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The deteriorating situation of human rights in Egypt, in particular the case of the activists of the Egyptian Initiative for Personal Rights (EIPR)

European Parliament resolution of 18 December 2020 on the deteriorating situation of human rights in Egypt, in particular the case of the activists of the Egyptian Initiative for Personal Rights (EIPR) (2020/2912(RSP))

(2021/C 445/21)

The European Parliament,

— having regard to its previous resolutions on Egypt, in particular that of 24 October 2019 ([1]),

— having regard to the EU Foreign Affairs Council conclusions on Egypt of August 2013 and February 2014,

— having regard to the statements by the European External Action Service (EEAS) Spokesperson for Foreign Affairs and Security Policy on Egypt, and in particular that of 21 November 2020 on recent arrests of human rights activists,

— having regard to the statement by the Spokesperson for the UN High Commissioner for Human Rights on Egypt of 20 November 2020,

— having regard to the call from UN experts of 27 November 2020 for the release of Egyptian human rights defenders who were incarcerated after meeting diplomats, and to the experts' statement of 7 December 2020 on the decision to release on bail three senior staff members of the Egyptian Initiative for Personal Rights (EIPR) ,

— having regard to the UN Human Rights Council's Universal Periodic Review of Egypt of 2019-2020,

— having regard to the joint statement of 13 May 2020 by the UN Office on Drugs and Crime (UNODC), the World Health Organization (WHO), the Joint UN Programme on HIV and AIDS (UNAIDS) and the Office of the UN High Commissioner for Human Rights (OHCHR) on COVID-19 in prisons and other closed settings,

— having regard to the EU-Egypt Association Agreement of 2001, which entered into force in 2004 and was strengthened by the Action Plan of 2007; having regard to the EU-Egypt Partnership Priorities 2017-2020, adopted on 25 July 2017, to the joint statement issued following the 2017 EU-Egypt Association Council, and to the joint statement on the sixth meeting of the EU-Egypt Subcommittee on Political Matters, Human Rights and Democracy of 23-24 June 2019,

— having regard to the EU Guidelines on the Death Penalty, on Torture, on Freedom of Expression and on Human Rights Defenders,

— having regard to the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Arab Charter on Human Rights, which have been ratified by Egypt,

— having regard to the Constitution of Egypt, notably its Article 52 on the prohibition of torture in all forms and types, Article 73 on freedom of assembly and Article 93 on the binding character of international human rights law,

— having regard to the African Charter on Human Rights and Peoples of 1981, ratified by Egypt on 20 March 1984,

— having regard to the Universal Declaration of Human Rights of 1948,

([1]) Texts adopted, P9_TA(2019)0043.

— having regard to Rule 144(5) and 132(4) of its Rules of Procedure,

A. whereas the human rights situation in Egypt has continued to deteriorate as authorities intensify their crackdown on civil society, human rights defenders, health workers, journalists, opposition members, academics and lawyers, and continue to brutally and systematically repress any form of dissent, thereby undermining core freedoms, notably the freedoms of expression, both online and offline, and of association and assembly, political pluralism, the right to participation in public affairs and the rule of law;

B. whereas following their meeting with 13 foreign ambassadors and diplomats on 3 November 2020, three activists from the Egyptian Initiative for Personal Rights (EIPR), one of the last independent human rights organisations in Egypt, Gasser Abdel Razek, Karim Ennarah and Mohammad Basheer, were arrested by security forces and charged with terrorism and national security-related offences between 15 and 19 November 2020;

C. whereas following national and international expressions of concern, including from the OHCHR, the spokesperson for the Vice-President of the Commission / High Representative of the European Union for Foreign Affairs and Security Policy (VP/HR) and the Member States, on 3 December 2020 the activists were granted bail and released while the charges were maintained; whereas despite their release on 6 December 2020, an Egyptian court handling terror-related cases upheld a prosecutor's decision to freeze their assets until the investigations have been carried out;

D. whereas the crackdown on EIPR started in 2016, when the bank accounts of former EIPR director and founder Hossam Bahgat were frozen and he was banned from leaving the country; whereas the EIPR provides an invaluable service in promoting personal, political, civil, economic and social rights and freedoms in the country;

E. whereas on 7 February 2020, EIPR gender rights researcher and postgraduate Erasmus student at Italy's University of Bologna, Patrick George Zaki, was arbitrarily arrested at Cairo International Airport; whereas, according to his lawyer, Patrick George Zaki was subjected to a 17-hour interrogation by Egypt's National Security Agency before being transferred to Mansoura, where he was beaten and tortured with electric shocks; whereas Patrick George Zaki was charged with disseminating subversive propaganda, incitement to protest and instigation to terrorism, among other charges; whereas, while his health situation puts him at particular risk of contracting COVID-19 in Tora Prison, Patrick George Zaki's pre-trial detention has continuously been extended for the past 10 months; whereas the Erasmus programme has been regarded as one of the most successful initiatives for the promotion of EU core values; whereas the detention of Patrick George Zaki during the course of his fellowship in Europe represents a threat to these values and the EU must do everything in its power find a solution to this case;

