

**Mandates of the Special Rapporteur on the promotion and protection of human rights in the context of climate change; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism**

Ref.: AL EGY 9/2022  
(Please use this reference in your reply)

30 September 2022

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of human rights in the context of climate change; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association, Special Rapporteur on the situation of human rights defenders and Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, pursuant to Human Rights Council resolutions 48/14, 43/4, 50/17, 43/16 and 49/10.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **undue restrictions on civil society participation in the 27th Conference of the Parties to the UN Framework Convention on Climate Change (COP27), which will be held in Sharm el Sheikh in November 2022.**

According to the information received:

Egypt has severely curtailed environmental groups' ability to carry out independent work essential to protecting the country's natural environment. These restrictions violate the rights to freedom of expression, assembly and association, and threaten Egypt's ability to uphold its environmental and climate action commitments, as Egypt hosts COP27 in November 2022. There has been a sharp reduction in the space for independent environment and climate work since 2014.

Egypt has been included in the annual reports of the Secretary-General on cooperation with the UN, its representatives and mechanisms in the field of human rights since 2017<sup>1</sup> regarding actions by multiple UN actors on individual reprisals cases as well as the application of Egyptian legislation, including NGO and counter-terrorism laws, and its impact on individuals and civil society groups' ability and willingness to cooperate with the UN.

Main concerns related to COP27 include lack of information and transparent accreditation criteria for Egyptian NGOs, coordinated increase in hotel room rates, undue restrictions to freedom of peaceful assembly outside the COP27 venue, and unjustified delays in the provision of visas to those travelling from abroad. Furthermore, previous cases of harassment, intimidation and reprisals for UN cooperation, arrests and detention, NGO asset freezes and dissolutions,

<sup>1</sup> See latest at A/HRC/48/28, Annex I paras. 33-34 and Annex II paras. 40-52; A/HRC/45/36, Annex I paras. 40-51 and Annex II paras. 44-53; A/HRC/42/30, Annex I paras. 35-38 and Annex II paras. 42-50.

and travel restrictions against human rights defenders have generated an atmosphere of fear among Egyptian NGOs to engage visibly at the COP27.

#### *Accreditation/registration of civil society organizations (CSOs) COP27*

COP host countries are permitted to invite organizations at their discretion for one-time access, meaning only to the COP they are hosting. While we welcome different modalities to expand the participation of civil society actors in UN processes, we have received information that there is no written policy on such one-time registration, and no information was made available to potential candidates.

Through a system of one-off admissions, Egypt has selected and screened Egyptian CSOs that would be permitted to apply for one-time registration for COP27. The permitted groups were then provided with application details by the UNFCCC secretariat. Only Government-affiliated Egyptian CSOs, which do not have observer status at the UNFCCC, have received one-time accreditation to attend COP27, through nomination by the Egyptian government.

Several independent Egyptian CSOs have expressed their interest in attending COP27, however they were informed by the UNFCCC that the COP Presidency is free to provide such once-off accreditation to local groups. No public call was issued by Egypt to allow independent CSOs to take part in this process. As the application process and the selection criteria were not made public, independent CSOs were not able to apply for accreditation. This opaque process hinders the right to participation and violates the principles of transparency and impartiality.

#### *Access to accommodation during COP27*

The Upper Committee organizing COP27 has issued several decrees, directing the Egyptian Hotel Association (EHA) to cancel all existing reservations if the room rates are not what the Upper Committee has designated to be the appropriate fee. The Upper Committee has mandated a minimum hotel rate and has ruled that any reservations booked with lower prices should be cancelled, refunded and rebooked starting from the prescribed minimum rate.

Several cases of hotel cancellations have been reported as a result of these decrees. The price increases are significant, in some cases as much as USD 400 per night, and are making it very difficult for civil society participants to attend COP27.

#### *Protests during COP27 and potential reprisals*

Egypt is planning to designate a facility adjacent to the conference center where COP27 will take place, where activists can hold protests and voice their opinions. Egyptian authorities have implied that they will not tolerate protest outside this government-designated space. Concern is expressed that this will unduly limit the right to peaceful protest and assembly.

Law No. 107 of 2013 on Organizing the Right to Public Meetings, Processions, and Peaceful Protests, grants security forces free rein to ban protests and to use unnecessary and excessive force against peaceful protesters. This law has been used to resort to a disproportionate use of force and arbitrary detention against peaceful protesters by law enforcement officials<sup>2</sup> and to prosecute peaceful protesters in unfair mass trials.

