

Freedom in the World 2016 - Egypt

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Freedom Status: Not Free

Aggregate Score: 27

Freedom Rating: 5.5

Political Rights: 6

Civil Liberties: 5

Quick Facts

Population: 89,074,000

Capital: Cairo

GDP/Capita: \$3,198.70

Press Freedom Status: Not Free

Net Freedom Status: Not Free

OVERVIEW

President Abdel Fattah al-Sisi continued to wield both executive and legislative powers in 2015, with no elected legislature in place since the July 2013 coup against then president Mohamed Morsi, which also dissolved the parliament. Legislative elections were finally held in late 2015 following a brief and tightly managed campaign period. The new, overwhelmingly progovernment parliament was scheduled to hold its first session in early 2016.

The government harshly restricted dissent and assembly by activists from across the political spectrum during the year. The media were also targeted, with authorities harassing and sometimes jailing journalists who reported on political opposition of any kind.

An armed insurgency based in the Sinai Peninsula continued to grow. In July, the state of emergency and nighttime curfew in Northern Sinai were extended for the third time following sophisticated attacks by a local affiliate of the Syria-based Islamic State (IS) militant group.

Authorities also continued to demolish homes near the border with the Gaza Strip in an effort to halt the flow of weapons and militants through the area.

POLITICAL RIGHTS AND CIVIL LIBERTIES

Political Rights: 9 / 40 (+1)

A. Electoral Process: 3 / 12 (+1)

In July 2013, following massive protests calling for the resignation of elected president Mohamed Morsi of the Muslim Brotherhood's Freedom and Justice Party (FJP), the armed forces overthrew Morsi, suspended the constitution, and dissolved the upper house of parliament. The military – led by Sisi, then the armed forces commander and defense minister – installed a nominally civilian interim government but remained heavily involved in the political system. The courts had already dissolved the FJP-dominated lower house of parliament in 2012.

A new constitution was adopted by referendum under tightly controlled conditions in January 2014. The document nominally improved protections for women's rights, freedom of expression, and other civil liberties. However, these rights have not been enforced in practice, and the charter suffers from significant flaws, including an expansion of police and military autonomy and a provision allowing military trials of civilians.

With the new constitution in place, a presidential election was held in May 2014. Sisi resigned his post as head of the armed forces to stand as a candidate, and garnered more than 95 percent of the vote against a single opponent, leftist politician Hamdeen Sabbahi. However, no independent international monitors were able to verify the results. The vote was also marred by low turnout, the use of state resources to support Sisi's candidacy, voter intimidation, and arrests and assaults of poll monitors. With no legislature in place following his election, President Sisi ruled by decree.

Scheduled elections for a new, unicameral parliament were repeatedly delayed. In March 2015, the Supreme Constitutional Court (SCC) ruled that some articles in the electoral law were unconstitutional, but the government did not amend the provisions until July. The amendments increased the number of seats filled through two-round elections in single-member districts from 420 to 448, or 75 percent of the total. The number of seats allocated through party-list voting, with the leading bloc in each of four multimember districts winning all the seats in that district, remained the same at 120, as did the number of seats reserved for presidential appointees at 28. Also in July, Sisi abrogated a decree passed by former interim president Adli Mansour that required the SCC to rule on challenges to the constitutionality of election-related laws within five days of hearing the case. Critics warned that the move would allow the court to deem a parliament unconstitutional well after it is seated.

Parliamentary elections ultimately took place in two stages from October to December 2015, again featuring low turnout, intimidation, and abuse of state resources. The progovernment coalition For the Love of Egypt, consisting of some 10 parties, won all 120 bloc-vote seats. Independents, a number of whom were aligned with the coalition, won 351 of the constituency seats, and the coalition parties' candidates generally outpolled their rivals in the remaining districts. Just three parties outside For the Love of Egypt won more than 10 seats: Protectors of the Homeland (18), the Republican People's Party (13), and Al-Nour (11). Many parties boycotted the elections and voiced

serious reservations about their fairness, accusing security forces of harassment and intimidation. Groups that joined the boycott included two moderate Islamist parties, Al-Wasat and the Strong Egypt Party, and Egypt Awakening, a coalition of liberal and leftist parties. The FJP remained banned due to its affiliation with the outlawed Muslim Brotherhood. Al-Nour, a Salafist party, was the only major Islamist group to participate in the elections.

