts; on the practical implementation of the emergency legislation and, in particular, of Act No. 97 of 1992 aimed at combating terrorism; on the large-scale arrests that were recently carried out in Egypt; on the recognized competence of the Head of State to refer cases to a military court; on the competence of military courts to try civilians charged with a breach of State security; on administrative detention and, in general, on the difference between the Revolutionary Court, the military court, the court of morals and the Higher State Security Court. Members of the Committee also asked the reason why Egypt had not informed the other States parties, through the intermediary of the Secretary-General, of the proclamation of the state of emergency, as it was required to do in conformity with article 4, paragraph 3, of the Covenant. Moreover, members of the Committee wished to know whether the law of 1980, known as the "law of suspicion" which allows any individual to be arrested merely on suspicion was still in force; whether the independence of the judiciary continued to be effective in the context of the state of emergency; whether the State Security Court ruled without appeal, and the reasons why its decisions had to be ratified by the President of the Republic; and why the Egyptian Government refused to grant certain Egyptian non-governmental organizations, such as the Egyptian Organization for Human Rights, the permission necessary for them to carry out their activities.

671. In his reply, the representative of the State party said that the Covenant formed part of the domestic legislation in force in his country, thereby conferring on it a status equal to that of all other laws. In the event of a conflict between the provisions of the Covenant and those of legislation, or between the provisions of legislation and those of the Constitution, the Supreme Constitutional Court was called upon to rule and handed down judgements that were binding. He went on to say that the state of emergency in Egypt had been extended for a three-year period with effect from 1991, and that this measure had been taken in conformity with the relevant provisions of the Constitution. During the state of emergency neither the Constitution nor parliamentary activities were suspended, and the measures which the President of the Republic took to restrict freedoms had to be based on the law. In respect of pre-trial detention, the representative stated that the Attorney General was empowered to extend its duration; a detained person was informed immediately in writing of the reasons for his arrest and for his continued remand in custody and was entitled to contact a lawyer. The Emergency Act also provided all the guarantees extended to a detained person by ordinary law as well as the right for a detained person and for his family to lodge appeals. The representative also indicated that the Emergency Act did not authorize any of the measures of derogation that were prohibited in article 4, paragraph 2, of the Covenant and that measures of deprivation of liberty had been taken only in respect of persons considered to be dangerous and constituting a threat to national security. He also stated that the integration of the provisions of the Covenant in domestic law at times involved legal difficulties.

672. The representative stressed that the Covenant had special dual status in Egypt: the rights protected by it were incorporated in the constitutional texts; but more importantly, it enjoyed equal status with national legislation, following the principle that any new legislation superseded that previously in force. Accordingly, any law passed following Egypt's ratification of the Covenant which was deemed incompatible with that instrument was declared unconstitutional. The representative also explained that Higher State Security Courts were ordinary courts composed of judges from the highest echelons of the legal system, chaired by the most senior judge. Although a provision existed for the President of the Republic to appoint two officers to sit with the panel of

judges, he had thus far not availed himself of that power. His ratification of decisions taken by the Higher State Security Courts did not constitute interference in the course of justice, since the only recourse open to the President of the Republic, should he take issue with the judgement, was to refer the case back to the same court for retrial. After that retrial, the verdict would become final and no further reconsideration of the case was possible.

673. In describing the structure of the judiciary in Egypt the representative drew the Committee's attention to the safeguards and immunities which guaranteed its independence. He stated that no special courts existed in Egypt. The Revolutionary Court had been set up in 1967 to address one particular case and no similar courts had been established since that date. The military courts constituted a permanent and independent judicial system, competent to investigate crimes committed by military personnel as defined by general law. They had no competence to consider cases in which civilians were involved, except where civilians had committed crimes under ordinary law against military personnel, facilities or property. In addition, under an amendment to article 86 of the Penal Code, which was adopted to combat crimes of terrorism and under the Emergency Act, some cases of terrorism had been referred to the military courts. The Constitutional Court, upon request by the State, confirmed that referral decisions could take place under the Emergency Act.

674. With regard to Egypt's non-compliance with the provisions of article 4, paragraph 3, of the Covenant, the representative stated that this did not imply bad faith, but had been a mere omission. Authorization to the Egyptian Organization for Human Rights to exercise its activities had been refused because there were already similar non-governmental organizations in Cairo and Alexandria; the decision had been appealed before the courts and the Committee would be kept informed of any development in that connection.

