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Freedom in the World 2008 - Egypt

Capital: Cairo

Population: 73,400,000

Political Rights Score: 6

Civil Liberties Score: 5

Status: Not Free

Trend Arrow ↓

Egypt received a downward trend arrow due to its suppression of journalists' freedom of expression, repression of opposition groups, and the passage of constitutional amendments that hinder the judiciary's ability to balance against executive excess.

Overview

Egyptians voted in 2007 for constitutional amendments that many warned would enshrine aspects of the Emergency Law and curtail political rights and civil liberties. Also during the year, opposition groups, particularly the Muslim Brotherhood, faced a renewed government crackdown on their activities. Journalistic freedom was set back when several high-profile editors were arrested for publishing information on President Hosni Mubarak's ill health.

Egypt formally gained independence from Britain in 1922 and acquired full sovereignty following World War II. After leading a coup that overthrew the monarchy in 1952, Colonel Gamel Abdel Nasser established a state centered on the military hierarchy that he ruled until his death in 1970. The constitution adopted in 1971 under his successor, Anwar al-Sadat, established a strong presidential political system with nominal guarantees for political and civil rights that were not fully respected in practice. Sadat signed a peace treaty with Israel in 1979 and built a strong alliance with the United States, which has provided the Egyptian government with roughly \$2 billion in aid annually for the last quarter-century.

Following Sadat's assassination in 1981, then vice president Hosni Mubarak became president and declared a state of emergency, which has been in force ever since. Despite abundant foreign aid, the government failed to implement comprehensive economic reforms. A substantial deterioration in living conditions and the lack of a political outlet for many Egyptians fueled an Islamist insurgency in the early 1990s. The authorities responded by jailing thousands of suspected militants without charge and cracked down heavily on political dissent. Although the armed infrastructure of Islamist groups had been largely eradicated by 1998, the government continued to restrict

political and civil liberties as it struggled to address Egypt's dire socioeconomic problems.

High levels of economic growth in the late 1990s temporarily alleviated these problems, but the country experienced an economic slowdown after the 2001 terrorist attacks in the United States. Popular disaffection with the government spread palpably, and antiwar protests during the U.S.-led invasion of Iraq in 2003 quickly evolved into antigovernment demonstrations, sparking a harsh response by security forces.

The government embarked on an high-profile effort to cast itself as a champion of reform in 2004. Mubarak removed several "old guard" ministers, appointed a new cabinet of younger technocrats, and introduced some economic reforms. However, the awarding of all key economic portfolios to associates of the president's son, Gamal Mubarak, raised concerns that the changes were simply preparations for a hereditary transition.

Meanwhile, a consensus emerged among leftist, liberal, and Islamist political forces as to the components of desired political reform: direct, multicandidate presidential elections; the abrogation of emergency law; full judicial supervision of elections; the lifting of restrictions on the formation of political parties; and an end to government interference in the operation of nongovernmental organizations (NGOs). The opposition nevertheless remained polarized between unlicensed and licensed political groups, with the latter mostly accepting the regime's decision to put off reform until after the 2005 elections.

In December 2004, Kifaya (Arabic for "enough"), an informal movement encompassing a broad spectrum of secular and Islamist activists, held the first-ever demonstration explicitly calling for Mubarak to step down. Despite a heavy-handed response by security forces, Kifaya persisted with the demonstrations in 2005, leading other opposition groups to do likewise.

While reluctant to crack down decisively on the protests for fear of alienating the West, the government was quick to detain opposition leaders who crossed the line. Authorities arrested and eventually convicted Al-Ghad (Tomorrow) Party chairman Ayman Nour on charges of forging signatures in his party's petition for a license. Almost simultaneously, Mubarak called for a constitutional amendment that would allow Egypt's first multicandidate presidential election. The amendment restricted eligibility to candidates nominated by licensed parties or a substantial bloc of elected officials. Consequently, all major opposition groups denounced the measure and boycotted the referendum that approved it.

The presidential election campaign was characterized by open and contentious public debate as well as an unprecedented assertion of judicial independence. The Judges' Club, a quasi-official syndicate, successfully pressured the authorities to permit more direct (if inadequate) judicial supervision of the voting.