B. Political Pluralism and Participation: 4 / 16

The government systematically persecutes opposition parties and political movements, disrupting their operations and constraining their ability to organize. Large numbers of Muslim Brotherhood members and supporters, including nearly all of the organization's senior leadership and Morsi himself, were arrested following the coup, and arrests continued through 2015. Civil society organizations estimate that as many as 40,000 people were being detained for political reasons as of 2015, most of them for real or suspected links to the Muslim Brotherhood. Authorities declared the Brotherhood a terrorist organization in December 2013, which allowed them to charge anyone participating in a pro-Morsi demonstration with terrorism and laid the foundation for the complete political isolation of the Islamist opposition.

The government has also persecuted non-Islamist critics and parties. In September 2015, the socialist Bread and Freedom Party alleged that interference by state security forces prevented it from legally registering. Alaa Abdel Fattah, perhaps Egypt's best-known secular activist, was sentenced to five years in prison in February for violating a highly restrictive law on public protests. The April 6 movement, one of the prodemocracy groups that catalyzed the January 2011 uprising against longtime authoritarian president Hosni Mubarak, was banned in 2014. The government detained the group's general coordinator, Amr Ali, in September 2015 in what was initially believed to be a forced disappearance. Ali was later confirmed to be in the notorious Tora prison, where he remained at year's end without formal charges.

Since the 2013 coup, the military has dominated the political system. The new constitution increased the military's independence from civilian oversight, including through the selection process for the post of defense minister, who must be a military officer. President Sisi, a former general, has ruled in a style that entrenches military privilege and shields the armed forces from accountability for their actions.

The new constitution banned parties based on religion, though a number of Islamist parties continue to operate in a precarious political and legal position. Coptic Christians, who account for some 10 percent of the population, are allocated 24 of the parliament's 120 party-list seats, and the 2015 election results indicate that their representation is almost entirely dependent on this quota system. The Coptic Church leadership has allied itself with President Sisi since the coup, apparently to ensure the security of its constituents. The party-list quotas also set aside small numbers of seats for women, workers and farmers, people under 35, people with disabilities, and Egyptians living abroad.

C. Functioning of Government: 2 / 12

Corruption is pervasive at all levels of government. Egypt was ranked 88 out of 168 countries and territories in Transparency International's 2015 Corruption Perceptions Index. Official mechanisms for investigating and punishing corrupt behavior remain very weak, and the major prosecutions that

began after Mubarak's ouster in 2011 have faltered since the 2013 coup. In May 2015, Mubarak was deemed to have completed a three-year sentence for embezzlement, though he remained confined to a military hospital and still faced retrial in another case at year's end. In October, a court ordered the release of Mubarak's two sons with time served for their own corruption sentences, but separate charges against them for insider trading remained pending.

There were several notable convictions in corruption cases in 2015. In July, Mubarak-era prime minister Ahmad Nazif was sentenced to five years in prison, fined \$7 million, and ordered to return more than \$6 million in state funds. In September, another Mubarak regime figure, former housing minister Mohamed Ibrahim Soliman, was sentenced to three years in prison and ordered to pay millions of dollars in fines and restitution to the state. Also in September, Agriculture Minister Salah Helal was arrested on corruption charges and forced to resign.

Although noteworthy, such high-profile prosecutions remain exceptional in a climate of general impunity. In July, Sisi issued a decree granting the president the power to dismiss the heads of state auditing bodies, further undermining their independence.

As with its predecessors, the Sisi administration has offered very little transparency regarding government spending and operations. The International Budget Partnership gave Egypt a score of 16 out of 100 for budget transparency in its most recent assessment. The government missed key deadlines for finalizing the budget in 2015, which was approved without input from civil society or the public at large. The military is notoriously opaque with respect to its own extensive business interests, including in major projects like the "New Suez Canal," and regarding multibillion-dollar arms deals with various foreign powers.

Civil Liberties: 18 / 60

D. Freedom of Expression and Belief: 5 / 16

Military authorities shut down virtually all Islamist and opposition media outlets following the 2013 coup and pressured others if they carried any critical coverage of the new government. As a result, state media and most surviving private outlets strongly support Sisi and the military.