Right to life, treatment of prisoners and other detainees, and liberty and security of person

675. With regard to those issues, the Committee wished to know how often, and for what crimes, the death penalty had been imposed and carried out since the consideration of the initial report, and whether any revision of the law was being contemplated with a view to curtailing the number of offences currently punishable by the death penalty. It also asked what rules and regulations governed the use of weapons by the police and security forces; whether there had been any violations of these rules and regulations and, if so, what measures had been taken against those found guilty and to prevent the recurrence of such acts; what investigations had been made into allegations of torture, inhuman or degrading treatment or punishment of persons deprived of their liberty, and whether charges had been brought against the perpetrators of such acts; what measures had been taken to prevent the recurrence of such acts; what concrete measures had been taken by the authorities to ensure the observance of article 7 of the Covenant and whether confessions or testimony obtained under duress could be used in court proceedings. The Committee further asked for information on arrangements for the supervision of places of detention and on procedures for receiving and investigating complaints about conditions and treatment in such places; about the legal prerequisites and the maximum time-limits for remand in custody and pre-trial detention and on the implementation in practice of these rules, in particular, how quickly after arrest a person's family was informed and how quickly after arrest a person could contact a lawyer. Information was also requested on provisions relating to incommunicado detention.

676. In addition, members of the Committee observed that under Egyptian legislation a fairly large number of offences carried the death penalty and that, recently, the number of executions reported was steadily increasing in the country, and asked the representative of the State party to comment on the actual situation. They further wished to know what offences were punishable by death under the Anti-terrorism Act of 1992, how "terrorism", as an aggravating circumstance, was defined for the purpose of the law, whether the Court of Cassation was empowered to re-examine the facts of a case involving the death sentence which had been submitted to it for verification, and whether death sentences imposed by military courts were also subject to appeal to the Court of Cassation. Members of the Committee also referred to specific information brought to their attention by non-governmental organizations regarding allegations of torture in detention centres and severe disciplinary measures within prison establishments, and requested clarification from the Egyptian authorities in that respect as well as information on prosecution, sentences and disciplinary action concerning police or prison officers accused of offences against prisoners and, in particular, of torture. Moreover, further details were requested with regard to the prison complaints procedures, prison inspections, and the distinction between "precautionary" detention and ordinary pre-trial detention. Members of the Committee also asked how many people were actually detained under the State Security Act of 1980, how the detainees' right of access to their families was implemented, what was the substantive legal basis for imposing incommunicado detention as a disciplinary measure in the context of imprisonment and how its application was supervised.

677. In his reply, the representative stated that only the most serious crimes, such as premeditated murder, murder involving abduction or rape, and drug trafficking were punishable by death. Under the 1992 amendment to the Penal Code, terrorism had been added to the list of capital offences. In this connection, he described the elaborate procedure which guaranteed that convictions on capital charges were not flawed. He also explained that the use of weapons by the police and security forces was subject to detailed regulations and that the practice of torture was punishable under Egyptian law. Allegations of torture were investigated by the Department of Public Prosecutions and suspected offenders were referred for trial. Many such cases had been brought before the courts, resulting in some acquittals and some convictions. Cases were subsequently reviewed by independent judicial machinery. In addition, places of detention were subject to inspection by the judicial authorities, which ensured that the prescribed conditions were complied with and complaints procedures observed. The representative further referred to the specific time-limits laid down for remand in custody and pre-trial detention. The latter could be extended up to six months by a panel of three judges or more by the Department of Public Prosecutions in accordance with the provisions of the Public Order Act. Suspects had to be notified of the reasons for their continued detention and given the opportunity of contacting members of their families and their lawyers.

678. The representative added that apart from cases of aggravated homicide, drug trafficking, rape accompanied by abduction and terrorism, other offences were punishable by the death penalty, although the court could decide in favour of an alternative penalty. The death penalty was pronounced only if the judges were unanimous, and its conformity with the law and with respect for all judicial guarantees was monitored by the Court of Cassation. The representative went on to inform the Committee of the definition of terrorism given in article 86 of Act No. 97 of 1992, and he specified that the President of the Republic, availing himself of the special powers vested in him by the Emergency Act, had referred persons suspected of terrorism to the military courts. These courts respected all the judicial guarantees, including the rights of the defence. Concerning the

allegations of torture, the representative drew attention to the legal provisions that prohibited and punished such a practice in Egypt, and provided statistical data concerning proceedings instituted against police officials accused of acts of torture during the period 1987-1992; the legal proceedings had concluded with 56 acquittals and 13 convictions; 13 cases were pending. The representative also referred to the measures taken in his country to ensure that prison conditions complied with the Standard Minimum Rules for the Treatment of Prisoners. He stated that the incarceration of an individual in an establishment not prescribed by the law constituted an offence. Solitary confinement was a disciplinary measure taken in the event of disorders in the prison or of refusal to obey. Anyone arrested under the Emergency Act enjoyed the same guarantees as those laid down in ordinary legislation. Moreover, in a judgement of 2 January 1993, the Supreme Constitutional Court had declared some of the legal provisions relating to the treatment of suspects to be unconstitutional, basing itself on the principle of the presumption of innocence.

