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2008 Country Reports on Human Rights Practices - Egypt

Bureau of Democracy, Human Rights, and Labor
February 25, 2009

The National Democratic Party (NDP) has governed the Arab Republic of Egypt, which has a population of approximately 82 million, since the party's establishment in 1978. The NDP, which continued to dominate national politics by maintaining an overriding majority in the popularly elected People's Assembly (PA) and the partially elected Shura (Consultative) Council, derives its governing authority from the 1971 constitution and subsequent amendments. Executive authority resides with the president and the cabinet. In 2005 President Hosni Mubarak won a fifth consecutive six-year term with 88 percent of the vote in the country's first presidential election, which was marred by low voter turnout and charges of fraud. The civilian authorities did not always maintain effective control of security forces, who committed numerous, serious abuses of human rights.

The government's respect for human rights remained poor, and serious abuses continued in many areas. The government limited citizens' right to change their government and continued a state of emergency that has been in place almost continuously since 1967. Security forces used unwarranted lethal force and tortured and abused prisoners and detainees, in most cases with impunity. Prison and detention center conditions were poor. Security forces arbitrarily arrested and detained individuals, in some cases for political purposes, and kept them in prolonged pretrial detention. The executive branch placed limits on and pressured the judiciary. The government's respect for freedoms of press, association, and religion declined during the year, and the government continued to restrict other civil liberties, particularly freedom of speech, including Internet freedom, and freedom of assembly, including restrictions on nongovernmental organizations (NGOs). Government corruption and lack of transparency persisted.

The government made significant and effective efforts to combat female genital mutilation (FGM). These efforts included education, outreach, and the passage and enforcement of legislation criminalizing FGM. In addition, courts issued the first two convictions on sexual assault charges.

RESPECT FOR HUMAN RIGHTS

1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary and Unlawful Deprivation of Life

The government did not commit any politically motivated killings; however, security forces committed arbitrary or unlawful killings during the year. Most killings resulted

from police brutality. Although the exact number of deaths was unknown, the Al-Nadim Center for Psychological Rehabilitation of the Victims of Torture documented 32 cases of police officers torturing victims to death in a nine-month period from June 2007 to March. Security forces also unlawfully killed refugees and asylum-seekers (see section 2.d.).

On February 26, police officer Saad Mohamed Mansour reportedly beat and drowned fisherman Ahmed Fayad in Al Manzala Lake. On October 24, Al Mansoura Criminal Court sentenced Mansour to three years in prison and fined him LE 10,000 (approximately \$1,800).

On March 24, police officers in Tanta killed Eid Ahmed Ibrahim by driving a police van over the victim, who was trying to prevent the arrest of his brother. An estimated 2,000 villagers protested, accusing the police of deliberately killing Ibrahim. On November 15, Tanta Misdemeanor Court sentenced police officers Mohamed Sadaawi and Ahmed Abdel Aal to three years in prison, ordering each to pay LE 10,000 (\$1,800 compensation). The verdict is subject to appeal.

On October 9, a police officer in the town of Samalut allegedly killed a pregnant woman, Mervat Abdel Salam Abdel Fattah, while searching for her brother-in-law on suspicion of theft. The case remained pending at year's end.

On November 23, a police officer in Aswan, Mohamed Labib, allegedly shot and killed Abdel Wahab Abdel Razeq after apparently entering the wrong apartment in pursuit of a drug dealer. During the demonstrations that followed the killing, an elderly Aswan resident, Yehia Abdel Hamid, died from inhaling tear gas that the police had released. On November 25, the government detained police officer Mohammed Labib for his suspected role in the killing.

Security forces used lethal force against protesters in other instances. On April 6 and 7, security forces killed four protesters during violent clashes between police and protestors in Mahalla el Kubra, a textile town in the Nile Delta. Police used live ammunition, rubber bullets, and tear gas to suppress protests against low wages and price hikes on basic goods. Among those killed was 15-year-old Ahmed Ali Mabrouk Hamada, whom police shot on April 6 in his family's apartment near Mahalla's Jumhuriya Square. At year's end the government had not taken any corrective action to prosecute the police officers responsible.

Also, on November 11, Civilian Security Forces (CSF) killed three Bedouin tribesmen in the North Sinai during demonstrations that followed the November 10 CSF killing of a suspected drug smuggler. The government did not take public action to investigate these killings.

