



Human Rights Watch Submission to the Committee on the Elimination of Discrimination against Women Review of the Arab Republic of Egypt’s periodic report for the 79th Pre-Session October 2020

We write in advance of the 79th pre-session of the Committee on the Elimination of Discrimination against Women and its review of the Arab Republic of Egypt’s compliance with the Convention on the Elimination of All Forms of Discrimination against Women.

1. Violence Against Women and Girls (Arts. 1, 2, 3, and 12)

Women and girls face violence at extremely high rates in public and private spaces. Though Egyptian authorities have introduced a few legal reforms to combat sexual and gender-based violence, including by increasing penalties for the practice of female genital mutilation (FGM) and introducing amendments to protect the identities of survivors, serious gaps remain and further legal and other reforms are needed. In March, during its third Universal Periodic Review at the UN Human Rights Council, Egypt rejected recommendations by several states to end arrests and discrimination based on sexual orientation and gender identity. Egypt responded that it “does not recognize the terms mentioned in this recommendation.”¹

Female Genital Mutilation

Female genital mutilation (FGM) remains routinely practiced in Egypt despite the fact that it was criminalized in 2008 and more stringent penalties for its practice were approved by parliament in 2016.² The 2016 penal code amendments stipulate prison terms of five to seven years for those who carry out FGM, and up to 15 years if the case results in permanent disability or death. Under the amendments, anyone who escorts girls to undergo female genital mutilation will face one to three years in prison.³ UNICEF reports that 87 percent of girls and women aged 15 to 49 have undergone FGM.⁴ In 2017, the Justice Ministry’s Forensic Medical Authority said that they investigated three cases of FGM, but there has only ever been one criminal prosecution resulting in a conviction for its

¹ Rasha Younes, “Egypt’s Denial of Sexual Orientation and Gender Identity,” March 20, 2020, <https://www.hrw.org/news/2020/03/20/egypts-denial-sexual-orientation-and-gender-identity>

² “Egypt: New Penalties for Female Genital Mutilation, Further Reform Needed to Protect Girls,” Human Rights Watch News Release, September 9, 2016, <https://www.hrw.org/news/2016/09/09/egypt-new-penalties-female-genital-mutilation>

³ Ibid.

⁴ UNICEF, Female Genital Mutilation in Egypt: Recent Trends and Projections, February 2020 https://data.unicef.org/wp-content/uploads/2020/02/FGM-Brochure-Recent-Trends-Projections-Egypt-English_2020.pdf

practice.⁵ The practice remains most commonly carried out by trained medical personnel, as documented by UNICEF, though medical personnel were banned from practicing it in 2007.⁶ The Committee has recognized that States still bear responsibility for these private acts “if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation.”⁷

Gender-Based Violence

In late August 2020, Egyptian security agencies arbitrarily arrested two men and three women who were witnesses to a high-profile gang rape case from 2014 that recently came to light, and also arrested two acquaintances of the witnesses.⁸ The case involves a woman who said that several men drugged her, took turns raping her, wrote their initials on her back, and recorded and shared a video of their actions in Cairo’s Fairmont Nile City Hotel in April 2014 among their friends. Activists said that the survivor of the Fairmont assault was 18 at the time. Following the incident, she left Egypt to study abroad and to seek psychological support. A person with knowledge of the case said that the survivor became impregnated as a result of her rape and that she terminated the pregnancy.

Four witnesses to the Fairmont gang rape, three women and a man, were arrested after they gave their accounts to the National Council for Women, two activists told Human Rights Watch. The three women witnesses were arrested on August 28 and 29 and authorities held all three women incommunicado and interrogated them until August 31, when they were eventually allowed access to lawyers, three activists said. They said that the officers pressured the women to alter their accounts.

After security forces arrested the witnesses, activists tried to contact National Council for Women officials but received no response. One activist said a council staff member told her to “calm down” when she expressed concern about the detained witnesses. Human Rights Watch emailed questions about the case to the Council on September 3 and September 8 but has received no response to date.

