



## How COVID-19 is affecting human rights in Egypt

While the novel coronavirus is affecting people and countries all over the world, it impacts not only the health of individuals but also the political and economic stability of states. This, in turn, has led to human rights restrictions in many countries. While some restrictions may be adequate in response to the outbreak, others are excessive or can run the risk of being made permanent in spite of an improvement of the situation. Furthermore, governments' reaction to health and economic problems may be instrumentalised to disproportionately affect certain people or groups of people, such as human rights defenders. The intention of the analysis below is to give an overview of how human rights are affected in Egypt as a result of the virus and the government's response to it.

Prison conditions as a public health risk: Even at the best of times, prison conditions in Egypt fall short of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules),<sup>1</sup> as they are marked by overcrowding and a lack of hygiene.<sup>2</sup> According to a report from the National Council for Human Rights in 2015, Egyptian prisons were 160% over capacity.<sup>3</sup> They are thus prone to facilitating the spread of the coronavirus easily, both inside prisons due to the impossibility of enforcing social distancing measures and hygiene protocols between inmates and outside since prison personnel enter and exit the prison facilities. Inmates are frequently subjected to poor detention conditions, such as no access to sunlight, mattresses to sleep on or sufficient ventilation, often resulting in their health severely deteriorating during detention and putting them at greater risk of contracting the virus.

Prison facilities lack the means to address a potential outbreak, with a shortage of food, medicine, safe drinking water, and adequate toilet and shower facilities. Since the beginning of the pandemic, authorities have banned all family visits to prisons, preventing them from bringing detainees basic necessities such as soap and disinfectant. Relatives have been prevented by prison authorities from sending soap to their imprisoned family members.<sup>4</sup> Phone calls to detained relatives have also been banned, and as a result, families are not able to obtain any information about their family members in prison. It is therefore unclear how much information detainees are provided with about COVID-19, means of prevention and whether they realise to what extent they are at risk of contracting it.<sup>5</sup>

This has led the UN OHCHR Spokesperson to express acute concern over “the overcrowded prisons in Egypt and the risk of the rapid spread of the COVID-19 virus” and urge the Egyptian authorities to release administrative detainees and those “arbitrarily detained due to their political or human rights work”, in particular those in very vulnerable situations due to their age and/or serious underlying medical conditions.<sup>6</sup> This is also and especially the case for female prisoners.<sup>7</sup> Several other international voices have urged for the release of political prisoners worldwide, such as, for example,

<sup>1</sup> [UNGA Resolution A/RES/70/175](#), 17.12.2015.

<sup>2</sup> [Human Rights Watch](#), 16.03.2020.

<sup>3</sup> [National Council for Human Rights](#), 2015.

<sup>4</sup> [Human Rights Watch](#), 16.03.2020; [Association for Freedom of Thought and Expression](#), 09.04.2020.

<sup>5</sup> Facebook [post](#) by Mona Seif, 14.04.2020.

<sup>6</sup> [United Nations Human Rights Office of the High Commissioner](#), 03.04.2020.

<sup>7</sup> [Nazra](#), 26.03.2020.

the German human rights commissioner.<sup>8</sup> While 15 political figures and activists were freed in March,<sup>9</sup> the numbers of those released remain marginal. Instead, the Egyptian authorities have passed a new law preventing conditional release for detainees held under assembly law 10/1914 and counter-terrorism law 94/2015, which is the case for the vast majority of human rights defenders.<sup>10</sup>

In connection with this, there have been calls by activists as well as human rights organisations to release people from prison, especially elderly detainees, people with chronic illnesses and those arbitrarily held in pre-trial detention, such as journalists and human rights defenders.<sup>11</sup> Finally, since proceedings and hearings in front of a judge have been suspended due to the outbreak, human rights groups fear that this will *de facto* indefinitely extend pre-trial detention for many human rights defenders and peaceful political prisoners.<sup>12</sup> The UN Special Rapporteur on the independence of judges and lawyers has recommended that “Effective steps should be taken immediately so that pre-trial detentions are applied only in extraordinary and specific” cases<sup>13</sup>. Hearings in front of the prosecution are still ongoing at the moment of writing.

**Freedom of expression:** Egypt has been cracking down on freedom of expression since the start of the COVID-19 outbreak, under the claim that it is combatting “false information” about the crisis. A number of websites and social media accounts have been blocked by the authorities, who have not always provided details for the reason behind the block, and investigations have been made into reports showing negative aspects of the way in which the crisis has been managed by Egypt.<sup>14</sup> A *Guardian* journalist was expelled for indicating in an article that the figures of coronavirus victims were higher than reported by the Egyptian authorities.<sup>15</sup>

There is reason to believe that the authorities are using the “false information” claim to repress human rights defenders. A lawyer advocating for the release of his client in light of the outbreak was detained and charged with spreading false news in connection with a post on social media calling for the release of Egyptian prisoners amidst the COVID-19 outbreak.<sup>16</sup> Several women human rights defenders demonstrating for the release of prisoners in light of COVID-19 were briefly arrested.<sup>17</sup>

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<sup>8</sup> Human Rights Commissioner Bärbel Kofler on the [situation of prisoners in connection with Covid-19](#), 16 April 2020.