Authorities did not investigate the June 2007 killing of Ahmed Abdel Salam Ghanem during the Shura Council elections or any of at least three killings in 2007 of refugees or asylum-seekers at the Israeli border.

On June 7, an appeals court upheld the seven-year prison sentence and fine against police officer Mohamed Moawad for the July 2007 killing of Nasser El Saeedi.

On April 21, Public Prosecutor Mahmoud Abdel Meguid ordered a reinvestigation into the case of 13-year-old Mohamed Mamdouh Abdel Aziz, who allegedly died after chief of investigations Captain Mohamed Qandil, police officer Abou el-Ezz Fathy Mansour, and detective Yasser Mekawy tortured him with electric shocks in August 2007. At year's end there were no further developments in the case.

At year's end the trial of police officers Maher Hussein, Hassan Mohammed Hassan and Ahmed Al Nawawy for torturing Nasser Sediq Gadallah to death in August 2007 was ongoing.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Article 42 of the constitution prohibits the infliction of "physical or moral harm" upon persons who have been arrested or detained; however, the law fails to account for mental or psychological abuse, abuse against persons who have not been formally accused, or abuse occurring for reasons other than securing a confession. Police, security personnel, and prison guards routinely tortured and abused prisoners and detainees, especially in cases of detentions under the Emergency Law, which authorizes incommunicado detention for prolonged periods. The government rarely held security officials accountable, and officials often operated with impunity.

Domestic and international human rights groups reported that the State Security Investigative Service (SSIS), police, and other government entities continued to employ torture to extract information or force confessions. On August 6, the Egyptian Organization for Human Rights (EOHR) documented 40 cases of torture and 14 cases of torture resulting in death in 2007 by police officers. Between 2000 and 2007, the EOHR documented more than 226 cases of torture inside police stations, including 93 deaths likely caused by torture and mistreatment. In numerous trials, defendants alleged that police tortured them during questioning. Human rights activists also continued to call attention to more than a dozen amateur videos that observers with mobile phone cameras circulated on the Internet documenting abuse of citizens by security officials.

Although the government investigated torture complaints in some criminal cases and punished some offending police officers, punishments generally did not conform to the seriousness of the offenses. On April 17, Assistant Interior Minister Hamdy Abdel Kerim publicly stated that of 18 torture cases brought against police officers in the previous year, there were 11 acquittals, two convictions, and five cases pending investigation. The courts continued to award compensation to hundreds of detainees for alleged torture by security forces; however, by year's end many had not received any compensation. On December 28, the official government-run news service reported that Deputy Interior Minister for Legal Affairs Hamid Rashid told the People's Assembly (PA) that the ministry had suspended 280 police officers from duty due to charges of human rights violations against them, and was investigating the charges. Rashid did not specify over what time period the MOI actions occurred. Rashid also told the PA that the ministry had discharged 1,164 lower-ranking policemen for misconduct and abuse of power.

Some victims sought justice outside of the country. In November the African Commission on Human Rights and Peoples' Rights (ACHPR) decided in favor of an NGO, the Egyptian Initiative for Personal Rights (EIPR), in its lawsuit against the government for failure to prosecute perpetrators who allegedly sexually assaulted women during a 2005 opposition rally.

Police and the SSIS reportedly employed torture methods such as stripping and blindfolding victims; suspending victims by the wrists and ankles in contorted positions or from a ceiling or door-frame with feet just touching the floor; beating victims with fists, whips, metal rods, or other objects; using electric shocks; dousing victims with cold water; and sexual abuse, including sodomy. Victims reported that security officials threatened them and forced them to sign statements for use against themselves or their families should they in the future lodge complaints about the torture. Some victims, including women and children, reported that security officials sexually assaulted or threatened to rape them or their family members. Human rights groups reported that the lack of legally required written police records often effectively blocked investigations.

During the year human rights groups and the media documented numerous cases of torture and cruel, inhuman, or degrading treatment, including against persons alleged to

have HIV/AIDS, lawyers attempting to defend their clients, journalists and bloggers who reported on torture or other controversial topics, and labor demonstrators.