While three were released, at the time of writing, at least three of those arbitrarily detained remain in custody, including a woman witness, and two men authorities alleged have engaged in same-sex conduct. All six people stand accused of consensual same-sex sexual conduct, “inciting

⁵ Human Rights Watch, World Report 2018: Egypt, January 2018, <https://www.hrw.org/world-report/2018/country-chapters/egypt#ba4dbo>; Rothna Begum, “Egypt’s Historic Conviction for FGM,” January 26, 2015, <https://www.hrw.org/news/2015/01/26/dispatches-egypts-historic-conviction-fgm>

⁶ UNICEF, Female Genital Mutilation in Egypt: Recent Trends and Projections, February 2020 https://data.unicef.org/wp-content/uploads/2020/02/FGM-Brochure-Recent-Trends-Projections-Egypt-English_2020.pdf; “Egypt: New Penalties for Female Genital Mutilation, Further Reform Needed to Protect Girls,” Human Rights Watch News Release, September 9, 2016, <https://www.hrw.org/news/2016/09/09/egypt-new-penalties-female-genital-mutilation>

⁷ UN Committee on the Elimination of Discrimination Against Women (CEDAW), *CEDAW General Recommendation No. 19: Violence against women*, 1992

⁸ Egypt: Gang Rape Witnesses Arrested, Smeared, Personal Data Used in Abusive Prosecutions,” Human Rights Watch News Release, September 11, 2020, <https://www.hrw.org/news/2020/09/11/egypt-gang-rape-witnesses-arrested-smearred>

debauchery,” personal drug use, and “misuse of social media,” a charge frequently used against peaceful government critics.

After their arrest, videos and photos showing scenes of some of the detained witnesses’ private lives have been leaked online. Since August 31, 2020, pro-government websites and journalists have published reports that stigmatize the rape survivor, witnesses, and activists involved in the case. Some government-affiliated media websites are reframing the gang rape as a “group sex party” and alleging that security investigations revealed “the biggest network of homosexuality.”⁹

Human Rights Watch also reported on the arrest on May 28, 2020 of Aya, 17, a social media influencer known as “Menna Abdelaziz.”¹⁰ She had posted a video online on May 22 in which her face appeared bruised, saying she was beaten by a group of young men and women, and that the men also raped her, filmed the acts, and blackmailed her with the footage. The prosecution stated that she had been detained pending investigation as a victim of sexual assault but also as a suspect in morality-related offenses for her videos. She was released from pre-trial detention on September 16, and the case against her was dropped, as reported by Mada Masr.¹¹

On August 16, the Egyptian Parliament approved government-sponsored amendments to the Criminal Procedural Code to ensure anonymity and protect the identities of victims in sexual violence cases and to punish those who leak such information. Egyptian lawyers have voiced concern that the amendments did not provide protection for witnesses.¹² On September 5, 2020, President al-Sisi signed the amendments into law. However, Egyptian law still falls short of international standards for the definition of rape. Calls by Egyptian women’s rights organizations and activists over the years for a comprehensive law on violence against women and a national strategy to enforce the new approved laws have been met largely by inaction by the authorities.¹³

“Virginity Testing”

The Committee has clearly designated harmful practices such as virginity testing as a form of gender-based violence and discrimination.¹⁴ Over the last several years, Egyptian rights

⁹ Ibid.

¹⁰ “Egypt: Spate of ‘Morality’ Prosecutions of Women, Arrests, Jail for Violating ‘Family Values,’” Human Rights Watch News Release, August 17, 2020, <https://www.hrw.org/news/2020/08/17/egypt-spate-morality-prosecutions-women>

¹¹ “نزاع إعلامية لقطر.. والدوحة: القرار بضغط إماراتي” «AJ+» بعد إعادة تأهيلها... إخلاء سبيل مئة عبد العزيز وحفظ قضيتها | العدل الأمريكية» Mada Masr, September 17, 2020, <https://www.madamasr.com/ar/2020/09/17/feature/%D8%B3%D9%8A%D8%A7%D8%B3%D8%A9/%D8%A8%D8%B9%D8%AF-%D8%A5%D8%B9%D8%A7%D8%AF%D8%A9-%D8%AA%D8%A3%D9%87%D9%8A%D9%84%D9%87%D8%A7-%D8%A5%D8%AE%D9%84%D8%A7%D8%A1-%D8%B3%D8%A8%D9%8A%D9%84-%D9%85%D9%86%D8%A9-%D8%B9%D8%A8%D8%AF/> (accessed September 21, 2020).