Official censorship and self-censorship remained widespread in 2015. The Association for Freedom of Thought and Expression, an Egyptian rights organization, documented 172 press freedom violations in the first half of the year, including censorship and physical abuse. Arrests of journalists on dubious charges continued, and media workers had increasing difficulty accessing or reporting on the Sinai. Although the three Al-Jazeera journalists sentenced in 2014 to at least seven years in prison were eventually freed or pardoned in 2015, the Committee to Protect Journalists found that 23 journalists remained behind bars as of December 2015, making Egypt second only to China for the number of reporters detained.

State interference in the publication and circulation of newspapers persisted during the year. In August, *Al-Mesryoon*, *Al-Sabah*, and *Sawt al-Ummah* were stopped from publishing issues or had issues destroyed before distribution due to state objections to their content. Civil society activists also criticized the regular issuance of gag orders preventing news outlets from covering sensitive legal cases.

A draft cybercrime law circulated in April 2015 was denounced by civil society groups for using vague language that could criminalize dissent online under the pretext of fighting legitimate offenses such as hacking. The law would impose a life sentence without the possibility of parole if the purpose of the crime is to disrupt public order, jeopardize citizen safety, or harm national unity and social peace. The law was approved by the cabinet in May, but it had not been approved by Sisi or implemented by year's end.

Islam is the state religion, and most Egyptians are Sunni Muslims. Coptic Christians form a substantial minority, and there are very small numbers of Jews, Shiite Muslims, atheists, and Baha'is. The 2014 constitution made the right to freedom of religion "absolute" and was well received by religious minorities, though little has changed in practice since the document's adoption. Abuses against Copts continued in 2015, with numerous cases of forced displacement, physical assaults, bomb and arson attacks, and blocking of church construction. Christians were also arrested on charges of proselytizing, and similar allegations against Shiites led to the closure of a charity and the arrest of an activist.

Academic freedom has suffered since the 2013 coup. Despite a ban on political protests, universities have been a center of antigovernment demonstrations and the target of government crackdowns. In January 2015, Sisi issued a decree that allowed for the dismissal of university professors who engage in on-campus political activity.

Private discussion has become more guarded in the face of vigilantism and increased monitoring of social media for critical content. Media personalities have called on the public to inform on anyone they suspect of undermining the state, and some arrests have reportedly stemmed from overheard conversations in public places. Social-media users have faced arrest or prosecution for alleged offenses ranging from blasphemy to inciting protests or opposing the government online.

E. Associational and Organizational Rights: 4 / 12

Freedoms of assembly and association are tightly restricted. A November 2013 decree gave police great leeway to ban and forcibly disperse gatherings of 10 or more people. The law also prohibits all protests at places of worship and requires protest organizers to inform police at least three days in advance. Protests against the government were mounted throughout 2015, but they often ended in violent clashes with police and local residents, and police repeatedly used excessive force. On the anniversary of the 2011 uprising in January, authorities responded to Islamist demonstrations with tear gas and live ammunition, resulting in at least 23 deaths and 516 arrests, according to the government.

The 2002 Law on Associations grants the government sweeping powers over nongovernmental organizations (NGOs), including the ability to shut down the groups, confiscate their funding, and block nominations to their governing boards. Individuals working with unregistered groups face prison terms. The government has in the past permitted NGOs to operate without registration, enforcing the law selectively. Under a 2014 decree, members of NGOs who use foreign funding to commit acts that "harm the national interest" face life imprisonment and fines of 500,000 Egyptian pounds (\$56,000). If an offender is a public servant or committed the violation for the purposes of terrorism, he or she could face the death penalty. Egyptian NGOs faced harassment in the form of office raids, arrests of members, and restrictions on travel throughout 2015. Hundreds of NGOs

were shut down and had their assets confiscated due to alleged connections to the Muslim Brotherhood.

Strikes played a significant role in the 2011 uprising, and workers formed two independent union federations in 2011 and 2013, ending the long-standing monopoly of a state-allied federation. Strikes continued amid ongoing economic problems in 2015, with more than 1,100 labor protests reported, though this marked a decline from previous years. Authorities responded to the actions with raids, arrests, and intimidation. In April, a high-level court ruled that any government employee who participates in strikes or sit-ins would be forced into retirement; the decision was overturned in December.

