Submitted by: Refugees Platform in Egypt (RPE)

Report for OHCHR Call: The Impact of EU- Migration Externalization on Human Rights in Egypt

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Executive Summary

This report responds to the OHCHR Special Rapporteur's call for input on the externalization of migration and its impact on the human rights of migrants, focusing on the EU-Egypt partnership. Drawing on recent research, testimonies, and documented cases, we demonstrate that the EU's externalization policies—funding, training, and legitimizing Egypt's migration control regime—directly contribute to severe and systematic violations of Egyptians, migrants' and refugees' rights in Egypt. These include arbitrary detention, torture, enforced disappearance, mass deportations (including refoulement), and denial of access to basic services. Despite new legislation, the Egyptian framework remains deeply flawed, failing to provide legal protection or due process, and instead reinforcing a securitized, punitive approach to migration management.

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1. Introduction: Context and Methodology

Since 2016, the EU has increasingly externalized its migration control to Egypt, providing billions of euros in financial and technical support in exchange for Egypt's role as a "gatekeeper" preventing departures towards Europe. This policy shift has been formalized through a series of bilateral and multilateral agreements, often negotiated and implemented with little transparency or public oversight.

This report is based on:

- Testimonies collected by RPE from refugees, migrants, and families affected by migration-related arrests and deportations.
- Joint reports and statements submitted to UN mechanisms, including the Universal Periodic Review (UPR),Public communication of UN special rapporteurs with the Egyptian government.
- Research and analysis from international and Egyptian human rights organizations, academic studies, and investigative journalism.
- Official data and statistics from official Egyptian government agencies, including law enforcement agencies at borders and within cities - security and military.

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2. Externalization Measures: Legal Basis, Implementation, and Transparency

2.1. Nature of Agreements

EU-Egypt migration cooperation is based on a mix of formal agreements (e.g., Memoranda of Understanding, funding contracts) and informal arrangements, often shielded from public scrutiny. The implementation is led by executive agencies, notably Egypt's Ministry of Interior and border forces, with support from EU agencies such as Frontex and the European Commission.

2.2. Lack of Transparency:

- Most agreements are not publicly available or subject to democratic scrutiny.
- Human rights impact assessments, if conducted, are not published, and there is no independent monitoring mechanism.
- Requests for information under access to documents laws are routinely denied or ignored.

2.3. Monitoring and Accountability

There is no systematic, independent monitoring of the human rights impact of EU-funded migration control projects in Egypt. Complaints mechanisms are either inaccessible or ineffective, and there is no meaningful recourse for victims of abuse.

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3. Human Rights Impact

3.1. Arbitrary Detention and Torture

- Thousands of refugees, asylum seekers, and migrants have been arbitrarily arrested and detained, including children, women, and people with medical needs.
- Detention conditions are inhumane and degrading, with widespread reports of torture and enforced disappearance.
- Egyptian authorities routinely detain people for irregular entry or exit, in violation of their right to leave any country, including their own.
- According toHundreds of testimonies and cases during 2024 and 2025 documented by RPE, the Egyptian authorities arrest people from their homes, even those who have asylum cards.

3.2. Forced Deportation and Refoulement

- Egypt has carried out mass deportations of Sudanese, Eritrean, Syrian, and other refugees to countries where they face serious risks, violating the principle of non-refoulement.
- Deportations are often conducted without due process, legal representation, or the opportunity to claim asylum, or appeal.
- In 2023-2024, there was a sharp increase in deportations to Sudan, including children and families fleeing war.(RPE documented the deportation of more than 20,000 Sudanese, including women and children, who were detained and forcibly deported without being able to seek asylum, while the authorities also deported refugees who had refugee status and valid residency permits).

3.3. Discrimination and Hate Speech

- Refugees and migrants, especially those of African descent, face systematic discrimination, arbitrary arrest, and hate speech, fueled by official rhetoric and policy.
- The government's promotion of "racial nationalism" has exacerbated xenophobia and calls for mass expulsions.
- Law enforcement agencies refuse to issue assault or racism reports to refugees and immigrants and.

3.4. Denial of Access to Basic Services

- Refugees and asylum seekers are denied access to healthcare, education, and legal protection if they lack valid residency permits or documentation, which are often impossible to obtain due to bureaucratic obstacles.
- The new asylum law fails to guarantee even temporary protection or basic rights for asylum seekers while their applications are pending.

3.5. Shrinking Civil Society Space

- Civil society organizations and human rights defenders working on migration are subject to harassment, surveillance, and criminalization.
- There is no meaningful consultation with independent organizations in the design or implementation of migration policies.
- Refugee-led organizations are being targeted by security forces. Authorities have closed dozens of community schools and, in some cases, arrested and forcibly deported students and teachers.
- Community leaders are being targeted, threatened, kidnapped, and repeatedly assaulted by security forces without any protection.