¹² (أحمد راغب: 3 ملاحظات على تعديل قانون سرية بيانات المجني عليهم في قضايا الإعتداءات الجنسية (أثرها يكاد يكون منعماً) Daaarb, September 16, 2020, <https://daaarb.com/%d8%a3%d8%ad%d9%85%d8%af-%d8%b1%d8%a7%d8%ba%d8%a8-3-%d9%85%d9%84%d8%a7%d8%ad%d8%b8%d8%a7%d8%aa-%d8%b9%d9%84%d9%89-%d8%aa%d8%b9%d8%af%d9%8a%d9%84-%d9%82%d8%a7%d9%86%d9%88%d9%86-%d8%b3%d8%b1%d9%8a/> (accessed September 30, 2020)

¹³ Human Rights Watch, World Report 2020: Egypt, January 2019, <https://www.hrw.org/world-report/2020/country-chapters/egypt#d1a21e>

¹⁴ Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices, November 14, 2014, CEDAW/C/GC/31-CRC/C/GC/18

organizations and Human Rights Watch have continued to document cases in which authorities have forced or requested women and girls to undergo a “virginity test” despite a ruling from December 2011 by the Egyptian Administrative Court that virginity tests “constitute a violation to women’s bodies and an assault on their human dignity.”¹⁵

In August 2020, Mawwada al-Adham, a 22-year-old Egyptian social media influencer, was arrested for “undermining family values and principles” by publishing “indecent” videos and creating and managing websites for that purpose.¹⁶ Press statements by Al-Adham’s lawyer say that the prosecution asked her to undergo a virginity test, which she rejected.¹⁷ Egyptian authorities may have also subjected at least one other woman influencer whom they arrested between April and August 2020, and “Menna Abdelaziz,” 17, to “virginity tests.”¹⁸

Additionally, one of the women witnesses to the Fairmont rape was subjected to a “virginity test” while she was held in pre-trial detention, according to sources who spoke to Human Rights Watch. At time of writing, she was still being held in pre-trial detention.¹⁹

In another case, “Aya,” a queer activist, was subjected to three “virginity tests” at different times while in detention, as documented by Human Rights Watch.²⁰ She had been arrested by security forces while protesting price inflation in Cairo in May 2018. She said that she bled for days and was unable to walk for weeks after a woman officer conducted her “tests” because of the force with which they were conducted.

Human Rights Watch recommends that the Committee ask the government of Egypt:

- What is the status of the draft law on violence against women, stalled in parliament since 2017, that would define and criminalize domestic violence? Please clarify what consultation is being done with civil society including prominent women’s rights groups on the draft law?
- What steps are being taken to end arrests and prosecutions for adult, consensual sexual relations, including same-sex conduct, or based on gender expression?

¹⁵ “القضاء الإداري: كشف العذرية انتهاك للحرمات ويخالف الإعلان الدستوري” Shorouk News, December 27, 2011,

<https://www.shorouknews.com/news/view.aspx?cdate=27122011&id=1555335e-05f8-4dcf-9ba1-f17abood21ed> (Accessed September 16, 2020).

¹⁶ “Egypt: Spate of ‘Morality’ Prosecutions of Women, Arrests, Jail for Violating ‘Family Values,’” Human Rights Watch News Release, August 17, 2020,

<https://www.hrw.org/news/2020/08/17/egypt-spate-morality-prosecutions-women>

¹⁷ “مودة ترفض الكشف عن عذريتها وأرصدتها في البنوك.. ومحاميتها: توقعنا الحكم” Cairo24, July 27, 2020, <https://tinyurl.com/v4q3lbik> (accessed September 16, 2020)

¹⁸ “Egypt: Spate of ‘Morality’ Prosecutions of Women, Arrests, Jail for Violating ‘Family Values,’” Human Rights Watch News Release, August 17, 2020,

<https://www.hrw.org/news/2020/08/17/egypt-spate-morality-prosecutions-women>

¹⁹ “Egypt: Gang Rape Witnesses Arrested, Smeared, Personal Data Used in Abusive Prosecutions,” Human Rights Watch News Release, September 11,

2020, <https://www.hrw.org/news/2020/09/11/egypt-gang-rape-witnesses-arrested-smeared>

²⁰ “Egypt: Security Forces Abuse, Torture LGBT People; Arbitrary Arrests, Discrimination, Entrapment, Privacy Violations;” Human Rights Watch News Release, October 1, 2020, <https://www.hrw.org/news/2020/10/01/egypt-security-forces-abuse-torture-lgbt-people>

- What efforts are being made to ensure that existing laws and policies against FGM are enforced, including holding accountable medical facility directors and accomplices who allow the practice to take place?
- What efforts are being made to change the wide social acceptance of FGM?
- What guidelines, trainings, or procedures are in place to change attitudes among police, prosecutors, judges, health professionals, social workers, and teachers to help address FGM, virginity testing, and gender-based violence?
- What efforts are being made to cease the abusive practice of “virginity testing,” including by making the practice illegal and are there any efforts to investigate officials who conduct them?
- What discussions are taking place to update and expand the definition of rape in the Penal Code?