F. whereas media freedom in Egypt has been declining over the past years given the restricted space for journalists; whereas journalists and their family members are increasingly persecuted and face detention, threats and intimidation; whereas Egyptian authorities continue to block the websites of local and international news organisations and human rights organisations;

G. whereas tens of thousands of human rights defenders, including women's rights activists, LGBTI activists, lawyers, journalists, activists, peaceful dissenters and members of the opposition remain imprisoned in life-threatening conditions; whereas the enforced disappearance of human rights defenders is becoming a systematic practice of the Egyptian authorities; whereas pre-trial preventive detention and precautionary measures are used in order to prevent activists and their lawyers from carrying out their legitimate human rights work or from peacefully exercising their fundamental freedoms in Egypt;

H. whereas Egyptian civil society activists, human rights defenders, journalists and academics should be able to carry out their legitimate activities without any hindrance or fear of reprisals against them or their relatives; whereas illegal digital surveillance is conducted on their work, social media accounts and personal devices;

I. whereas the counter-terrorism legislation introduced under the rule of President al-Sisi is criticised by many human rights organisations for giving the authorities a dangerously large scope of interpretation and being misused to silence human rights defenders, their lawyers, activists and members of the opposition; whereas suspects in terror cases often do not receive fair trials, as they are referred directly to military courts; whereas according to Human Rights Watch, since the 2013 military coup, the Egyptian authorities have put around 3 000 people on terrorist lists, sentenced 3 000 people to death, and put 60 000 people in detention;

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J. whereas according to civil society organisations, Egypt has executed at least 110 people in 2020, with 66 of those executions having taken place since 3 October 2020, meaning that more people have been executed in the past two months than in the whole of 2019; whereas at least 39 people are at risk of imminent execution; whereas these sentences reportedly follow grossly unfair trials marred by forced 'confessions' and other serious human rights violations, including torture and enforced disappearances, that lack any serious investigation into these acts and due process for victims, such as in the case of Coptic Christian monk Isaiah al-Maqari; whereas children continue to be sentenced to death; whereas Article 122 of Egypt's Child Law remains of serious concern as it allows children to be tried in mass trials in adult courts in certain circumstances and has led to at least 17 juveniles receiving death sentences since 2011;

K. whereas there has been an ongoing state of emergency in Egypt since 10 April 2017; whereas mass trials continue to proceed despite widespread international condemnation that they are simply unfit to meet the basic requirements of international law on due process and fair trial rights; whereas more civilians are being tried in military courts than ever before;

L. whereas sexual violence and harassment against women have plagued Egyptian society in recent decades as survivors are often blamed, and authorities have done little to prosecute suspects or to challenge discriminatory norms that underpin such violence; whereas abusive practices such as virginity testing are still widespread, including by the Egyptian authorities; whereas the law on violence against women, which has been stalled in the Egyptian Parliament since 2017, is still to be ratified; whereas existing policies and laws against FGM are not well enforced and the practice continues; whereas women rights defenders and feminist activists continue to face repression;

M. whereas on 10 December 2020, and after a four-year judicial investigation, Italian prosecutors in Rome announced that they had unequivocal proof of the involvement of four Egyptian state security officers on the aggravated kidnap, aggravated injury and murder of the Italian research assistant Giulio Regeni; whereas the lawyers of the Egyptian Commission for Rights and Freedoms (ECRF) continue to provide their support to the Regeni legal team in Italy, as they are the legal representatives in Egypt; whereas the Egyptian authorities have constantly hindered progress in investigating and revealing the truth about the kidnapping, torture and killing of Giulio Regeni and the death of French teacher Eric Lang, who had been detained in Cairo in 2013, preventing the possibility for those responsible to be held accountable;

N. whereas the EU is Egypt's first economic partner and its main source of foreign investment; whereas in June 2017, the EU and Egypt adopted partnership priorities that set out to enhance cooperation in a wide-range of areas, including in the area of security, counter-terrorism and judiciary reform;

1. Deplores once again and in the strongest possible terms the continuing and intensifying crackdown on fundamental rights and on human rights defenders, lawyers, protesters, journalists, bloggers, trade unionists, students, children, women's rights and gender equality activists, lesbian, gay, bisexual, transgender and intersex (LGBTI) people, political opponents, including their family members, civil society organisations and minorities, solely in response to their exercise of their fundamental freedoms or their expression of dissent, by state authorities and security forces in Egypt; calls for an independent and transparent investigation into all human rights violations and for those responsible to be held to account; underlines the importance of a strong and well-functioning civil society;