Concern is also expressed that additional restrictions, including surveillance, unfounded criminal investigations, arbitrary detention, summons for coercive questioning, threats to close independent organizations and travel bans, will likely hinder full and meaningful civil society participation during COP27. These concerns are heightened by a pattern of previous cases, including cases of intimidation and reprisals for cooperation with the United Nations, its representatives, and mechanisms in the field of human rights.<sup>3</sup>

Egyptian CSO representatives are wary of publicly engaging at COP27 because of fears of reprisals for such engagement. They fear that the security apparatus may increase its focus on environmental CSOs in Egypt following COP27. The fact that independent Egyptian civil society organizations are being excluded and are facing obstacles to participation at COP27 is not only inhibiting their engagement at the Conference, but also raising concerns about possible reprisals against them after COP27.

#### *Granting of visas to attend COP27*

We have also received concerns about unjustified delays in the granting of visas in advance for accredited observers travelling to attend COP27, in particular those from the Global South. We are closely monitoring this as it could create additional obstacles to the participation of civil society in COP27. In this respect, we have noted with concern that Egypt denied or unduly delayed visas to 70 activists and human rights defenders who were planning to attend the meeting of the African Commission on Human and Peoples' Rights in Sharm el Sheikh in 2019.

Without prejudging the accuracy of these allegations, we express our strong view that COP27, organized by the United Nations, should uphold the right to take part in the conduct of public affairs and provide civil society actors and human rights defenders, including those working on climate rights, with an opportunity to raise awareness of their views and protection needs, instead of further limiting their right to freedom of expression, peaceful assembly, and association.

Civil society plays an essential role in the advancement of climate action, and their rights must be upheld. Egypt should ensure safe and meaningful participation at COP27, including for independent CSOs.

We are concerned about allegations that the lack of information and transparency about the one-time accreditation system might have prevented Egyptian civil society organizations, including those critical of the Government, from participating at COP27.

<sup>2</sup> [EGY 16/2013](#), [EGY 17/2013](#), [EGY 19/2013](#), [EGY 10/2014](#), [EGY 4/2015](#)

<sup>3</sup> [EGY 12/2019](#), [EGY 8/2019](#), [EGY 14/2017](#), [EGY 15/2016](#).

Low tariff accommodation should be provided to allow civil society organisations to be able to stay close to the COP and participate, and the Government should take all the necessary measures to prevent price gouging and hotel cancellations. Additionally, civil society participants traveling from outside Egypt for COP27, in particular those from the Global South, should be provided visas in a timely manner or else be invited to obtain visas upon arrival (landing visas). The right to peaceful assembly should not be restricted to one location, and security and law enforcement bodies should be provided with clear instructions on how to comply with international standards on the use of force and policing of assemblies. We are concerned that undue restrictions on peaceful protesters during COP27, both inside and outside the venue, may lead to human rights violations.

We are concerned that the mentioned obstacles to the participation of independent civil society actors and human rights defenders, in particular those based in Egypt, may not only inhibit their cooperation but may dissuade them from engaging publicly for fear of reprisals. We would like to seek assurances from your Excellency's Government that no persons peacefully protesting or participating at the COP27 will be harassed, intimidated, and/or arrested during or after COP27.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on the process for accreditation of Egyptian CSOs to participate in COP27. Could you please explain how the process to apply for one-off admissions works, the criteria for accepting or rejecting an application, and how information was made available to potential applicants?
3. Please respond to concerns about price gouging and hotel cancellations for COP27.
4. Please explain how the rights to freedom of expression, peaceful assembly and association will be upheld during COP27, both inside and outside the venue. Have law enforcement bodies received instructions on how to comply with applicable international standards, in particular outside the venue?
5. Please provide information on measures that have been or will be taken to guarantee that human rights defenders, including civil society actors and peaceful protestors, from all countries can participate freely and fairly in COP27 without fear of reprisals and free of all restrictions of any kind.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

In light of the allegations in relation to obstacles to the participation of civil society actors and human rights defenders at the COP27 and the fear of reprisals for such engagement, we reserve the right to share this communication – and any response received from Your Excellency's Government - with other UN bodies or representatives addressing intimidation and reprisals for cooperation with the UN in the field of human rights, in particular the Assistant Secretary-General for Human Rights, who is the senior United Nations official designated by the Secretary General to lead the efforts within the United Nations system to address this issue.