<sup>9</sup> [Amnesty International](#), 20.03.2020.

<sup>10</sup> [State Information System](#), 23.03.2020; [daaarb](#), 23.03.2020.

<sup>11</sup> [Human Rights Watch](#), 16.03.2020; Joint Letter by [Cairo Institute for Human Rights Studies](#), [Association for Freedom of Thought and Expression](#), [Committee for Justice](#), Belady Center for Rights and Freedoms, [Egyptian Front for Human Rights](#), Freedom Initiative, Nadeem Center for Torture Victims, 26.03.2020; [EL Nadeem Center for Torture Victims](#), 23.03.2020; [Petition by CIHRS](#); [Amnesty International](#), 20.03.2020; [Egyptian Initiative for Personal Rights](#), 06.04.2020.

<sup>12</sup> Joint Letter by [Cairo Institute for Human Rights Studies](#), [Association for Freedom of Thought and Expression](#), [Committee for Justice](#), Belady Center for Rights and Freedoms, [Egyptian Front for Human Rights](#), Freedom Initiative, Nadeem Center for Torture Victims, 26.03.2020.

<sup>13</sup> [OHCHR](#), [Seven key guidelines](#) to ensure judges, justice workers, prosecutors and lawyers maintain functioning judicial systems, 22.04.2020.

<sup>14</sup> [Reporters without Borders](#), 03.04.2020.

<sup>15</sup> [IFEX](#), 02.04.2020; [The Guardian](#), 26.03.2020; [Association for Freedom of Thought and Expression](#), 20.03.2020.

<sup>16</sup> [Frontline Defenders](#), 01.04.2020.

<sup>17</sup> [Human Rights Watch](#), 20.03.2020; [The Arabic Network for Human Rights Information](#), 02.04.2020; [Belady](#), 18.03.2020.

Impact on women: Women are at a higher risk of being negatively impacted by the effects of COVID-19. Most particularly, those already marginalised, such as refugees, women with disabilities, LGBTI women, women living in rural areas, are of particular concern.

The current pandemic magnifies pre-existing discriminations, more than it creates any. It is exemplified in the Egyptian's government response to counterbalance economic loss for instance. The measures taken, because they are not gender sensitive, fail to reach women. Indeed, the Central Bank of Egypt (CBE) issued a decree automatically deferring credit payments for individuals and companies and cancelling commissions and late fee payments, but only 27% of women over 15 have a bank account, less than 2% of women between 15-49 are homeowners, and microloans that are specifically targeted to women under the national women's empowerment strategy are exempt from the decree.

But the impact is not only economic. As in other places, the rate of domestic violence is assumed to increase during lockdown, which disproportionately affects women. Prior to the pandemic, it was estimated that one in four women were experiencing domestic violence.<sup>18</sup>

The public sphere is also more dangerous for women in times of confinement. Deserted transport and public spaces can be a source of fear for women and increase street harassment, as perpetrators might not be stopped by others. If violence is to happen, the options for women are severely restricted by the shutdown of essential care, legal and health services. Furthermore, women's rights organisations, which could help support the influx of women in danger, have been amongst the victims of the severe crackdown on civil society.

Regarding health services, a situation of overload is likely to divert resources away from essential needs for women: sexual and reproductive rights, access to contraceptives or natal care for instance.<sup>19</sup> Furthermore, if women make 23,8% of the Egyptian labour force,<sup>20</sup> it is without accounting for the informal sector, where they are more numerous. 68.8% of women in informal employment are contributing family workers, while this is the case for only 8.5% of men. Women spend on average 30.25 hours a week on unpaid care work (compared with 4.19 for men), which is heavily relied upon in a public health crisis.<sup>21</sup> Health care coverage is tied to formal labour, which puts women and informal workers in general at higher risk during the pandemic. In short, women are the hardest hit by the crisis.

Finally, the burden of unpaid care labour falls on women's shoulders. In the current situation, already entrenched patriarchal norms tend to be reinforced. As schools are closed, women are sent home to take care of children. This puts the ones which had a job at higher risk of being laid off, while it adds to the unequally shared burden for stay-at-home mothers.

LGBTI: In Egypt, homosexuality is legal on paper, but de facto illegal, and legal gender recognition is not accessible. Under "normal" circumstances, access to healthcare for LGBTI people is particularly difficult. Homosexuality is repressed through charges of "debauchery", trans and intersex people's identities are pathologised, resulting in institutional violence, torture, discrimination and arbitrary detentions.<sup>22</sup> In a sanitary crisis, LGBTI people might not even seek medical assistance, which puts them at higher risk.

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<sup>18</sup> [Central Agency for Public Mobilization and Statistics](#), Egypt Demographic and Health Survey, 2014.

<sup>19</sup> [Egyptian Initiative for Personal Rights](#), 28.03.2020.

<sup>20</sup> [World Bank](#), "Labor force, female (% of total labor force)", 2019.

