EU should uphold human rights and accountability in negotiation of strategic partnership with Egypt

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14 NGOs urge the EU and its Member States to prioritize accountability and human rights reforms in ongoing negotiations for an EU strategic partnership with Egypt, notably regarding the overall framework of the deal, provision of financial support, and migration and security cooperation. If the EU fails to address Egypt's human rights and accountability crisis, focuses on curbing migration by reinforcing Egyptian security bodies and the military, and funds the Egyptian State without prior reforms, such a short-sighted approach would not tackle Egypt's chronic instability issues, and rather would lead to reinvigorating authoritarianism there, proving counter-productive. Egypt's dire economic straits and its human rights crisis are related to the same underlying problems of unaccountable governance and the pursuit of regime survival before stability, which should be decisively addressed. Indeed, the increase in departures by boats of Egyptians in recent years from Libya is a direct result of the economic deterioration and pervasive repression produced by the government's policies which cannot go unaddressed.

Tackling Egypt's human rights and governance crises and restoring accountability

If a new EU-Egypt strategic partnership materializes following negotiations in the coming weeks, it would directly follow Egypt's December 2023 presidential election, held in a thoroughly closed electoral environment without open civic space, a free public sphere, judicial independence or checks on Executive power. Such conditions preclude any free or fair election; the incumbent, President Abdelfattah al-Sisi's re-election is a foregone conclusion. Would-be candidates considered "actual opposition" such as Hisham Qassem or Ahmed al-Tantawy have been prevented from running. This highly repressive context (PDF) has provoked an urgency resolution from the European Parliament, which

"*Urges authorities to uphold the rule of law, freedom of expression, press, media and association, and judicial independence, to stop stifling opposition voices through arbitrary detention, digital surveillance, enforced disappearances and torture, to immediately and unconditionally release the tens of thousands of prisoners arbitrarily detained for peacefully expressing their opinion, including award winner Alaa Abdel Fattah and 20 journalists, and to lift online censorship against independent media...*"

This election comes in the context of a severe and ongoing human rights crisis documented and recognized by multiple civil society organizations, UN bodies and other institutions (PDF). If the EU neglects to tackle such abuses, it risks both perpetuating them and bolstering Egypt's authoritarian President Al-Sisi. As Egypt suffers a prolonged economic and social crisis which al-Sisi's

unaccountable governance is widely believed to have fueled, a lucrative strategic partnership with Europe that neglects human rights would allow him to boast securing financial support without any concessions. This would help the Executive and the military to avoid reform and continue wielding unchecked power in pursuit of the same unsustainable policies, which promote instability and continued crisis, and thus feed refugee and migration flows as people increasingly seek a safe and dignified living elsewhere. Therefore, the political framework for any EU-Egypt strategic partnership must explicitly acknowledge the reality and serious nature of these issues – including the human rights crisis – and effectively address them.

No unconditional funding of abusive and unaccountable governance

It is essential that the new EU-Egypt Strategic Partnership **subject any provision of direct and indirect EU financial support to Egypt, t**o **clear, public and measurable conditions in the areas of human rights and accountability, and spell out the relevant benchmarks to be met.** This should also apply to new funds from the European Investment Bank (EIB) or the European Bank for Reconstruction and Development (EBRD), and European encouragement of foreign direct investment in the country. Weakly conditioned financial support risks subsidizing the same policies that have led to Egypt's economic deterioration over the past decade.

It is all the more crucial for EU and Member State direct budget support funds, whose use cannot be verified by donors; thus, they are particularly at risk of misappropriation, including for the benefit of entities involved in gross human rights violations. The allocation of new EU direct budget support funds to Egypt has been suspended since the 2013 Foreign Affairs Council Conclusions (PDF) issued in response to the Rabaa and al-Nahda massacres (though sectoral development cooperation and civil society funding have continued). In recent years, the European Parliament has repeatedly warned against budget support for Egypt due to its alarming human rights situation. The unconditional release of such funds today would give a distinctly harmful signal both of EU confidence and support for Egypt's unaccountable and unsustainable governance, and an EU belief the country's human rights situation has significantly improved.

Hence, reform conditions must be clearly signaled in the overall EU-Egypt Strategic Partnership language and announcement, and spelled out in specific financial support agreements. The EU should set out concrete **benchmarks to restore some independence to state institutions, notably the judiciary and State anti-corruption and anti-fraud agencies**. To allow civil society and the media to play their crucial role to hold authorities accountable and foster inclusive governance, **Egypt's repressive legal framework and practices maintaining closure of the public sphere must be amended** (notably the draconian Counter-Terrorism Law and Terrorist Entities Law (PDF) of 2015, the Cybercrime Law, the 2018 Media regulation Law, Assembly Law no.10/1914, (PDF) the 2019 NGO law, and Penal Code provisions that hinder independent civic work). A clear change in the policy of punitive use of mass arbitrary detention in abusive conditions to silence dissent – more than the release of a handful of symbolic individual cases – must be implemented. Concrete measures must be taken to tackle the impunity of security forces for crimes of enforced disappearance (PDF) and torture.