Right to a fair trial

679. In connection with that issue, the Committee wished to receive further information on the jurisdiction, composition, activities of the State Security Courts and their place in the judiciary, as well as their relationship with ordinary courts, in particular, which offences under ordinary law may be placed before the State Security Courts by the President of the Republic. It also requested information on the legal and administrative provisions governing tenure, dismissal and disciplining of members of the judiciary, in particular of members of the security courts, as well as information concerning the organization and functioning of the legal profession in Egypt. It was further asked whether a legal aid or advisory scheme existed in Egypt and, if so, how it operated.

680. In addition, members of the Committee sought clarification with regard to the provisions governing judgements in absentia.

681. In his reply, the representative of the State party referred to the information previously provided in connection with the application of the Emergency Act and stated that judges were completely independent of the administration. Administration of the legal profession was vested in bar associations, which organized the promotion of lawyers to levels affording access to the different courts. The rules on legal aid provided that accused persons must be assisted in court by counsel. If the defendant could not afford a defence lawyer, counsel would be appointed by the court and remunerated from public funds. Financial assistance was also provided for the conduct of civil law cases.

Non-discrimination, equality of the sexes, freedom of religion, expression, assembly and association, political rights and rights of persons belonging to minorities

682. With reference to those issues, the Committee requested information on laws and practice giving effect to the provisions of article 2, paragraph 1, and article 26 of the Covenant. Further clarification was sought on the statement, contained in the report, that the State undertakes to reconcile the duties of women towards their families with their work in society and that Egyptian legislation protects and safeguards the civil and political rights of women "in a manner consistent with their nature". They also wished to receive further information, including relevant statistical data, concerning the participation of women in the political and economic life of the country, and

asked for clarification with regard to the conditions under which a child may acquire Egyptian nationality through its mother in the event she was married to a foreigner. Moreover, information was requested on the law and practice relating to the employment of minors; as well as on the law and practice relating to permissible interference with the right to privacy. The Committee further asked for comments on the main differences, if any, in the status of Islam and other religious denominations; in particular, whether there had been any cases of discrimination against non-Muslims and, if so, what measures had been taken to prevent the recurrence of such acts. It also asked what controls were exercised on the freedom of the press and mass media; what were the restrictions on the exercise of freedom of expression as guaranteed by article 19 of the Covenant; and what were the laws and practice concerning public meetings. Information was sought on the existence and functioning of associations and trade unions and on measures that had been taken by the authorities to implement article 27 of the Covenant.

683. Members of the Committee also asked what were the significant reasons that allowed the Minister of the Interior to refuse to issue or to renew a passport, whether the deportation order mentioned in Act No. 89 of 1960 could give rise to an appeal, and what was the significance of the provision in Act No. 20 of 1936 whereby the Council of Ministers could prohibit the dissemination in Egypt of publications that excited passions. Information was also requested on the legislative provisions regulating the setting up of associations and the trade union system, as well as on those concerning the banning of associations that might constitute a danger to public order, and of political parties contrary to the objectives of Islam and of socialism. Members of the Committee noted that no information appeared in the report on the minorities that existed in Egypt since, according to the Government, the minorities formed part of Egyptian society. They pointed out in that regard that article 27 of the Covenant contained the idea that measures should be taken to protect the right of persons belonging to these minorities to enjoy their own culture, to practise their own religion and to use their own language, even when they enjoyed the same rights as the other citizens. They therefore asked whether measures had been taken by the State, in particular, to prevent discrimination against the Copts and the Baha'is. With regard to the latter, the members of the Committee stressed that they were entitled to the protection provided by article 18 of the Covenant and they asked why their marriages were not recognized and whether the children born of Baha'i parents could be registered in the same way as those born of Muslim parents. Further, members of the Committee wished to know why article 40 of the Constitution, as well as the Penal Code, omitted a number of grounds of discrimination prohibited by the Covenant, the extent to which women participated in the political life of the country, and how the Egyptian Government reconciled the laws that restricted the enjoyment of political rights with the provisions of the Covenant. The members of the Committee noted that measures had been taken in Egypt to guarantee the freedom to have a religion whereas no measure had been taken to guarantee the freedom to practise one's religion. Further, Baha'is were considered to be apostates, and apostasy was considered in Egypt as a breach of public order; in that connection, they hoped that the Egyptian authorities would consider amending the legislation concerning the various aspects of the freedom of religion, in conformity with article 18 of the Covenant and with the new general comment on this article which the Committee was in the process of finalizing.