Still, the results were predictably lopsided, with Mubarak winning 88 percent of the vote. Three rounds of legislative elections in November and December 2005 featured a strong showing by the Muslim Brotherhood, which increased its representation in parliament sixfold, but otherwise confirmed the dominance of the ruling National Democratic Party (NDP). Voter turnout was low, and violent attacks on opposition voters by security forces and progovernment thugs abounded. Judges criticized the government for failing to prevent voter intimidation and refused to certify the election results, prompting authorities to suppress judicial independence in 2006.

Egypt that year experienced a surge in terrorist violence, leading some analysts to declare the return of Islamist militant activity after a seven-year lull. In April 2006, three bombs exploded simultaneously in the Sinai resort of Dahab, killing at least 23 people.

The government postponed the 2006 municipal elections until 2008. Mubarak argued that time was needed for reforms to make the process more democratic and grant the municipal councils greater powers. In reality, the government feared that another strong

showing by the Muslim Brotherhood would affect the next presidential election in 2011. After giving it some leeway in 2005-06, the authorities in 2007 renewed their crackdown on the Brotherhood, arresting prominent members, freezing its assets, and limiting its participation in June elections for the Shura Council. The group failed to win any seats on the Council. The government also rejected Ayman Nour's bid to be released for health reasons. Despite this fresh repression of the opposition, a new political party, the Democratic Front, was formed in 2007 by Osama al-Ghazali Harb, a former member of the NDP.

In March 2007, a set of 34 constitutional amendments were submitted to a national vote. Official reports stated that only 25 percent of eligible voters participated, with 76 percent of those approving the proposals, but independent monitors put the turnout closer to 5 percent. Opposition leaders boycotted the referendum on the grounds that the amendments would limit judicial monitoring of elections and prohibit the formation of political parties based on religious principles. The Judges' Club accused the government of ballot stuffing and vote buying. The Shura Council elections that June were similarly marred by irregularities.

Also in 2007, Egyptian newspapers reported on the ill health and possible death of President Mubarak, prompting the government to arrest a number of well-known editors for publishing "false reports insulting the president and harming the symbols of the ruling party."

Economic reform continued steadily in 2007. The World Bank ranked Egypt number 1 out of 155 countries for trade-policy reforms. It was also one of the top 10 economic reformers in the World Bank's Doing Business survey. However, the continued growth of the informal economic sector, which represents an estimated 35 percent of gross domestic product, is a barrier to future economic growth and reform. Inflation reached an estimated 12 percent in 2007, and the price of bread increased over 25 percent. There have been a number of public protests over the lack of government services, particularly the delivery of water. Despite Egypt's poor human rights record over the decades, in 2007 it was elected to the UN Human Rights Council.

Political Rights and Civil Liberties

Egypt is not an electoral democracy. The process of electing the president, who serves unlimited six-year terms and appoints the prime minister, cabinet, and all 26 provincial governors, is not fully competitive. Article 76 of the constitution, as amended in May 2005, requires that prospective presidential candidates either sit on the executive board of a political party controlling at least 5 percent of the seats in both houses of parliament or secure the support of 250 members of parliament and municipal councils.

The 454-seat People's Assembly (Majlis al-Sha'b), or lower house of parliament, exercises only limited influence on government policy, as the executive initiates almost all legislation. Ten of its members are appointed by the president, and the remainder are popularly elected to five-year terms. The 264-seat upper house, the Consultative, or Shura, Council (Majlis al-Shura), functions only in an advisory capacity. The president appoints 88 of its members; the rest are elected to six-year terms, with half coming up for election every three years. As a result of government restrictions on the licensing of political parties, state control over television and radio stations, and systemic irregularities in the electoral process, legislative elections do not meet international standards. Owing mainly to closer judicial supervision of the polls, presidential and parliamentary elections in 2005 witnessed fewer allegations of massive fraud than preceding polls, but there were widespread irregularities in both, and international monitors were prohibited.