2. Abuse, torture, harassment, and ill-treatment of women and girls in detention (Arts. 1, 2, 3, and 12)

The Interior Ministry’s security forces and its National Security Agency (NSA) continued to forcibly disappear, arbitrarily arrest, and torture dissidents, including women and children.

Detention of Girls

Human Rights Watch documented security forces’ abuse of children in Egyptian detention centers in a report released in March 2020.²¹ In one case, “Nadeen,” who was 13 at the time of her first arrest in 2013, was arrested again in 2014 as she was walking home with a group of her friends. Male plainclothes police arrested her and her friends, apparently in response to a public protest nearby but which the girls had not joined. Nadeen described being “dragged” by her hair to the police station, beaten, and made to stand in a corridor all night without food or water and only one bathroom break. She was electro-shocked the following morning. She was then transferred to the New Cairo/Fifth Settlement State Security Prison, where she was detained in an overcrowded cell with poor ventilation. Male detainees harassed her and her other female detainees while they walked to the bathroom. She was arrested two more times, later in 2014 and once in 2016, and faced similar detention conditions both times.

“Farida,” a 17-year-old student in grade 12, was arrested at around 5 p.m. on September 22, 2019 in downtown Cairo after a police officer stopped her, took her phone, and read through her WhatsApp messages. She was forcibly disappeared, and for the next seven days, her relatives were unable to obtain any information about her whereabouts, until Farida appeared before the prosecution and a lawyer contacted the family. Prosecutors accused Farida of misusing social media platforms and

²¹ Human Rights Watch Report, “No One Cared He Was a Child: Egyptian Security Forces’ Abuse of Children in Detention,” March 23, 2020, <https://www.hrw.org/report/2020/03/23/no-one-cared-he-was-child/egyptian-security-forces-abuse-children-detention>

supporting a terrorist organization, and twice ordered her pre-trial detention for 15 days, according to her relative. After a few months in pre-trial detention, Farida was released, but scores of children remain in custody under the same or similar charges.

Torture, Sexual Abuse and Harassment

Human Rights Watch, assisted by a Cairo-based LGBT rights organization, interviewed 15 people, including LGBT people prosecuted between 2017 and 2020 under vague and discriminatory “debauchery” and “prostitution” laws, as well as two lawyers who represented the victims in these cases and two LGBT rights activists.²² In March 2019, Malak al-Kashif, a 20-year-old transgender woman, was arrested from her home and accused of “joining a terrorist group.”²³ She spent four months in pretrial detention in a male prison where she was sexually harassed and abused before being provisionally released in July 2019. An administrative court in May 2020 dismissed the appeal her lawyer filed requesting the Interior Ministry to provide separate detention facilities for transgender detainees in accordance with their gender identity.²⁴ Hanan, a 17-year old transgender girl, said she experienced physical abuse by officers, including being slapped, kicked, dragged by her clothes, and sprayed with a water hose. She was forced to undergo an anal examination.

The woman witness to the 2014 gang-rape case at the Fairmont hotel, who was also subjected to a virginity test, said that security officers called her names, provided insufficient food and water, and “constantly humiliated” her.²⁵ She is most likely being held in al-Qanater Women’s Prison.

Sarah Hegazy, a 30-year-old Egyptian queer feminist, took her own life in exile in Canada in June 2020.²⁶ She spoke out about being tortured by members of the Egyptian police in detention, including the use of electric shocks, and solitary confinement. Police also incited other detainees to sexually assault and verbally abuse her.