F. Rule of Law: 2 / 16

The Supreme Judicial Council, a supervisory body of senior judges, nominates most members of the judiciary. However, the Justice Ministry plays a key role in assignments and transfers, giving it undue influence over the courts. Judges played a leading role in the drafting of the 2014 constitution, which significantly enhanced the judiciary's autonomy, including by allowing each major judicial entity to receive its budget as a single line item and permitting the SCC to appoint its own chairman.

A number of criminal cases in 2015 featured severe violations of due process and demonstrated a high degree of politicization in the court system, which typically resulted in harsh punishments for perceived enemies of the government. At least 538 people were sentenced to death in 2015, including a final sentence for 183 people in a mass trial of alleged Muslim Brotherhood supporters who were accused of killing 11 police officers and two civilians in 2013. At least 22 people were executed during the year.

Although the constitution limits military trials of civilians to crimes directly involving the military, its personnel, or its property, an October 2014 presidential decree placed all "public and vital facilities" under military jurisdiction, resulting in the referral of thousands of civilian defendants to military courts. Charges brought in military courts are often vague or fabricated, defendants are denied due process, and basic evidentiary standards are routinely disregarded.

Police brutality and impunity for abuses by security forces were catalysts for the 2011 uprising, but no reforms have been enacted. Reports of alleged extrajudicial killings and forced disappearances increased markedly in 2015, with estimates among various NGOs ranging from dozens to several hundred cases. Prison conditions are very poor; inmates are subject to torture, overcrowding, and a lack of sanitation and medical care. An estimate based on media reports found more than 600 cases of torture and 137 people killed in detention in 2015. A highly controversial August 2015 antiterrorism law provided a vague definition for terrorism and granted law enforcement personnel sweeping powers and immunity while carrying out their duties.

Egypt was under a state of emergency from 1981 until May 2012, and for three months following the 2013 coup. The Emergency Law grants the government extensive powers of surveillance and detention. A state of emergency and nighttime curfew have been in place since October 2014 in Northern Sinai, with repeated three-month extensions. A decree extending the measures in July 2015 followed coordinated attacks by the region's IS affiliate that killed dozens of soldiers.

LGBT (lesbian, gay, bisexual, and transgender) people face severe persecution, and conditions have grown worse under the Sisi regime. While same-sex sexual activity is not explicitly banned, LGBT people have been charged with prostitution or debauchery. In January 2015, a court acquitted 26 men of debauchery charges after they were arrested in a televised raid on a Cairo bathhouse in late 2014. New raids and arrests were reported over the course of 2015.

G. Personal Autonomy and Individual Rights: 7 / 16

Freedom of movement and property rights were severely affected by the government's counterinsurgency efforts in the Sinai in 2015. In addition to the curfew, checkpoints, and other travel restrictions, the military has summarily demolished buildings in the town of Rafah to create a buffer zone along the border with the Gaza Strip, displacing thousands of families and destroying over 3,000 homes and other structures as of late 2015. Authorities also pumped seawater into smuggling tunnels in the area, raising health and environmental concerns.

The Sisi regime has periodically denied entry to foreign scholars or activists, and detained Egyptian dissidents or journalists when they visited the country from abroad or sought to leave. Among other cases in 2015, officials refused to renew the passport of opposition politician Ayman Nour, who left Egypt after the 2013 coup and was living in Lebanon.

The 2014 constitution clearly affirms the equality of the sexes, but this has not resulted in practical improvements for women. Thanks in large part to quotas, women won 75 seats in the 596-seat parliament in 2015, and another 14 were appointed by the president. Some laws and traditional practices discriminate against women, job discrimination is common, and Muslim women are disadvantaged by personal status laws. Domestic violence is widespread, and spousal rape is not illegal. Other problems include forced marriages and high rates of female genital mutilation or cutting.

Violence against women has surfaced in new ways since 2011, particularly as women have participated in demonstrations and faced increased levels of sexual violence in public. A 2014 decree criminalized sexual harassment, with prison terms of up to five years, as part of a national strategy to combat violence against women. Critics argued that the law was inadequate and the strategy was failing, citing a lack of protection for witnesses, continued cases of group sexual harassment in public, and harassment by police officers, which deters women from reporting crimes.

Egyptian women and children, migrants from sub-Saharan Africa and Asia, and increasingly Syrian refugees are vulnerable to forced labor and sex trafficking in Egypt. The Egyptian authorities routinely punish individuals for offenses that stemmed directly from their circumstances as trafficking victims.

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