

Brussels, 16 September 2024

Subject: The addition of Egypt, Morocco and Algeria as safe countries of origin

To the attention of Prime Minister Harris, Tánaiste Martin, Minister McEntee, Minister O’Gorman and Minister Browne

We, the undersigned human rights non-governmental organizations, are writing to you with utmost concern regarding your recent decision to designate Egypt and Morocco as safe countries of origin. We urge you to reconsider the policy of classifying third countries as "safe countries of origin," noting that Algeria was similarly designated in January 2024 despite the ongoing deterioration of the human rights situation in the country.

We oppose this practice that significantly undermines the prospects for asylum seekers to secure international protection by imposing a greater burden of proof on applicants and by subjecting them to expedited procedures that may violate their rights as outlined in the Refugee Convention, including their entitlement to a fair and efficient asylum process.

In the case of Egypt, there has been no indicator of any progress that could justify your recent decision. Similarly to our [demand to the Italian authorities](#), we urge you to reconsider this decision and remove Egypt from your list of safe countries.

With an estimation of over 60 thousand political detainees in Egypt, the country remains a “republic of fear” where anyone is at risk of serious human rights violations for either voicing dissenting opinions, supporting anyone criticizing the President or the regime, or being related to anyone doing so. Echoing the [Irish Refugee Council’s assessment](#) in its submission to the Irish Ministry of Justice ahead of your decision, Egypt is far from meeting the requirements of section 72 of the International Protection Act of 2015. Our organizations have been documenting and reporting the trends of grave human rights abuses in the country, including politically motivated persecution, torture by state security forces, inhumane detention conditions, and the closure of civic space. The authorities are systematically targeting, intimidating and harassing human rights defenders, lawyers, journalists, bloggers, academics, artists, politicians, students, other activists and their relatives, even transnationally, for peacefully exercising their human rights. They systematically face bogus terrorism-related charges, leading to long periods of arbitrary detention and other arbitrary restrictions of their freedoms.

The most recent political case was the imprisonment of [Ahmed Al Tantawi](#), the only credible candidate for the [Presidential elections](#) of December 2023, who was forced to pull out and then sentenced to one year in prison for forgery and a five-year ban from running in elections. Twenty-two of his campaigners were also prosecuted and sentenced to one year in prison for printing and distributing electoral papers without permission, and over 194 of his supporters were detained,

some facing unfounded terrorism-related charges. This case demonstrates that any political activity perceived as opposing the President will encounter harsh repression.

Furthermore, in December 2023, the [UN Committee against Torture](#) expressed concern over the lack of a proper legislative framework prohibiting torture in the Egyptian legal system, and about the reports indicating that torture is routinely used to extract confessions and that confessions obtained through torture are invoked against defendants in court as evidence of their guilt. The Committee also raised its concerns over the reportedly widespread use of incommunicado detention, and by the reported rising trend in enforced disappearances, amongst many other concerns. Notably, the European Parliament has

adopted seven resolutions since 2016, with similar concerns and more on the deterioration of the human rights situation in the country [[2016, February 2018, December 2018, 2019, 2020, 2022, and 2023](#)].

In the case of Morocco, there has been no indicator of any progress that could justify your recent decision. Similarly to the case of Italy and Belgium, the signatories of this letter urge you to reconsider this decision and remove Morocco from your list of safe countries.

Although Morocco has made progress on human rights, there remain concerns regarding freedom of expression, freedom of the press, and rights of assembly and association. Journalists, activists and protesters are and can still be harassed or imprisoned. In its 2024 report on the state of freedoms in Morocco, and more specifically freedoms of expression and the press, the National Body Supporting Prisoners of Conscience and Victims of Violations of Freedom of Expression lists 43 cases of infringement, with 20 of those directly linked to the national movement opposed to normalization with Israel.