684. In his reply, the representative referred to the Egyptian legislative provisions concerning non-discrimination and the equality of the sexes. He indicated that the State provided special protection to the institution of the family, and that it had an obligation to guarantee women ways and

means of reconciling their duties towards their families and their work in society, by opening mother-and-child-care centres. Moreover, in Egypt, women had the same political, social and economic rights as men. As far as the nationality of children was concerned, he explained that Egyptian law was based on the doctrine of jus sanguinis as well as on that of jus soli. In particular, an Egyptian woman who married a foreigner was required to apply for authorization to acquire his nationality; she was permitted to retain her own. This legislation was under review and there was a bill in existence to enable the mother to transmit her nationality to her children.

685. The representative also stated that, in conformity with Egyptian law, the minimum age for the employment of minors was 15 years of age, that private life was protected by the same guarantees as the right not to be subjected to torture, that guarantees were provided for the freedom of all religions, without discrimination, apart from issues related to the family and marriage, which were regulated by the precepts of each religion. He went on to list the guarantees for and restrictions on the press and media in Egypt provided under an amendment to the Constitution which entered into force in 1980. He pointed out that rights and freedoms in that area could give rise to examination by the administrative authorities, in so far as they had to issue authorizations. In respect of the existence of associations and trade unions in Egypt, he referred to Act No. 100 of 1992 concerning elections to the various executive committees of trade unions. With regard to the implementation of article 27 of the Covenant, the representative stated that Egypt was not acquainted with the phenomenon of minorities, and that all Egyptians were equal before the law.

686. In addition, the representative of the State party stated that limitations concerning the right to leave the country and to return to it were provided for by the law. Recourse to the administrative courts was available in cases of arbitrary decisions. He also pointed out that a foreigner subjected to a deportation order had the right to resort to the courts and to receive compensation where appropriate; the right of the Council of Ministers to prohibit publication of foreign materials of a salacious nature, was subject to appeal; the formation of trade unions was subject to the same controls as were provided for in the Covenant with a view to safeguarding public order and national security; the provisions governing the establishment of political parties were administrative procedures and were subject to appeal; the setting up of political parties on a religious, class or discriminatory basis was prohibited; women enjoyed equal rights with regard to elections, nomination to public office and decision-making.

687. The representative further stated that it was not a criminal offence to change one's religion, provided that there was no conflict with the provisions of the Penal Code designed to protect divinely revealed religions and their practices. Freedom of religion existed in Egypt to the extent that it did not encroach on other religions and faiths.

Concluding observations by individual members

688. Members of the Committee welcomed the report of Egypt and expressed their thanks to the representatives of the State party for their cooperation and their efforts in replying to the many questions raised during the consideration of the report. They were of the view that the renewed dialogue with the State party had been useful and had helped the Committee to evaluate the situation in Egypt, including the compatibility of domestic legislation with the Covenant as well as factors and difficulties preventing the implementation of the Covenant in Egypt.

689. Members of the Committee regretted, however, that the report had been submitted four years behind schedule, that it had not been drawn up in accordance with its guidelines for the presentation of State party reports and that the information contained in the report had not been organized following the sequence of the articles of the Covenant. While the report provided comprehensive information on Egyptian legislation and a useful comparative analysis of the legislation in respect of the provisions of the Covenant, it did not contain information on practice relating to the implementation of the Covenant and the actual enjoyment of human rights in Egypt or difficulties in that regard. Consequently, it was extremely difficult for the Committee to arrive at a fair assessment of the really important issues. Members of the Committee felt that statistical information would have been particularly useful with regard to certain important issues such as the imposition of the death penalty, the allegations of torture, the prosecution and actual punishment of the perpetrators of acts of torture, and the participation of women in the conduct of public affairs.

690. Members of the Committee noted that a state of emergency has been in force in Egypt without interruption since 1981 and regretted that Egypt had not informed the other States parties to the Covenant, through the Secretary-General, of the provisions from which it had derogated and of the reasons by which it was actuated, as specifically required by article 4, paragraph 3, of the Covenant. They also observed that the state of emergency in Egypt seemed to be a permanent rather than an exceptional situation. Moreover, certain powers granted to the President of the Republic under the Emergency Act were subject of concern, such as the ratification of judgements handed down by state security (emergency) courts, which may influence the independence of the judiciary, or the possibility of referring judicial cases to military courts. In this connection, members of the Committee considered it necessary to have a clear indication of the human rights affected by the state of emergency and the extent to which they had been affected.

691. Members of the Committee also expressed concern at the very strict measures taken by the Egyptian Government to combat terrorism in the country. They pointed out that measures to combat terrorism should not prejudice the enjoyment of fundamental rights enshrined in the Covenant, particularly, its articles 6, 7 and 9. Law No. 97 of 1992, adopted to combat terrorism, contained provisions which were contrary to articles 6 and 15 of the Covenant. The definition of terrorism contained in the law appeared to be very broad and should therefore be reviewed by the Egyptian authorities, especially in view of the fact that the anti-terrorism law had enlarged the number of offences punishable with the death penalty.