The recent constitutional amendments of 2007 now allow citizens to form political parties "in accordance with the law," but no party can be based on religion, gender, or ethnic origin. Previously, new parties required the approval of an NDP-controlled body linked to the Shura Council. Religious parties have long been banned, but members of the Muslim Brotherhood have competed as independents. Also under the new rules, a

party must have been established and continuously operating as a party for at least five consecutive years and occupying at least 5 percent of the seats in parliament in order to nominate a presidential candidate. Another constitutional amendment in 2007 established an electoral commission to oversee all elections by forming general committees consisting of members of the judiciary. However, judicial independence remains weak, and the continuation of the Emergency Law undermines any formal enhancement of democratic rights and institutions.

The June 2007 Shura Council elections put the new constitutional amendments into practice. Police detained a number of Muslim Brotherhood members on election day, including six candidates, for violating the ban on religious parties. Observers also reported that only NDP supporters were allowed to enter many polling stations. Clashes outside one polling station resulted in the death of an opposition supporter. Egyptian newspapers also reported that NDP-affiliated election observers received bribes to promote NDP candidates.

The Muslim Brotherhood faced a severe crackdown on its activities and numerous arrests of its members in 2007. Human Rights Watch collected the names of 1,000 Muslim Brotherhood members who were arrested between March 2006 and March 2007, and claimed that 223 Muslim Brothers were still in detention as of May 2007. Many of the detentions followed the announcement of the Brotherhood's new political platform. Essam al-Erian, a prominent Brotherhood member and spokesman, was one of those arrested. In May 2007, Sabri Amer and Ragab Abu Zeid, two members of parliament associated with the Muslim Brotherhood, were stripped of their immunity. As of August 2007, 40 high-profile Brotherhood members, including deputy leader Khairat al-Shatir, had been charged with terrorism and money laundering. Al Shatir was detained in December 2006 in a predawn raid along with several students from al Azhar University. Egyptian courts froze the assets of 29 Brotherhood financiers in February 2007 and put them on trial for financing terrorism. President Hosni Mubarak then ordered the transfer of all 40 Muslim Brotherhood cases to military court, where they are still being prosecuted.

Corruption in Egypt is pervasive. Investors frequently complain that bribery is necessary to overcome bureaucratic obstacles to doing business. Some form of payment or influence, known as *wasta*, is needed to get virtually anything done – from expediting paperwork to finding employment or obtaining seats in parliament. Newspapers have increased their reporting on high-profile corruption cases, but small, daily acts of corruption are a part of every Egyptian's life. In 2006, the opposition Kifaya movement published an extensive report on corruption, concluding that the problem was hampering Egypt's economic, social, and political development. Egypt was ranked 105 out of 180 countries surveyed in Transparency International's 2007 Corruption Perceptions Index.

Freedom of expression is restricted by vaguely worded statutes criminalizing direct criticism of the president, the military, and foreign heads of state, as well as speech that is un-Islamic, libelous, harmful to the country's reputation, or disruptive to sectarian coexistence. The government passed a new press law in July 2006 that abolished custodial sentences for libel, but also increased the fines that could be imposed. Journalists and human rights groups say the bill puts new limits on press freedom because it allows judges to determine whether imprisonment is appropriate for related offenses other than libel.

The government encourages legal political parties to publish newspapers, but restricts the licensing of nonpartisan newspapers and exercises influence over all privately owned publications through its monopoly on printing and distribution. The three leading daily newspapers are state controlled, and their editors are appointed by the president. Foreign publications and Egyptian publications registered abroad are subject to direct government censorship. Independent newspapers were allowed to open in 2005, but limitations on press freedom still abound, especially when reporters attempt to cover issues the government does not want to highlight.

In 2007, several prominent newspaper editors were arrested for publishing reports on the ill health of President Mubarak and editorials demanding more information from the government. In September, four editors – Ibrahim Issa of *Al-Dustour*, Adel Hamouda of *Al-Fajr*, Wael al-Abrashi of *Sawt al-Umma*, and Abdul Halim Qandil of *Al-Karama* – were convicted of "insulting the president" and publishing false reports harming the ruling party; they were sentenced to a year in prison. The conviction of such well-respected editors was a shock to the journalistic community. Mohamed Sayyed Said, editor of *Al-Badil*, was tried for the same offenses. The government also used the state-run press to insult newspapers that reported on Mubarak's ill health. As a result, 22 newspapers went on strike in October 2007.