Please be informed that a letter on this subject matter has been sent to the UNFCCC Executive Secretary.

Please accept, Excellency, the assurances of our highest consideration.

Ian Fry

Special Rapporteur on the promotion and protection of human rights in the context of climate change

Irene Khan

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Clement Nyaletsossi Voule

Special Rapporteur on the rights to freedom of peaceful assembly and of association

Mary Lawlor

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Fionnuala Ní Aoláin

Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

## **Annex**

### **Reference to international human rights law**

In connection with above alleged facts and concerns, wish to draw your attention to article 19, 21, 22 and 25 of the International Covenant on Civil and Political Rights, ratified by Egypt on 14 January 1982. In particular, article 19 establishes the right to freedom of expression, and article 21 the right of peaceful assembly, while allowing certain limitations on the exercise of these rights under specific circumstances. Any restriction on the right to freedom of peaceful assembly, for example, must be ‘necessary’ for a legitimate purpose. It must not be overly broad; it must be the least intrusive instrument possible for its protective function and it must be proportionate to the interest to be protected. Article 25 of the International Covenant on Civil and Political Rights recognizes the right to participate in public affairs. In its general comment No. 25 (1996), the Human Rights Committee states that the conduct of public affairs is a broad concept that covers all aspects of public administration, and the formulation and implementation of policy at international, national, regional and local levels. We also stress that the Guidelines for States on the Effective Implementation of the Right to Participate in Public Affairs, endorsed by the Human Rights Council in resolution 39/11, set out a number of relevant principles.

We recall the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders, in particular articles 1, 2, 9 (4) and 12.

We further recall Human Rights Council resolution 40/11, which in its paragraph 2 stresses that human rights defenders, including environmental human rights defenders, must be ensured a safe and enabling environment to undertake their work free from hindrance and insecurity, in recognition of their important role in supporting States to fulfil their obligations under the Paris Agreement.

We also recall the report of the Special Rapporteur on the situation of human rights defenders, which stresses that ‘environmental human rights defenders cannot properly defend environment-related rights without exercising their own rights to access to information, freedom of expression, peaceful assembly and association, guarantees of non-discrimination and participation in decision-making. States have the duty to protect those rights as well as the rights to defend human rights and to life, liberty and security’. (A/71/281, paragraph 93).

We would like to bring to your Excellency’s Government’s attention that in his report to the General Assembly on the exercise of the rights to freedom of peaceful assembly and of association as essential to advancing climate justice, the Special Rapporteur calls States to: “Ensure that law and practice illegitimately restricting the place where and manner in which protests may take place, including laws criminalizing protests at or near business worksites (...), in order to ensure full access to and enjoyment of the right to freedom of peaceful assembly” (A/HRC/76/222, para 90 (d)).

We also wish to refer to Human Rights Council Resolution 22/6, which calls upon States to ensure that “procedures governing the registration of civil society

organizations exist, that these are transparent, accessible, non-discriminatory, expeditious and inexpensive, allow for the possibility to appeal and avoid requiring re-registration, in accordance with national legislation, and are in conformity with international human rights law” (A/HRC/RES/22/6, para. 8).

Regarding allegations of intimidation and reprisals against those who cooperate or attempt to cooperate with the UN in the field of human rights, we would like to refer to Human Rights Council resolutions 12/2, 24/24, 36/21, 42/28 and 48/17 reaffirming the right of everyone, individually or in association with other, to unhindered access to and communication with international bodies, in particular the United Nations, its representatives and mechanisms in the field of human rights. In these resolutions, the Human Rights Council urges States to refrain from all acts of intimidation or reprisals, to take all appropriate measures to prevent the occurrence of such acts. This includes the adoption and implementation of specific legislation and policies in order to promote a safe and enabling environment for engagement with the United Nations on human rights, and to effectively protect those who cooperate with the United Nations. The Council also urges States to ensure accountability for reprisals by providing access to remedies for victims and preventing any recurrence. It calls on States to combat impunity by conducting prompt, impartial and independent investigations, pursuing accountability, and publicly condemning all such acts.