Sexual abuse and harassment of women also take place in police custody centers prior to them being sent to prison. The Arab Network for Knowledge about Human Rights published an anonymous account of a woman’s sexual and verbal harassment while in police custody in 2019.²⁷ The woman described being made to fully undress by a doctor, who claimed he was “following orders,” while officers observed her degrading full-body examination, one of which resulted in anal bleeding. She

²² “Egypt: Security Forces Abuse, Torture LGBT People; Arbitrary Arrests, Discrimination, Entrapment, Privacy Violations;” Human Rights Watch News Release, October 1, 2020, <https://www.hrw.org/news/2020/10/01/egypt-security-forces-abuse-torture-lgbt-people>

²³ Human Rights Watch, World Report 2020: Egypt, January 2019, <https://www.hrw.org/world-report/2020/country-chapters/egypt#d1a21e>

²⁴ “Egypt: Security Forces Abuse, Torture LGBT People; Arbitrary Arrests, Discrimination, Entrapment, Privacy Violations;” Human Rights Watch News Release, October 1, 2020, <https://www.hrw.org/news/2020/10/01/egypt-security-forces-abuse-torture-lgbt-people>

²⁵ “Egypt: Gang Rape Witnesses Arrested, Smeared, Personal Data Used in Abusive Prosecutions,” Human Rights Watch News Release, September 11, 2020, <https://www.hrw.org/news/2020/09/11/egypt-gang-rape-witnesses-arrested-smeared>

²⁶ Rasha Younes, “For Sarah Hegazy: In Rage, in Grief, in Exhaustion,” June 16, 2020, <https://www.hrw.org/news/2020/06/16/sarah-hegazy-rage-grief-exhaustion>

²⁷ Arab Network for Knowledge about Human Rights (ANKH), Facebook, September 8, 2020, <https://www.facebook.com/ankhfr/posts/3340232759332911> (accessed September 23, 2020).

was also made to undergo a virginity test, and endured lewd and inappropriate comments about her body from officers during her many full-body examinations. She was eventually sent to al-Qanater Women's Prison, according to the Arab Network for Knowledge about Human Rights.

Denial of Adequate Healthcare

Aisha al-Shater, 39, a pro-Muslim Brotherhood activist, has been kept in abusive detention conditions for almost two years without family visits.²⁸ Doctors believe she has aplastic anemia and bone marrow failure, serious medical conditions that can be life-threatening and require expert medical care. In October 2019, she suffered acute episodes of fatigue and severe bleeding before being transferred twice to Cairo University's Qasr al-Aini hospital for medical treatment. In January 2019, she was transferred from an undisclosed location to al-Qanater Women's Prison.

Human Rights Watch recommends that the Committee ask the government of Egypt:

- What steps are being taken to ensure women and girls in places of detention, including police stations, security agency buildings, and prisons, are held in conditions that meet international standards?
- What steps are being taken to ensure that transgender women and girls who are detained can choose to be housed in a facility in accordance with their gender identity or in a segregated housing unit reserved exclusively for transgender people?
- Are specific protections for women and girls held in detention centers included in the trainings, rules, policies, and manuals for detention center staff?
- What steps are being taken to ensure that children in detention are being held under conditions that meet their rights?
- How do authorities and detention center staff ensure children have access to appropriate food and medical care and can communicate with their families?
- What supervision mechanisms are there in place to monitor the conduct of detention center staff members?
- Are there channels by which detainees may report instances of abuse or mistreatment and receive response?
- What efforts are being made to ensure that prison hospitals are provided with necessary medical equipment, machines, and specialized doctors?
- What steps are being taken to ensure that doctors who work in prisons are able to make clinical decisions independently, and not subject to the chain of command by Interior Ministry officers?
- What steps are being taken to end security forces' abusive practices of forced anal exams against transgender women and girls in detention?

²⁸ "Egypt: Jailed Activist's Life May Be at Risk; Relatives Say Aisha al-Shater Abused, Denied Sufficient Healthcare," Human Rights Watch News Release, December 19, 2019, <https://www.hrw.org/news/2019/12/19/egypt-jailed-activists-life-may-be-risk>

3. Attacks on Women Human Rights Defenders, Freedom of Expression and Association (Arts. 3 and 7)

Arrests of Women Human Rights Defenders, Journalists, and Others

Human rights groups and activists face trial, travel bans, and arrests on a frequent basis, seemingly in retaliation to their activism. Mozn Hassan, head of Nazra for Feminist Studies, has had a travel ban imposed on her since June 2016; Azza Soliman, head of the Center for Egyptian Women’s Legal Assistance, has been under a travel ban since November 2016.²⁹ According to Mada Masr, in July 2020, a Cairo criminal court rejected a request to lift the five-year-long travel bans imposed on 14 leading human rights defenders, including Mozn Hassan.³⁰ The court also refused to unfreeze assets of Mozn Hassan and that of her organization, Nazra for Feminist Studies, imposed since 2017.³¹

In May 2020, authorities arrested and held incommunicado journalist Shaima’ Samy on charges of “spreading false news,” as reported by Euromed Rights.³² Al Jazeera and Reporters Without Borders reported in May and June 2020 authorities briefly arrested two leading independent women journalists, Lina Atallah and Nora Younis.³³ Solafa Magdy, a journalist, and her husband, Hossam al-Sayad, a photojournalist, were arrested in November 2019 on charges related to spreading false news and are being held in pretrial detention pending investigation into case no. 855/2020.³⁴ Esraa Abdel-Fattah, also a journalist, is being charged and detained on similar charges.