The government owns and operates all terrestrial broadcast television stations. Although several private satellite television stations have been established, their owners have ties to the government, and their programming is subject to state influence. Films, plays, and books are subject to censorship, especially on grounds of containing information that is "not in accordance with the principles of Islam" or harmful to the country's reputation. A number of books and movies have been banned based on the advice of the country's senior clerics. In 2007, the authorities detained Mohamed al-Darini, a leader of Egypt's small Shiite Muslim community, for promoting his 2006 book about being tortured while in detention.

The government does not significantly restrict or monitor internet use, but publication of material on the internet is subject to the same statutes as the regular press. The Muslim Brotherhood claimed that the government continued to pressure the country's main internet service providers to block access to its website. Blogger Abdul Monem Mahmood was arrested in April 2007 for belonging to the Brotherhood and defaming the government. He was released after 45 days in detention. Another blogger, Abdel Kareem Nabil Suleiman, was sentenced to four years in jail for "inciting hatred of Islam" and insulting the president; he had been arrested in 2006. His case was the first instance of a blogger being formally prosecuted for internet activities.

Islam is the state religion. The government appoints the staff of registered mosques and attempts to closely monitor the content of sermons in thousands of small, unauthorized mosques. Most Egyptians are Sunni Muslims, but Coptic Christians comprise a substantial minority and there are small numbers of Jews, Shiite Muslims, and Baha'is. Although non-Muslims are generally able to worship freely, religious expression considered deviant or insulting to Islam is subject to prosecution. Egyptian law does not recognize conversion from Islam to other religions, though Ali Gomaa, Egypt's grand mufti, said in July 2007 that conversion from Islam deserves "no worldly punishment" after an Egyptian court ruled that a group of Coptic converts to Islam could revert back to their original faith without penalty. Allegations of conversion sparked clashes between Muslims and Copts in 2007.

Anti-Christian employment discrimination is evident in the public sector, especially the security services and military. The government frequently denies or delays permission to build and repair churches. Muslim extremists have carried out several killings of Coptic villagers and frequent attacks on Coptic homes, businesses, and churches in recent years. In February 2007, clashes broke out between Muslims and Copts in Upper Egypt, leading security services to declare a state of siege in the town of Armant, when a number of stores owned by Copts were burned after allegations of a relationship between a Coptic woman and a Muslim man. Members of the Baha'i faith continue to be denied a range of civil documents, including identity cards, birth certificates, and marriage licenses.

Anti-Shiite sentiment is also on the rise, with many accusing the government of targeting Shiite figures including al-Darini and Ahmad Sobh of the Imam Ali Human Rights Center.

Academic freedom is limited in Egypt. Senior university administrators are appointed by the government, and the security services reportedly influence academic appointments and curriculum on sensitive topics. University professors and students have been

prosecuted for political and human rights advocacy outside of the classroom, and dozens of students were punished in 2007 for participating in the Free Student Union. The authorities arbitrarily block dissidents from leaving the country to attend high-profile academic events abroad.

Freedoms of assembly and association are heavily restricted. Organizers of public demonstrations must receive advance approval from the Interior Ministry, which is rarely granted. The Emergency Law allows arrest for innocuous acts such as insulting the president, blocking traffic, or distributing leaflets and posters. The government in 2007 banned the annual Muslim Brotherhood gathering as part of its renewed crackdown on the group.

The Law of Associations prohibits the establishment of groups "threatening national unity [or] violating public morals," bars NGOs from receiving foreign grants without the approval of the Social Affairs Ministry, requires members of NGO governing boards to be approved by the ministry, and allows the ministry to dissolve NGOs without a judicial order. Security services have rejected registrations, decided who could serve on boards of directors, harassed activists, and intercepted donations. In September 2007, the government used the associations law to shut down the Association for Human Rights Legal Aid, saying it had received foreign funding without permission.

The 2003 Unified Labor Law limits the right to strike to "nonstrategic" industries and requires workers to obtain approval for a strike from the government-controlled Egyptian Trade Union Federation, the only legal labor federation. There were a number of strikes by labor organizations, especially in the textiles industry, accompanied by a heavy handed government response in 2007. The Mahala Weaving Company staged a strike and sit-in in September. Additional spinning companies joined the strike when promises to redistribute annual profits did not materialize. Other industries also joined the stoppage, including real estate tax collectors, minibus drivers, and telephone workers. Labor unions were closed down as a result of the spreading labor unrest.