692. Furthermore, members of the Committee noted that the long duration and conditions of police custody and administrative detention in Egypt exposed accused persons to torture and ill-treatment by security forces, as demonstrated by numerous allegations reported by reliable non-governmental sources of information. In this connection, they regretted that Egypt did not provide adequate information in the body of the report on investigations undertaken and penalties meted out to perpetrators of torture and on compensation and medical rehabilitation of victims of torture.

693. They also expressed the view that the Egyptian authorities should establish a closer and constructive dialogue with non-governmental organizations active in the field of human rights, elaborate training programmes on human rights specifically addressed to public officials, and pay particular attention to the protection of the rights of detainees. Measures were also necessary to guarantee the rule of impartiality and the right of appeal in accordance with article 14 of the

Covenant.

694. Members of the Committee observed that there were still many instances of discrimination against women in Egypt which were contrary to article 3 of the Covenant. In addition, they expressed particular concern at the restrictive legal provisions existing in Egypt with regard to freedom of thought, conscience, religion, assembly and association which affected various religious communities or sects, such as the Baha'is. Equally, general concern was expressed at the denial by the Egyptian authorities of the existence in the country of ethnic, religious or linguistic minorities. Pointing out in this connection that to deny the existence of minorities on the grounds that persons belonging to them enjoyed all the rights to which all citizens of the country were entitled, was to confuse two entirely separate issues.

695. Members of the Committee expressed the view that Egypt should examine carefully the comments and observations made during the consideration of Egypt's second periodic report in order to study and adopt legal and practical measures ensuring full and effective implementation of all the provisions of the Covenant. In addition, they hoped that the many questions and requests for information which had remained unanswered during the debate would find exhaustive replies in the next periodic report.

696. The representative of the State party assured the members of the Committee that his delegation had taken due note of their remarks which would be studied in detail. Every effort would be made to ensure that the next report made specific reference to the practical application of the provisions of the Covenant and would be presented in accordance with the guidelines established by the Committee. Statistics, particularly regarding the application of the death penalty, would also be provided in due course.

697. In concluding the consideration of the second periodic report of Egypt, the Chairman thanked the Egyptian delegation for its efforts to respond to the many difficult questions which had been raised and stressed the spirit of cooperation which had animated the Committee in its dialogue with the Egyptian representatives.

Comments of the Committee

698. At its 1260th meeting (forty-eighth session), held on 29 July 1993, the Committee adopted the following comments.

Introduction

699. The Committee welcomes the report of Egypt and the willingness of the Government of the State party to continue the dialogue with the Committee reflected by the high level of the delegation. It regrets, however, that the report has been submitted four years behind schedule, that it has not been drawn up in accordance with its guidelines for the presentation of State party reports (CCPR/C/20/Rev.1) and that the information contained in the body of the report has not been organized following the sequence of the articles of the Covenant. While the report provides comprehensive information on the legislation of Egypt and has an annex attached to it which contains a very useful comparative analysis of the legislation in respect of the provisions of the

Covenant, it provides very little information on practice relating to the implementation of the Covenant and the actual enjoyment of human rights in Egypt or difficulties negatively affecting it. The Committee feels that further information, especially statistics, would have been particularly useful with regard to certain important issues such as the imposition of the death penalty, investigations of allegations of torture, the prosecution and actual punishment of the perpetrators of acts of torture, maltreatment and abuse of firearms. Statistics on the participation of women in the conduct of public affairs would also have been appreciated.

700. The Committee thanks the State party for the core document (HRI/CORE/1/Add.19) drawn up in accordance with the consolidated guidelines for the initial part of State party reports to be submitted under the various international human rights instruments (HRI/1991/1).

701. The Committee also pays tribute to the effort of the delegation of Egypt to provide information and explanations useful for a better understanding of the situation with regard to the implementation of the Covenant in the State party. The Committee takes note of the information on the status of the Covenant in Egyptian legislation even though certain clarifications are still needed with regard to the harmonization of domestic legislation with the Covenant, relating in particular to the state of emergency and certain provisions of the Covenant.

702. The delegation and the Permanent Mission of Egypt to the United Nations Office at Geneva informed the Committee about the content of the Presidential Decree of 9 December 1981 on the ratification by Egypt of the Covenant. The Committee regrets that it had no opportunity to discuss with the delegation the exact meaning of the Decree, which was belatedly brought to its attention.

Positive aspects

703. The Committee welcomes the renewed positive dialogue with the State party, which has helped the Committee to evaluate the situation in Egypt, including compatibility of domestic legislation with the provisions of the Covenant as well as factors and difficulties affecting the implementation of the Covenant in Egypt. The Committee acknowledges the State party's firm commitment to the principles of the rule of law and democracy.