Marwa Arafa, 27, and Kholoud Said, 35, were arbitrarily arrested by security forces on April 20 and 21, 2020, respectively.³⁵ Arafa had no known political affiliation and had not been politically active for the past four or five years. Prosecutors interrogated Said over charges of “joining a terrorist group,” and “spreading false news” in Case No. 558 of 2020, known as the “Coronavirus Case,” brought against an undisclosed number of activists. At time of writing, they both remained in

²⁹ “Egypt: Travel Ban on Women’s Rights Leader, Ongoing Repression Against Civil Society,” Human Rights Watch News Release, June 28, 2016, <https://www.hrw.org/news/2016/06/28/egypt-travel-ban-womens-rights-leader> ; “Egypt: Women’s Rights Defender Arrested, Azza Soliman Accused in Escalation of Foreign Funding Case,” Human Rights Watch News Release, December 8, 2016, <https://www.hrw.org/news/2016/12/08/egypt-womens-rights-defender-arrested>

³⁰ “الجنابات تؤيد منع 14 حقوقيًا من السفر | «الخارجية» تصعد ضد تركيا” Mada Masr, July 18 2020, <https://www.madamasr.com/ar/2020/07/18/feature/%D8%B3%D9%8A%D8%A7%D8%B3%D8%A9/%D8%A7%D9%84%D8%AC%D9%86%D8%A7%D9%8A%D8%A7%D8%AA-%D8%AA%D8%A4%D9%8A%D8%AF-%D9%85%D9%86%D8%B9-14-%D8%AD%D9%82%D9%88%D9%82%D9%8A%D8%A7-%D9%85%D9%86-%D8%A7%D9%84%D8%B3%D9%81%D8%B1/> (accessed September 21, 2020)

³¹ “Egypt: Appeals of Nazra for Feminist Studies and Ms. Mozn Hassan in NGO Foreign Funding Case Rejected,” World Observation Against Torture Press Release, July 20, 2020, <https://www.omct.org/human-rights-defenders/urgent-interventions/egypt/2020/07/d25977/> (accessed October 6, 2020)

³² “تجديد حبس المحامية ماهينور المصري” Euromed Rights, <https://euromedrights.org/ar/%D8%AD%D9%82%D9%88%D9%82-%D9%88%D8%B1%D8%A7%D8%A1-%D8%A7%D9%84%D9%82%D8%B6%D8%A8%D8%A7%D9%86-%D9%81%D9%8A-%D9%85%D8%B5%D8%B1/> (accessed September 21, 2020)

³³ “Egyptian media outlet Mada Masr says editor Lina Atallah arrested,” Al Jazeera, May 17, 2020, <https://www.aljazeera.com/news/2020/05/independent-egyptian-media-outlet-mada-masr-editor-arrested-200517133831262.html> (accessed September 21, 2020); “Independent website editor Nora Younis arrested in Cairo,” Reporters Without Borders, June 25, 2020, <https://rsf.org/en/news/independent-website-editor-nora-younis-arrested-cairo> (accessed September 21, 2020)

³⁴ “Egypt: Apparent Covid-19 Outbreaks in Prisons; Provide Protection, Medical Care, Accelerate Releases,” Human Rights Watch News Release, July 20, 2020, <https://www.hrw.org/news/2020/07/20/egypt-apparent-covid-19-outbreaks-prisons>

³⁵ “Egypt: 2 Women Arbitrarily Detained, ‘Disappeared,’ Immediately Reveal Whereabouts and Release or Charge with a Crime,” Human Rights Watch News Release, April 29, 2020, <https://www.hrw.org/news/2020/04/29/egypt-2-women-arbitrarily-detained-disappeared>

pretrial detention. Political activists including Aya Kamal and Noha Kamal Ahmed have also been arrested and charged in this case, mostly for criticizing the government's response to the coronavirus outbreak.