2. Is outraged at the recent arrests of senior EIPR activists Gasser Abdel Razek, Karim Ennarah and Mohammad Basheer in retaliation for their legitimate meeting with European diplomats in Cairo; welcomes their provisional release, but urges the authorities to drop all charges against them, end all forms of harassment and intimidation against them and EIPR founder and acting director Hossam Bahgat, and revoke any restrictive measures, including travel bans and asset freezes, adopted against them and the EIPR; calls on the Egyptian Government to ensure that their case will be dealt with in a transparent, fair and swift manner;

3. Regrets that the decision to release them was not extended to other EIPR detainees, in particular Patrick George Zaki, whose detention order was extended for another 45 days on 6 December 2020; calls for Patrick George Zaki's immediate and unconditional release and for all charges against him to be dropped; considers that a strong, swift and coordinated EU diplomatic reaction to his arrest and prolonged detention is needed;

4. Reiterates its calls for the immediate and unconditional release of those arbitrarily detained and sentenced for carrying out their legitimate and peaceful human rights work, in particular Mohamed Ibrahim, Mohamed Ramadan, Abdelrahman Tarek, Ezzat Ghoneim, Haytham Mohamadeen, Alaa Abdel Fattah, Ibrahim Metwally Hegazy, Mahienour El-Massry, Mohamed El-Baqer, Hoda Abdelmoniem, Ahmed Amasha, Islam El-Kalhy, Abdel Moneim Aboul Fotouh, Esraa Abdel Fattah, Ramy Kamel, Ibrahim Ezz El-Din, Zyad el-Elaimy, Hassan Barbary, Ramy Shaath, Sanaa Seif, Solafa Magdy, Hossam al-Sayyad, Mahmoud Hussein and Kamal El-Balshy;

5. Stresses that the ongoing arrests and detentions are part of a broader pattern of intimidating organisations defending human rights as well as the increasing restrictions on freedom of expression, both online and offline, of association and of peaceful assembly in Egypt, and calls for an end to all these acts; deplores Egypt's continued use of counter-terrorism legislation, the arbitrary addition of defenders on Egypt's terrorist lists and pre-trial custody to target and criminalise the work of human rights defenders, which is inconsistent with the rule of law and Egypt's obligations under international human rights law; urges the Egyptian authorities to amend or repeal any abusive legislation, in particular its 2019 non-governmental organisation (NGO) law and its counterterrorism law; calls once again on the Egyptian authorities to close Case 173/2011 (the 'Foreign Funding Case'), and lift all travel bans and assets freezing imposed on at least 31 human rights defenders and staff members of human rights NGOs under the case;

6. Calls on the Egyptian authorities to ensure that the treatment of any detainee adheres to the conditions set out in the 'Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment', adopted by the UN General Assembly in its Resolution 43/173 of 9 December 1988, that pending their release, they are allowed full access to their families, lawyers of their choice and adequate medical care, and that credible investigations are conducted into any allegations of ill-treatment or torture;

7. Expresses its deep concern for the fate of detainees and prisoners held in overcrowded places of detention, in abysmal conditions, during the COVID-19 pandemic and calls on the authorities to urgently decongest places of detention; calls on authorities to provide unrestricted access to the Tora maximum security prison for an independent organisation in order to monitor the conditions of detention; denounces the arbitrary arrests, harassment and repression of medical workers and journalists for speaking out about the COVID-19 situation or the Egyptian state response in 2020; calls on the Egyptian authorities to cease this practice and release any medical personnel still in arbitrary detention;

8. Deplores the rise in executions in Egypt and rejects the use of the death penalty; calls on the Egyptian authorities to declare a moratorium on the death penalty with a view to abolishing it and to take all steps to ensure strict adherence to due process guarantees and all possible safeguards to ensure a fair trial; calls on Egypt to immediately release all juveniles who have received death sentences and amend Article 122 of its Child Law;

9. Calls on the Egyptian authorities to adopt a comprehensive law on violence against women and a national strategy to enforce the approved laws against sexual violence; urges the authorities to use available UN guidance, such as the UN Handbook for Legislation on Violence against Women, to set out components on combating violence against women, including protection of survivors and witnesses through trained officers and providers; calls on the Egyptian authorities to cease any type of persecution against women on the grounds of 'violation of morals', as against the female human rights defender Amal Fathy; calls on the authorities to immediately put an end to the arrest and prosecution of members of the LGBTI community or individuals solely on the basis of their real or perceived sexual orientation, such as in the case of Seif Bedour;