The Supreme Judicial Council, a supervisory body of senior judges, nominates and assigns most judges. However, the Justice Ministry controls promotions and compensation packages, giving it undue influence over the judiciary. A new Judicial Authority Law was passed in July 2006 that offered some concessions to judicial independence but fell short of the reforms advocated by the Judges' Club.

In May 2007, the official retirement age for judges was raised to 70 from 68. The Judges' Club argued that the government was simply trying to keep longtime NDP partisans in key positions, but said it would abide by the decision. Many judges also argued against the constitutional amendment establishing an elections commission as currently written, saying it would place limits on independent judicial monitoring of elections.

Egypt remains subject to the Emergency Law, invoked in 1981 and renewed most recently in April 2006 despite Mubarak's 2005 promise that it would be replaced with specific antiterrorism legislation. Under the Emergency Law, security cases are usually placed under the jurisdiction of exceptional courts that are controlled by the executive branch and deny defendants many constitutional protections. The special courts issue verdicts that cannot be appealed and are subject to ratification by the president. Although judges in these courts are usually selected from the civilian judiciary, they are appointed directly by the president. Arrested political activists are often tried under the Emergency Law. The recently approved amendments to the constitution essentially enshrine many controversial aspects of the Emergency Law, such as the president's authority to transfer civilians suspected of terrorism to military courts.

Since military judges are appointed by the executive branch to renewable two-year terms, these tribunals lack independence. Verdicts by military courts are often handed down on the basis of little more than the testimony of security officers and informers, and are subject to review only by a body of military judges and the president. In 2007, legislation was passed that allows for limited appeal for military court decisions. Opposition figures denounced it as an inadequate attempt to bolster the rights

guarantees of the new constitutional amendments.

The Emergency Law restricts many other basic rights. It empowers the government to tap telephones, intercept mail, search persons and places without warrants, and indefinitely detain without charge suspects deemed a threat to national security.

The Egyptian Organization for Human Rights (EOHR) reports that as many as 16,000 people are detained without charge for security-related offenses, and thousands have been convicted and are serving sentences. Conditions in Egyptian prisons are very poor; prisoners are subject to overcrowding, abuse, torture, and a lack of sanitation, hygiene, and medical care. In 2002, the UN Committee against Torture concluded that there is "widespread evidence of torture and ill-treatment" of suspects by the State Security Intelligence agency. Torture is not reserved for political dissidents, but is routinely used to extract information and punish petty criminals. Incidents of police torture and mistreatment garnered a great deal of attention in 2007, including the case of a 12-year-old boy accused of burglary who died after being beaten and tortured by police. Other high-profile incidents involved a bus driver who was tortured and raped while in custody, and a man who was burned alive in a police station in Siwa. In some cases, suspects' family members were tortured to extract confessions. EOHR detailed over 26 publicly known torture cases, but many are believed to go unreported. Meanwhile, the government has dismissed the public cases as isolated incidents, and security services have punished journalists for covering the issue. In January 2007, reporter Howaida Taha was detained while producing a documentary on police torture and charged with "harming the national interests of the country." She was sentenced to six months in prison.

Tensions between the government and the Bedouin community in the Sinai mounted in 2007. In July and September, hundreds of Bedouin protested publicly against the government's neglect and unfair security practices. They demanded the release of detained members of their community after a wave of arrests associated with the resort bombings of 2006. During the July protests, a boy was shot by the security services as they clashed with demonstrators.

Although the constitution provides for equality of the sexes, some aspects of the law and many traditional practices discriminate against women. Unmarried women under the age of 21 need permission from their fathers to obtain passports. A Muslim heiress receives half the amount of a male heir's inheritance, though Christians are not subject to such provisions of Islamic law. Domestic violence is common, and marital rape is not illegal. Job discrimination is evident even in the civil service. However, in 2007 the government appointed 31 female judges despite protestations from conservative Muslim groups. The law provides for equal access to education, but the adult literacy rate of women lags well behind that of men (34 percent and 63 percent, respectively). Female genital mutilation is practiced despite government efforts to eradicate it.

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