Authorities arrested four prominent women on March 18, 2020 as they peacefully protested in Cairo to seek the release of unjustly detained prisoners over fears of Covid-19 virus.³⁶ They are: Laila Soueif, a Cairo University professor and mother of jailed activist Alaa Abdel Fattah; her sister, Ahdaf Soueif, a novelist; her daughter, Mona Seif Abdel Fattah; and Rabab al-Mahdi, a political science professor at the American University in Cairo. The protest was live-streamed on Facebook. Prosecutors ordered them released on bail of EGP 5,000 each (US\$318), accusing them of protesting without government permission and "spreading false news." On March 19, instead of releasing her, the authorities sent Laila Soueif to State Security Prosecution, where she was interrogated again for hours before being released on a second financial bail of 3,000 (\$190) in another case. The other three women were released earlier, on March 19, approximately 30 hours after their arrest.

Freedom of Expression Online

Egyptian authorities have arrested at least 15 people, including "Menna Abdelaziz," 17, on vague charges such as violating "public morals" and "undermining family values."³⁷ Three of those arrested are men accused of aiding two of the women. Many of the women were arrested based on what authorities said were "indecent" videos on social media applications, particularly the TikTok app. These prosecutions appear to be the first use of morality charges under the 2018 cybercrime law. Statements by the prosecutor general indicate that these criminal proceedings, in some cases, began after "social media users" complained about the videos on the prosecution's Facebook page.

Courts have already sentenced 2 of the women and the 3 men to 2 years in prison and 2 more women in separate incidents to 3 years. The remaining 7 women and the 1 girl face ongoing prosecutions. The Interior Ministry's Morality Police have been involved in several cases.

Punishment for Criticism of Sexual and Gender-Based Violence

The government has repeatedly punished women and girls who speak out about sexual and gender-based violence. On May 9, 2019, activist Amal Fathy posted a video on her Facebook page in which she spoke about the prevalence of sexual harassment in Egypt and criticized the government's failure to protect women. The next day, pro-government and state-owned media outlets initiated a smear campaign against Fathy and then on May 11, authorities arrested her. On September 29, a criminal court sentenced Fathy to two years' imprisonment for "publishing false news," as well as a

³⁶ "Egypt: Four Arrested Over Covid-19 Protest, Prominent Women Sought Release of Unjustly Detained Prisoners," Human Rights Watch News Release, March 20, 2020, <https://www.hrw.org/news/2020/03/20/egypt-four-arrested-over-covid-19-protest>

³⁷ "Egypt: Spate of 'Morality' Prosecutions of Women, Arrests, Jail for Violating 'Family Values,'" Human Rights Watch News Release, August 17, 2020, <https://www.hrw.org/news/2020/08/17/egypt-spate-morality-prosecutions-women>

fine of 10,000 Egyptian pounds (US\$560) for making “public insults.”³⁸ The case of Aya, 17, also known as “Menna Abdelaziz” on social media, followed a similar pattern as she was arrested on May 28, 2020 after she posted a video on May 22, 2020 speaking out about her experience being beaten and raped.

According to Amnesty International, in June 2020, the Egyptian National Security Agency arrested Sanaa Seif for trying to report being physically assaulted outside Tora Prison where her brother, jailed activist Alaa Abdel Fattah, was being held.³⁹

Human Rights Watch recommends that the Committee ask the government of Egypt:

- What steps is the government taking to ensure that women and girls can enjoy their constitutional right of freedom of expression and association?
- How many women and girls have been arrested on charges of "spreading false news" and “misusing social media platforms”?
- What measures is the government taking to ensure that the pretrial detention does not turn to be a punishment in itself instead of being a precautionary measure?
- How will the government ensure that its legal framework is not used to curb freedom of expression (emergency law, cybercrime law and media law)?
- How many women and girls have been arrested for vague and broad ‘morality’ offenses?