Factors and difficulties impeding the application of the Covenant

704. The Committee notes that the state of emergency in force in Egypt without interruption since 1981 constitutes one of the main difficulties impeding the full implementation of the Covenant by the State party. In June 1991, the state of emergency was extended until June 1994. In this connection, the Committee regrets that Egypt has not informed the other States parties to the Covenant, through the Secretary-General, of the provisions from which it has derogated and of the reasons by which it was actuated, as specifically required by article 4, paragraph 3, of the Covenant. The delegation, however, assured the Committee that this had happened quite inadvertently.

Principal subjects of concern

705. The Committee expresses concern at the many severe measures taken by the Egyptian Government to combat terrorism in the country. It is aware that the increasing number of terrorist

acts especially in the last 12 months have created a dramatic situation in the country. However, recognizing that the Government has a duty to combat terrorism, the Committee considers that the measures taken to do so should not prejudice the enjoyment of the fundamental rights enshrined in the Covenant, in particular, its articles 6, 7 and 9. The Committee is particularly disturbed by the adoption in 1992 of law No. 97 on terrorism, which contains provisions contrary to articles 6 and 15 of the Covenant. The definition of terrorism contained in that law is so broad that it encompasses a wide range of acts of differing gravity. The Committee is of the opinion that the definition in question should be reviewed by the Egyptian authorities and stated much more precisely, especially in view of the fact that it enlarges the number of offences which are punishable with the death penalty. The Committee underscores that according to article 6, paragraph 2 of the Covenant, only the most serious crimes may lead to death penalty.

706. The Committee also expresses concern at the long duration of the state of emergency in Egypt. Moreover, under the Emergency Act, the President of the Republic is entitled to refer cases to the State security courts, to ratify judgements and to pardon. The President's role as both part of the executive and part of the judiciary system is noted with concern by the Committee, notwithstanding that in the matter of appeal it was explained that it would act only to reduce sentences. On the other hand, military courts should not have the faculty to try cases which do not refer to offences committed by members of the armed forces in the course of their duties.

707. In addition, concern is expressed by the Committee about the duration and conditions of police custody and administrative detention in Egypt which are likely to expose accused persons to torture and ill-treatment by the police and security forces, as demonstrated by numerous allegations reported by reliable non-governmental sources of information. In this connection, the Committee regrets that Egypt did not provide it with adequate information on investigations made and penalties applied to perpetrators of torture and on compensation and medical rehabilitation of victims of torture, though some additional information was given by the representative of the State party in his final remarks.

708. The Committee also expresses concern about the multitude of special courts in Egypt. From the point of view of legal consistency in the judicial procedure and procedural guarantees it is important that special courts exist as an exceptional measure, if at all.

709. Furthermore, the Committee is worried about restrictive legal provisions existing in Egypt with regard to freedom of thought, conscience, religion, assembly and association. Restrictions not in conformity with article 18 of the Covenant regarding various religious communities or sects, such as Bahai's, are a matter of particular concern. Equally, general concern is expressed by the Committee at the denial by the Egyptian authorities of the existence in the country of religious or other minorities as well as the existence in certain laws of provisions concerning penalties of imprisonment with compulsory labour for political offences. There are, in addition, many areas where the law discriminates against women and restricts them in the equal enjoyment of rights and freedoms.

Suggestions and recommendations

710. The Committee recommends that the State party should examine carefully the comments and the observations it has made during the consideration of Egypt's second periodic report in order to

consider and adopt legal and practical measures to ensure effective implementation of all the provisions of the Covenant. In addition, many questions and requests for information which have remained unanswered during the debate should find exhaustive replies in the next periodic report. The Committee also recommends that the Egyptian authorities should establish a closer and constructive dialogue with non-governmental organizations active in the field of human rights, and elaborate training programmes on human rights specifically addressed to public officials. The Committee recommends that the State party bring its legislation into conformity with the provisions of article 6 of the Covenant and, in particular, limit the number of crimes punishable by the death penalty. The Committee also recommends that the State party pay particular attention to the protection of the rights of those who are arrested or detained.

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77. Egypt

(1) The Committee considered the third and fourth periodic reports of Egypt, (CCPR/C/EGY/2001/3) at its 2048th and 2049th meetings, held on 17 and 18 October 2002 (CCPR/C/SR.2048 and CCPR/C/SR.2049), and adopted the following concluding observations at its 2067th meeting (CCPR/C/SR.2067) on 31 October 2002.

Introduction

(2) The Committee welcomes the third and fourth periodic reports of Egypt, although it regrets the seven-year delay in the submission of the third periodic report and points out that conflating two reports into one should be avoided in the future. It is nevertheless pleased to have been able to resume a dialogue with the State party, since eight years have passed since its consideration of the previous report. It notes that the report contains useful information about domestic legislation relating to the implementation of the Covenant and on developments in some legal and institutional fields since the second periodic report was considered. It regrets, however, the lack of information on case law and practical aspects of implementing the Covenant. It does welcome the willingness to cooperate voiced by the Egyptian delegation and, in particular, the transmission, at the Committee's request, of written replies dated 22 October 2002 to oral questions raised during the examination of the report.