Tackling the risk of human rights violations within cooperation on migration

In the field of migration and asylum, the EU must ensure any negotiations with Egypt (PDF) consistently highlight the alarming rule of law (PDF) and human rights issues. Just in the last two years, the Egyptian authorities have blocked people fleeing Sudan's conflict from entering without visas, creating life-threatening delays in access to asylum; and violated the principle of non-refoulement by forcibly returning Eritrean asylum seekers to Eritrea and deporting Uyghur students to China.

They subject thousands of foreign nationals annually – according to Refugees Platform Egypt (PDF), citing Egyptian Border Guard data – to indefinite arbitrary detention for entering Egypt irregularly, without access to UNHCR and in *"extremely inhumane and bad conditions*" in military or civilian facilities which independent rights organizations cannot access. Egyptian authorities have also cracked down brutally on Sudanese refugee and asylum seeker activists on Egyptian territory, while failing to protect refugees who suffered sexual assault or to uphold refugees' effective right to access basic services, noted the 2022 US State Department report.

We recall the risks involved in the outsourcing of EU obligations to guarantee the right to seek asylum and to protect the rights of migrant people to non-safe countries, such as Egypt: this trend has resulted in channeling resources and know-how to unaccountable, untransparent authoritarian governments which fail to comply with human rights standards in migration management. The EU should adopt a prudent, do-no-harm approach in its migration cooperation talks with Egypt, and absolutely abstain from providing financial, technical or material support for Egypt's military and security bodies – in any framework – if it is to avoid risking complicity in the grave and widespread human rights violations (PDF) in this country. UN rights experts, NGOs (PDF), the European Parliament, and country reports by the USA or Netherlands have reliably documented or denounced the involvement of forces under the Egyptian Interior Ministry's authority in large-scale rights violations including torture, enforced disappearance, (PDF) mass arbitrary detention, abuse and medical neglect in places of detention. At Egypt's 2023 review by the UN Committee Against Torture, independent rights groups submitting an alternative report (PDF) called for the practice of torture in Egypt to be qualified as a crime against humanity.

The Egyptian military has also been involved in large-scale rights violations and war crimes, notably in North Sinai in recent years, as documented by several reports from Human Rights Watch and the Sinai Foundation for Human Rights, including mass arbitrary arrests, enforced disappearances (PDF), torture, extrajudicial killings, forced evictions and home demolitions, as well as presumably unlawful air and ground attacks targeting civilians. The 2021 investigation by Disclose into "Operation Sirli" (involving French-Egyptian military cooperation in reconnaissance flights for data gathering in the Western Desert) also shed light on a practice of likely extrajudicial executions by Egyptian forces. According to the leaked French military intelligence documents, Egyptian forces have used this information for years to carry out airstrikes primarily targeting smugglers of people and goods, and only secondarily for counter-terrorism purposes.

Hence, both new and ongoing EU-Egypt migration cooperation should include robust safeguards to

ensure that no EU funds, equipment or other assets contribute to human rights violations or are provided to parties or institutions involved in human rights abuses – neither directly nor via Member States, international organizations or other third parties. If the EU now wishes to avoid the criticism it has faced before on its migration policy toward Libya or Tunisia, and to stand by its commitment to a "*human rights-based, protection-oriented and gender-sensitive"* approach with Egypt, it should ensure that the migration pillar of its Strategic Partnership with Egyptian authorities commits the latter to meet clear human rights benchmarks, and includes thorough due diligence measures. *Ex-ante* human rights impact assessments should be conducted based on clear benchmarks and published, before signature of agreements on activities. Independent, third-party monitoring mechanisms should be included to assess the human rights impact of activities under the agreement, and suspensive clauses should be applicable to the disbursement of funds, if and when activities are found to negatively impact human rights. Finally, the EU should learn from the shortcomings of past programs and prioritize transparency of the use of European funds for Egypt in the migration field from any instrument, including regional programs, and allow for scrutiny by the European Parliament.

EU relations with Egypt now present a key test of Europe's ability and political will for a wise Strategic Partnership: will Europe pursue truly constructive cooperation with Egypt in the interests of medium-term stability, centering accountability, reform and rights, including the right to seek international protection? Or will it follow the counter-productive approach used in other deals with authoritarian leaders in the MENA region, which is short-sighted and profoundly dangerous for human rights – and in Egypt's case, would merely postpone the next crisis? In recent years, Egypt has been lurching from crisis to crisis and demonstrating the unsustainable nature of unaccountable governance that prioritizes regime survival over real stability and resilience, which it cannot achieve without the rule of law (PDF), democratic governance and tangible human rights progress. The EU must approach a Strategic Partnership with Egypt as a real ally would, eschewing no-strings-attached support and making it conditioned on reforms in line with Egypt's obligations under international human rights law.

1. Action des Chrétiens pour l'abolition de la torture – France (ACAT-France)
2. ARCI (Associazione ricreativa e culturale italiana)
3. Cairo Institute for Human Rights Studies (CIHRS)
4. Centre National pour la Coopération au Développement (CNCD-11.11.11)
5. Committee for Justice
6. Egyptian Front for Human Rights (EFHR)
7. Egyptian Human Rights Forum (EHRF)
8. EgyptWide for Human Rights
9. EuroMed Rights
10. Greek Council for Refugees (GCR)
11. HuMENA for Human Rights and Civic Engagement

12. International Federation for Human Rights (FIDH)
13. Refugees Platform in Egypt (RPE)
14. Tahrir Institute for Middle East Policy (TIMEP)

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