Notwithstanding the reform the Family Code is undergoing in 2024 and other legal reforms such as the law 103-13 against gender-based violence, and despite ongoing advocacy legal and societal challenges faced by minorities remain significant in Morocco. Women and minorities, including [LGBTQ+ people](#), do and can still face discrimination and violence. In Morocco, same-sex sexual activity is criminalized under Article 489 of the Moroccan Penal Code. This law states that "any person who commits lewd or unnatural acts with an individual of the same sex" can be punished with imprisonment from six months to three years and a fine. In its subsequent 490 Article, the Penal Code criminalizes sexual relations outside of marriage, which disproportionately affects women who can be arrested, prosecuted, and punished for engaging in consensual sexual relationships outside of wedlock.

Finally, and in the case of migrants and refugees present on the Moroccan territories, the country cannot be considered safe since it does not guarantee the fundamental rights of all people on its soil. The living conditions of migrants, often precarious and dangerous, reflect a failure to provide a safe and dignified environment. Makeshift camps, violence, and limited access to essential services such as health and education highlight an inability to protect the most vulnerable. The Law 02-03 on migration, although existing to regulate the entry and stay of foreigners, is criticized for its lack of procedural guarantees and protections of migrants' rights including detentions without trial and expulsions without adequate legal recourse.

In Algeria, since the uprising began in spring 2019, the authorities have been severely repressing the Hirak movement despite its peaceful nature. The repression forced many human rights defenders to leave the country to continue their activities. Thousands of demonstrators, including human rights defenders, activists, lawyers and journalists covering the protests, have been arbitrarily detained, arrested and sometimes violently restrained, simply for exercising their rights to freedom of association, assembly and expression. Many were prosecuted on spurious charges such as "publication of documents likely to harm national interests", "undermining the integrity of national territory", "inciting an unarmed gathering", "unarmed gathering", and even "terrorism". Special Rapporteur on the rights to freedom of peaceful assembly and of association Clément Voule [raised several concerns](#) at the end of his official visit in Algeria in September 2023, highlighting the extent of the repression and the need for concrete action to protect human rights in the country.

The judiciary regularly uses ambiguous legal provisions to subject human rights defenders to unfair trials and to keep them under its control. The authorities rely on charges such as "destabilizing state security", "undermining national unity" and "disturbing public order", frequently depriving individuals of their liberty without transparency or due process. Journalists and the media are also targeted, as illustrated by the sentencing of journalist [Ihsane El Kadi](#) to seven years in prison in June 2023.

According to a count by lawyers and human rights activists, more than 200 people have been detained for expressing a dissenting opinion.

We urge that these elements be central to your assessment and lead to a reconsideration of your decision, resulting in the removal of Egypt, Morocco, and Algeria from your list of “safe countries of origin”, and ultimately, the abandonment of the listing of countries of origin as “safe” altogether.

Sincerely,

1. Adala for the right to a fair trial (Morocco)
2. Cairo Institute for Human Rights Studies
3. Center for Legal Aid - Voice in Bulgaria
4. Centre for Peace Studies
5. Collective of the Families of the disappeared in Algeria (CFDA)
6. Committee for Justice
7. Democratic Organisation of Immigrant Workers
8. Egyptian Forum for Human Rights

9. Egyptian Front for Human Rights
10. EgyptWide for Human Rights
11. EuroMed Rights
12. Greek Council for Refugees (GCR)
13. Hijra Legal Clinic
14. Human Rights Association (İnsan Hakları Derneği - İHD)
15. Human Rights League (LDH)
16. HuMENA for Human Rights and Civic Engagement
17. International Federation for Human Rights (FIDH)
18. Justitia Center for legal protection of human rights in Algeria
19. KISA Cyprus
20. Moroccan Association for Human Rights (AMDH)
21. Refugees Platform in Egypt
22. Safeguard Committee of the disbanded Algerian League for the Defence of Human Rights
23. Sinai Foundation for Human Rights
24. Tamkeen for Legal Aid and Human Rights
25. The Collective of Sub-Saharan Communities in Morocco (CCSM)