4. Protection of Education (Art. 10)

Between 2017 and 2019, the Global Coalition to Protect Education from Attack has documented 13 reported incidents of attacks or harassment at schools, or directed towards, students, teachers, and other education personnel. On December 17, 2017, unidentified armed actors reportedly opened fire on a bus that was transporting teachers to their schools in North Sinai governorate. According to the independent news site Mada Masr, at least one teacher was killed and another wounded. Also, on February 26, 2017, according to a media report identified by the Global Terrorism Database, the Sinai Province of Islamic State claimed responsibility for stopping a bus transporting female teachers in Rafah, North Sinai governorate, to warn the teachers to wear veils and travel with male guardians.⁴⁰

³⁸ Human Rights Watch, World Report 2019: Egypt, January 2019, <https://www.hrw.org/world-report/2019/country-chapters/egypt#fa34fa>

³⁹ “Egypt: Human rights activist arrested outside Public Prosecutor’s office,” Amnesty International News Release, June 23, 2020, <https://www.amnesty.org/en/latest/news/2020/06/egypt-human-rights-activist-arrested-outside-public-prosecutors-office/> (accessed September 21, 2020)

⁴⁰ Global Coalition to Protect Education From Attack, “Education Under Attack 2020,” July 2020, https://protectingeducation.org/wp-content/uploads/eua_2020_full.pdf.

In May 2019, media outlets reported that police forces harmed or detained secondary school students protesting a new electronic exams system in cities across the country.⁴¹ Several photos and videos were published on social media that documented the arrest of or use of force against students, many of whom were girls, some as young as 15 years old.⁴² For example, on May 21, 2019, or an earlier date, female secondary students in Kafr az Zayit, Gharbia governorate, protested against the new electronic exams system. Police forces arrested several girls according to local media reports.⁴³

As recognized by this Committee in its *General Recommendation No. 30*, attacks on students and schools, and the use of schools for military purposes, disproportionately affect girls, who are sometimes the focus of targeted attacks and are more likely to be kept out of school due to security concerns.⁴⁴ The Safe Schools Declaration is an inter-governmental political commitment that provides countries the opportunity to express political support for the protection of students, teachers, and schools during times of armed conflict;⁴⁵ the importance of the continuation of education during armed conflict; and the implementation of the *Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict*.⁴⁶

The African Union's Peace and Security Council has also repeatedly urged all African Union member states to endorse the declaration.⁴⁷ Egypt has yet to endorse this important declaration.

Human Rights Watch recommends that the Committee ask the government of Egypt:

- Why has the government of Egypt not yet endorsed the Safe Schools Declaration?
- Are explicit protections for schools or universities from military use included in any policies, rules, or trainings for Egypt's armed forces?

⁴¹ Sally Hosni, "Egypt releases students held after exams protests," BBC Arabic, May 23, 2019; "Egypt Releases Students Detained over Rallies against New Education System," Asharq Al-Awsat, May 23, 2019

⁴² "Egypt Releases Students Detained over Rallies against New Education System," Asharq Al-Awsat, May 23, 2019; Sally Nabil, "Egypt releases students held after exams protests," BBC News, May 23, 2019.

⁴³ 3 FJ Portal, as cited in ACLED, Event ID EGY9504; Sally Hosni, "Egypt releases students held after exams protests," BBC Arabic, May 23, 2019; "Security arrests dozens of "first secondary" students for protesting the failure of the tablet," FJ Portal, May 21, 2019; "Egypt Releases Students Detained over Rallies against New Education System," Asharq Al-Awsat, May 23, 2019; "Egypt Releases Students Detained over Rallies against New Education System," Asharq Al-Awsat, May 23, 2019.

⁴⁴ UN Committee on the Elimination of Discrimination against Women, General Recommendation No. 30, Access to Education, U.N. Doc. CEDAW/C/GC/30 (2013), para. 48.

⁴⁵ Safe Schools Declaration, May 28, 2015,

https://www.regjeringen.no/globalassets/departementene/ud/vedlegg/utvikling/safe_schools_declaration.pdf (accessed January 23, 2020).

⁴⁶ Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict, March 18, 2014,

http://protectingeducation.org/sites/default/files/documents/guidelines_en.pdf (accessed January 23, 2020).

⁴⁷ African Union, Press Statement on the Peace and Security Council of the African Union's 597th meeting on May 10, 2016: "Children in Armed Conflicts in Africa with particular focus on protecting schools from attacks during armed conflict;" Press Statement on the Peace and Security Council of the African Union's 615th meeting on August 9, 2016: "Education of Refugees and Displaced Children in Africa;" Press Statement on the Peace and Security Council of the 692nd meeting on June 13, 2017, of the PSC dedicated to an Open Session on the theme: "Ending Child Marriages;" and Press Statement on the Peace and Security Council of the 706th meeting on July 26, 2017, of the PSC on the theme: "Child Soldiers/Out of School Children in Armed Conflict in Africa."