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4. Legal and Policy Developments

4.1. New Asylum Law (2024)

- In December 2024, Egypt passed a new law regulating asylum and refugee affairs, transferring key functions from UNHCR to a government body.
- The law was drafted without adequate consultation and has been widely criticized for:
    - Sidelining key stakeholders in the discussion and drafting process; hastily introducing the proposal for parliamentary discussion.
    - Transitional vacuum.
    - Legal Inadequacies and Irregularities in the Definition of Refugees and Asylum Seekers.
    - Lack of clarity on the composition and constitution of the proposed Standing Committee for Refugee Affairs (the Committee); expansion of its powers in a manner exceeding powers afforded to decision-making bodies in international conventions and practice.
    - Excessive reliance on bylaws.
    - Discrimination between asylum seekers who entered the country legally or in an irregular manner.
    - Denial of the right to appeal and seek redress.
    - Expansion of grounds for denial of refugee status and revocation, in breach of international conventions.
    - A loophole in the protection of refugees from refoulement or expulsion.
    - Restricting the right to freedom of religion.
    - Discriminatory provisions with no legal basis that directly contravene Egypt's international obligations.
    - Social groups at particular risk.
    - Equality in taxes, not rights.

- . Criminalization of refugee assistance and employment and unconstitutional prison sentences
- Lack of clarity on data management policies.

  So far, the Egyptian authorities have not issued the executive regulations for the law, which keeps it suspended.

4.1.Other related laws and policies:

- Law No. 82 of 2016 and its amendments "Regarding Combating Irregular Migration": This law has been criticized locally and internationally for failing to adhere to any protection requirements for victims, refugees, asylum seekers, and other vulnerable groups in Egypt, resulting in widespread violations against Egyptians and non-Egyptians.
- Prime Ministerial Decree No. 369 of 2023 Establishing a Protection Fund for Victims, Whistleblowers, and Witnesses: Which did not impose real protection and did not address violations of the law.
- Cabinet Decision No. 3326 of 2023: Which exploits the situation of irregular migrants and forces them to pay a thousand dollars in order to legalize their status. The Refugee Platform has documented dozens of arrests and detentions with the aim of forcing people to pay money to the authorities.
- Presidential Decree 444 of 2014, which militarized border areas and those adjacent to the border, causing widespread violations - as well as its amendments - against local communities on the southern border with Sudan and the western border with Libya, including forced displacement, military trials of civilians, targeting with bombing, and denial of access to civil society services and relief agencies to these areas.

4.2. EU and International Law Violations

- The EU's partnership with Egypt is premised on the false assumption that Egypt is a "safe third country," despite overwhelming evidence to the contrary.
- By outsourcing migration control to Egypt, the EU seeks to evade its own legal obligations under the principle of non-refoulement and the right to seek asylum.
- International legal experts affirm that responsibility for violations cannot be avoided by delegating migration control to third countries.

5. Non-State Actors and Technology

- Over the past few years, private companies with ties to the security services have been issuing entry visas to Egypt for refugees fleeing conflicts and wars, such as those from Syria, Sudan, and Palestine. These companies, known as "security approvals," charge fees ranging from $2,000 to $10,000. These companies appear to be civilian entities, but are subordinate to Egyptian national security, exploiting the humanitarian crisis in these countries and exploiting their security and rights to movement and asylum.
- International organizations (e.g., IOM) and private contractors are involved in migration management, often with limited transparency or accountability.
- Surveillance and border technologies provided by the EU are used to track, detain, and deport migrants, raising serious privacy and due process concerns137.

6. Recommendations

To the EU and Member States

- Suspend all migration cooperation and funding to Egypt until independent, transparent, and effective human rights monitoring mechanisms are established.
- Ensure that any agreements comply with international human rights and refugee law, including the principle of non-refoulement.
- End the criminalization of irregular migration and guarantee the right to leave any country, including one's own.

To the Egyptian Government

- Adopt comprehensive national legislation in line with the 1951 Refugee Convention and its Protocol, ensuring legal protection for all refugees and asylum seekers.
- End arbitrary detention, torture, and forced deportations of migrants and refugees.
- Guarantee access to basic services and due process for all, regardless of status.
- Allow independent civil society organizations to operate freely and participate in policy development.

To the International Community

- Hold both Egypt and the EU accountable for violations resulting from externalization policies.
- Support independent monitoring, documentation, and legal assistance for affected migrants and refugees.

This submission is based on documented evidence and direct testimonies collected by the Refugees Platform in Egypt. We request that our contribution be published in full on the mandate's website.