10. Deplores the attempt by the Egyptian authorities to mislead and hinder progress in investigating the kidnapping, torture and murder in 2016 of Giulio Regeni, an Italian researcher; regrets the Egyptian authorities' persistent refusal to provide the Italian authorities with all the documents and information needed to enable a swift, transparent and impartial investigation into the murder of Mr Regeni in accordance with Egypt's international obligations; calls for the EU and the Member States to urge the Egyptian authorities to fully cooperate with Italian judicial authorities, putting an end to their refusal to send the residence addresses, as required by Italian law, of the four suspects indicated by the Italian prosecutors in Rome, upon closing the investigation, in order to allow for their formal indictment to face charges in a fair trial in Italy; warns the Egyptian authorities against retaliating against the witnesses or the Egyptian Commission for Rights and Freedoms (ECRF) and its lawyers;

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11. Expresses strong political and human support to the family of Giulio Regeni for their constant and dignified search for the truth; recalls that the search for the truth about the kidnapping, torture and murder of a European citizen does not belong to the family alone, but that it is an imperative duty for national and EU institutions that requires all necessary diplomatic actions to be taken;

12. Notes that Egypt is an important partner of the European Union and its Member States in a wide range of areas, including trade, security, the fight against international terrorism and people-to-people contacts; supports the Egyptian people in their aspirations to establish a free, stable, prosperous, inclusive, and democratic country that respects its national and international legislation when it comes to the protection and advancement of human rights;

13. Reminds the Egyptian authorities that respect for human rights and fundamental freedoms constitutes an essential element of EU-Egypt relations and that providing space to civil society is a joint commitment enshrined in the EU-Egypt Partnership Priorities, as stipulated in the Egyptian Constitution; stresses that no human rights defender should face financial restrictions, criminalisation, travel bans or bail conditions, or be imprisoned for their legitimate human rights work; urges the VP/HR to publicly express concerns over the human rights situation in Egypt and at any high-level meeting with Egyptian authorities;

14. Encourages representatives from the EU Delegation and from the Member States in Cairo to attend the trials of Egyptian and foreign journalists, bloggers, trade unionists, human rights defenders and civil society activists in the country and visit them in detention;

15. Reiterates its call on the VP/HR and the Member States to respond in a unified and resolute manner, also in coordination with other likeminded partners, to the crackdown and human rights violations in Egypt, and to use all tools at their disposal to secure concrete progress in Egypt's human rights record; urges, in particular, the EU and its Member States to take the lead at the upcoming session of the UN Human Rights Council to set up a long overdue monitoring and reporting mechanism on grave human rights violations in Egypt; welcomes the adoption by the Council of a global human rights sanctions regime/EU Magnitsky Act and reiterates its call on the VP/HR and the Member States to consider targeted restrictive measures against high-level Egyptian officials responsible for the most serious violations in the country;

16. Reiterates its call for a profound and comprehensive review of the EU's relations with Egypt; considers that the human rights situation in Egypt requires a serious revision of the Commission's budget support operations and requires the restriction of EU aid to primarily supporting democratic actors and civil society; calls for more transparency on all forms of financial support or training provided by the EU, the European Bank for Reconstruction and Development and the European Investment Bank to Egypt; recalls that the EU and its Member States must not give awards to leaders responsible for human rights violations;

17. Calls for the EU, with a view to negotiating new partnership priorities, to establish clear benchmarks that make further cooperation a centrepiece of our relations in order to achieve progress in the reform of democratic institutions, the rule of law and human rights, and to mainstream human rights concerns in all talks with Egyptian authorities; urges the Commission and the EEAS to put the need for tangible improvements to the human rights situation, in particular the release of arbitrarily detained human rights defenders and journalists, at the centre of the next EU-Egypt Association Council meeting; reiterates that cooperation in the areas of migration management or counter-terrorism, but also geopolitical considerations, should not come at the expense of continued pressure for human rights compliance and accountability for human rights abuses;

18. Reiterates its recent calls on the Member States to follow up on the 21 August 2013 Foreign Affairs Council Conclusions announcing the suspension of export licences for any equipment which might be used for internal repression in line with Common Position 2008/944/CFSP ([2]), and condemns the persistent non-compliance of Member States with these commitments; calls on the Member States to halt all exports of arms, surveillance technology and other security equipment to Egypt that can facilitate attacks on human rights defenders and civil society activists, including on social media, as well as any other kind of internal repression; calls for the EU to implement in full its export controls vis-à-vis Egypt with regard to goods that could be used for repression, torture or capital punishment;

([2]) OJ L 335, 13.12.2008, p. 99.

19. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President / High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the Egyptian Government and Parliament, and the African Commission on Human and Peoples' Rights.