Positive aspects

(3) The Committee welcomes some initiatives taken by the State party in recent years as regards human rights, in particular the creation of human rights divisions within the ministries of justice and foreign affairs and the introduction of human rights training and awareness programmes at schools and universities for law-enforcers and society at large. It also notes some improvements in the status of women and welcomes the creation of the National Council for Women and the introduction of legal reforms, in particular the passage of Act No. 1 of 2000, allowing women to end marriages unilaterally, and Act No. 14 of 1999, revoking an earlier law which offered the accused the opportunity to escape liability for abduction and rape if he married the victim.

Principal subjects of concern and recommendations

(4) The Committee regrets the lack of clarity surrounding the question of the legal standing of the Covenant in relation to domestic law and the attendant consequences.

The State party should ensure that its legislation gives full effect to the rights recognized in the Covenant and that effective remedies are available for the exercise of those rights.

(5) While observing that the State party considers the provisions of the Islamic Shariah to be compatible with the Covenant, the Committee notes the general and ambiguous nature of the declaration made by the State party upon ratifying the Covenant.

The State party should either clarify the scope of its declaration or withdraw it.

(6) The Committee is disturbed by the fact that the state of emergency proclaimed by Egypt in 1981 is still in effect, meaning that the State party has been in a semi-permanent state of emergency ever since.

The State party should consider reviewing the need to maintain the state of emergency.

(7) While welcoming the steps taken by the authorities in recent years to encourage participation by women in public life (in the diplomatic service, for example), the Committee notes that women are underrepresented in most areas of the public sector (for instance, the magistrature) and in the private sector (articles 3 and 26 of the Covenant).

The State party is encouraged to step up its efforts to secure greater participation by women at all levels of society and the State, including decision-making positions, inter alia by ensuring that women in rural areas learn to read and write.

(8) The Committee notes with concern that women seeking divorce through unilateral repudiation by virtue of Act No. 1 of 2000 must forgo their rights to financial support and, in particular, to their dowries (articles 3 and 26 of the Covenant).

The State party should review its legislation so as to eliminate financial discrimination against women.

(9) The Committee notes the discriminatory nature of some provisions in the Penal Code, which do not treat men and women equally in matters of adultery (articles 3 and 26 of the Covenant).

The State party should review its discriminatory penal provisions in order to conform to articles 3 and 26 of the Covenant.

(10) The Committee draws attention to the discrimination affecting women as regards transmission of nationality to their children when their spouses are not Egyptian and as regards the rules governing inheritance (articles 3 and 26 of the Covenant).

The State party is encouraged to bring its current inquiries to a conclusion and do away with all discrimination between men and women in its domestic legislation.

(11) While taking note of the action and awareness campaigns against female genital mutilation, the Committee notes that this practice still continues (article 7 of the Covenant).

The State party should eradicate the practice of female genital mutilation.

(12) The Committee notes with concern the very large number of offences which, under Egyptian law, are punishable by the death penalty, and the incompatibility of certain of those offences with article 6, paragraph 2, of the Covenant.

The State party should review the question of the death penalty in the light of the provisions of article 6 of the Covenant. The State party is also asked to provide the Committee with detailed information on the number of offences which carry the death penalty, the number of people sentenced to death, the number of those executed, and the number of sentences commuted since 2000. The Committee calls on the State party to bring its legislation and practice into line with the Covenant. The Committee recommends that Egypt take measures to abolish the death penalty.

(13) While noting the creation of institutional machinery and the introduction of measures to punish any violations of human rights by employees of the State, the Committee notes with concern the persistence of torture and cruel, inhuman or degrading treatment at the hands of law-enforcement personnel, in particular the security services, whose recourse to such practices appears to display a systematic pattern. It is equally concerned at the general lack of investigations into such practices, punishment of those responsible, and reparation for the victims. It is also concerned at the absence of any independent body to investigate such complaints (articles 6 and 7 of the Covenant).

The State party should ensure that all violations of articles 6 and 7 of the Covenant are investigated and, depending on the results of investigations, should take action against those held responsible and make reparation to the victims. It should also set up an independent body to investigate such complaints. The State party is invited to provide detailed statistics in its next report on the number of complaints lodged against State employees, the nature of the offences alleged, the State services implicated, the number and nature of the inquiries launched, the action taken and the reparations made to the victims.

(14) The Committee regrets the lack of clarity about the law and practice in matters of detention in custody: the duration of such detention, and access to a lawyer during such detention. It points out that it has been given no information on the total duration of pre-trial detention or the offences involved. It is concerned at the lack of clarity concerning the safeguards laid down in article 9, paragraph 3, of the Covenant. The Committee also notes the persistent occurrence of cases of arbitrary detention.