<sup>21</sup> [Oxfam](#), The gendered impact of IMF policies in MENA, 08.10.2019.

<sup>22</sup> ANKH France, Universal Periodic Review, [statement](#) concerning LGBTIQ+ right in Egypt, 2020.

Socio-economic situation: As elsewhere, the coronavirus poses difficulties for the poorest in society. Over the last years, the Egyptian government has prioritised austerity and debt repayment over social spending – encouraged, if not imposed, by the International Monetary Fund (IMF).<sup>23</sup> Government expenditure on health as a percentage of GDP has fallen from 1.63% in 2015 to 1.35% in 2016 (below the 3% set by the constitution). The very high inflation rate has led to shortages of, amongst others, medicine.<sup>24</sup>

Poverty levels have increased from 27.8% in 2015 to 32.5% in 2018.<sup>25</sup> The high levels of socio-economic inequality<sup>26</sup> are expected to worsen as a result of the COVID-19 crisis. What’s more, inequality is deeply gendered, as women tend to be concentrated in the lowest-paid jobs and those with little security.

Turning to workers’ rights, workers in the informal economy and people with low income often cannot afford to stop working and thus are at a higher risk of getting infected. While the Egyptian government has taken some economic measures, these are not tailored to individuals and often do not benefit those most in need.<sup>27</sup> According to Amnesty International, thousands of private-sector garment workers in Egypt’s investment zones are at risk of losing their jobs, having their incomes slashed or being made to work without protective equipment in spite of fears of the spread of COVID-19.<sup>28</sup> On 16 March, the government decided to reduce the number of workers in governmental and public institutions in provinces with COVID-19 cases, and granted paid leave to workers in at least some state-run factories. However, the government did not make any similar provision for private-sector workers, who are left to face their employers’ discretionary measures. The restrictions on workers’ right to form and join independent trade unions severely undermine their right to collective bargaining.

State of emergency and presidential powers: The Egyptian authorities have introduced amendments to Emergency Law 162/1958 due to the outbreak of COVID-19, which were approved by Parliament on 22 April.<sup>29</sup> The amendments grant the President greater powers in order to deal with the sanitary crisis, including the right to suspend universities and schools and order those coming back from abroad to go into quarantine. They also further reinforce President al-Sisi’s personal authority in the country and the dictatorial nature of his presidency.<sup>30</sup> Especially concerning is the power granted to the President to assign the investigation of crimes to the Military Prosecution,<sup>31</sup> as well as the right to prevent public and private meetings, manifestations and other types of gatherings. These are rights that any authoritarian leader would be unlikely to renounce after the pandemic has subsided and that greatly threaten judicial independence and freedom of assembly. President al-Sisi extended Egypt’s state of emergency for another three months on 27 April.

The EU, its member states and like-minded countries should urge Egypt to:

- Release all arbitrarily detained human rights defenders, immediately and unconditionally;

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<sup>23</sup> [CESR](#), Egypt’s IMF deal: a huge price tag for human rights, February 2017.

<sup>24</sup> [Oxfam](#), The gendered impact of IMF policies in MENA, 08.10.2019.

<sup>25</sup> [Oxfam](#), The gendered impact of IMF policies in MENA, 08.10.2019.

<sup>26</sup> Share of income accruing to the top 10% in 2016: 48.5%; share of income going to the bottom 50%: 18%.

<sup>27</sup> [Egyptian Initiative for Personal Rights](#), 24.03.2020.

<sup>28</sup> [Amnesty International](#), Egypt: Private-sector garment workers forced to choose between health and livelihoods, 08.04.2020.

<sup>29</sup> [Egypt Today](#), Egypt’s House initially approves new amendments to Emergency Law granting President more powers, 12.04.2020.

<sup>30</sup> [Carnegie Endowment for International Peace](#), Coronavirus and Prospects for Instability in Egypt, 22.04.2020.

<sup>31</sup> [Alaraby](#), Egypt uses coronavirus pandemic to grant Sisi more “dictatorial” powers, 23.04.2020.

- Ensure that the treatment of detainees is in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules);
- Allow detainees' access to their family and lawyers, in respect of the relevant hygiene measures;
- Ensure that measures pertaining to counterbalancing the effects of the COVID-19 crisis take on a gender perspective, such as, for example, ensuring that services for women victims of violence are recognised as "essential" and made accessible in a context of social distancing; ensuring access to services pertaining to sexual and reproductive health and rights and increase financial resources for women's rights organisations and shelters;
- Recognise the existence of LGBTI Egyptians, stop their arbitrary detention and ensure their safe access to health services;
- Extend basic social protection to informal workers;
- Monitor compliance of private-sector companies with health and safety standards to mitigate workplace exposure to COVID-19; workers – in public, private or informal sectors – who lose their livelihoods as a result of the economic impact of COVID-19 should have access to social protection measures, including unemployment benefits, to guarantee their right to an adequate standard of living;
- Increase social spending and ensure non-discriminatory access to basic services, including health care, social security and education, to tackle the increasing levels of poverty and inequality, especially among marginalised groups.