The State party is requested to elaborate on the compatibility of its legislation and practice in matters of detention in custody and pre-trial detention with article 9 of the Covenant.

(15) While noting the explanations given by the delegation of the State party about the periodic and spontaneous inspections of prison establishments by the authorities, the Committee notes that detention conditions inconsistent with article 10 of the Covenant persist. It also regrets the impediments to visits by United Nations-instituted treaty and non-treaty human rights mechanisms and non-governmental human rights organizations.

The State party is invited to provide the Committee in its next report with statistics on the number of people set free as a result of inspections. It is also encouraged to permit intergovernmental and non-governmental visits and ensure that, in actual practice, article 10 of the Covenant is strictly respected.

(16) While understanding the security requirements associated with efforts to combat terrorism, the

Committee voices concern at their effects on the human rights situation in Egypt, particularly in relation to articles 6, 7, 9 and 14 of the Covenant.

(a) The Committee considers that the effect of the very broad and general definition of terrorism given in Act No. 97 of 1992 is to increase the number of offences attracting the death penalty in a way that runs counter to the sense of article 6, paragraph 2, of the Covenant.

(b) The Committee notes with alarm that military courts and State security courts have jurisdiction to try civilians accused of terrorism although there are no guarantees of those courts' independence and their decisions are not subject to appeal before a higher court (article 14 of the Covenant).

(c) The Committee notes furthermore that Egyptian nationals suspected or convicted of terrorism abroad and expelled to Egypt have not benefited in detention from the safeguards required to ensure that they are not ill-treated, having notably been held incommunicado for periods of over one month (articles 7 and 9 of the Covenant).

The State party must ensure that steps taken in the campaign against terrorism are fully in accordance with the Covenant. It should ensure that legitimate action against terrorism does not become a source of violations of the Covenant.

(17) The Committee is concerned about infringements of the right to freedom of religion or belief.

(a) The Committee deplores the ban on worship imposed on the Baha'i community.

(b) The Committee is also concerned at the pressures applied to the judiciary by extremists claiming to represent Islam, who have even succeeded, in some cases, in imposing on courts their own interpretation of the religion (articles 14, 18 and 19 of the Covenant).

The State party must see to it that its legislation and practice are consistent with article 18 of the Covenant as regards the rights of the Baha'i community and reinforce its legislation, in particular Act No. 3 of 1996, to make it consistent with articles 14, 18 and 19 of the Covenant.

(18) The Committee is deeply concerned at the State party's failure to take action following the publication of some very violent articles against the Jews in the Egyptian press, which in fact constitute advocacy of racial and religious hatred and incitement to discrimination, hostility and violence.

The State party must take whatever action is necessary to punish such acts by ensuring respect for article 20, paragraph 2, of the Covenant.

(19) The Committee notes the criminalization of some behaviours such as those characterized as "debauchery" (articles 17 and 26 of the Covenant).

The State party should ensure that articles 17 and 26 of the Covenant are strictly upheld, and should refrain from penalizing private sexual relations between consenting adults.

(20) While noting the efforts the State party has made to ensure that people are educated about human rights and tolerance, the Committee observes that results in this area are still inadequate.

The State party is invited to strengthen human rights education and use education to forestall all displays of intolerance and discrimination based on religion or belief.

(21) The Committee is concerned at the restrictions placed by Egyptian legislation and practice on the foundation of non-governmental organizations and the activities of such organizations such as efforts to secure foreign funding, which require prior approval from the authorities on pain of criminal penalties (article 22 of the Covenant).

The State party should review its legislation and practice in order to enable non-governmental organizations to discharge their functions without impediments which are inconsistent with the provisions of article 22 of the Covenant, such as prior authorization, funding controls and administrative dissolution.

(22) The Committee notes the de jure and de facto impediments to the establishment and functioning of political parties, primarily created by the committee set up under the Political Parties Act No. 40 of 1977, without full guarantees of independence (articles 22 and 25 of the Covenant).

The State party should permit the democratic expression of political pluralism and thus abide by its obligations under the Covenant, taking into account the Committee's general comment No. 25. It is also requested to provide in its next report a list of the offences for which a court may strip individuals of their civil and political rights.

(23) The State party should disseminate widely the text of its periodic reports and the present concluding observations.

(24) In accordance with article 70, paragraph 5, of the Committee's rules of procedure, the State party should within one year provide information on the implementation of the Committee's recommendations in paragraphs 6, 12, 13, 16 and 18 of the present text. The Committee requests the State party to provide in its next report, which it is scheduled to submit by 1 November 2004, information on the other recommendations made and on its implementation of the Covenant as a whole.