Following the April 6-7 violent clashes between police and protestors in El-Mahalla El-Kubra, police reportedly tortured people who observed the clashes or supported the Mahalla strike. According to Human Rights Watch, officers reportedly subjected detainees to electric shocks, beatings, and denial of food and drink.

On April 30, police officer Ahmed Antar Ibrahim assaulted Al Nadim Center director and anti-torture activist Dr. Magda Adly and her colleague Dr. Mona Hamed inside a courthouse in Kafr Al Dawwar. During the assault, the police officer fractured Adly's shoulder and inflicted a head wound that caused her to lose consciousness for 30 minutes. The two doctors were at the courthouse to attend and testify in a case concerning the Hussein family, who alleged torture by local police. Sobhi Mohamed Hussein and his sons, Ahmed and Mohamed, reported that police detained, burned, and beat them in Kafr Al Dawwar police station on April 22 after they complained about a police raid at their home. Hussein's sons sustained multiple injuries, including internal bleeding and a broken hand. Following the attack on Adly, police officer Ibrahim confessed that police intelligence officer Ahmad Maklad of the Kafr Al Dawwar police station ordered him to attack Adly; Maklad was implicated in the Hussein family's torture allegations. The court ordered Ibrahim detained pending an investigation, which was ongoing at year's end. On May 2, Amnesty International (AI) issued a statement describing the incident as "a disturbing development at a time when authorities purport to be combating torture."

On June 30, according to local NGOs, police officers beat and shackled lawyer Magdy Ibrahim Taha to the door of a detention room at the Hadeq Al Qoba police station after a policeman allegedly arrested Taha's client without a warrant. On July 3, approximately 150 lawyers reportedly held a sit-in at the police station to protest the mistreatment of their colleague. Authorities arrested Taha and three other lawyers – including Tareq Al-Awadi, Adel Sayed Abdrabu, and Muhammad Abdu Hailqan – during the protest and charged them with assaulting judicial personnel. On July 2, the West Cairo Court ordered the release of all four on bail ranging from LE 500 to LE 1,000 (\$90 to \$180). There were no updates at year's end.

On August 2, according to the Observatory for the Protection of Human Rights Defenders (OHRD), relatives of a police officer convicted of raping a refugee stopped the refugee's lawyer, Mohamed Bayoumi, on the street, beat him, and stole the refugee case file. On August 13, Bayoumi's family and business partner received phone calls claiming Bayoumi had been shot and killed and otherwise threatening Bayoumi. The government had not taken corrective action to investigate this case by year's end.

According to January 2007 press reports, 100 detainees affiliated with Islamic Jihad filed complaints with the public prosecutor alleging that police officers tortured and abused them during unspecified periods of time. The detainees reported that authorities stripped them of their clothes, beat and verbally humiliated them, and confiscated their personal belongings. The public prosecutor had not responded by year's end.

Authorities did not take any corrective action to investigate the February 2007 alleged detention and torture of Fawzi Hassan and his children. The Nadim Center accused a number of police officers of involvement in the alleged detention and torture, including Mohamed El-Banna, Mohamed Sarhan, Mohsen Nagib, Mohamed el-Ashmawy, Mesbah el-Kasabi, and Mohamed Shalabi.

On February 9, Matrouh Public Prosecution transferred the torture case of Yehia Abdallah (by police officers Alaa Mousa and Mohamed Al Khodargy in July 2007) to the West Alexandria Public Prosecutor for potential future criminal prosecution.

Police did not take any corrective action to investigate the July 2007 illegal detention of 40 individuals in Alexandria, or the August 2007 torture by assistant investigations officer Ashraf Morgan of lawyer Ahmed Abdel Aziz.

On January 15, the Interior Ministry made public that it provided compensation in November and December 2007 to 800 of the 3,000 Islamic Group detainees awarded compensation in an October 2007 court verdict.

On February 2 and again on May 29, Cairo appeals courts upheld one-to-three-year prison sentences and fines against nine of 12 suspected HIV-positive men arrested in October 2007 on charges of debauchery. The arrests began after two men, stopped on the street during an altercation, told police officers they were HIV positive. According to Human Rights Watch (HRW), authorities arrested and interrogated the men, pressuring them to name their sexual contacts, whom police subsequently arrested. Ministry of Health doctors forced all 12 to undergo HIV tests without their consent, and Forensics Medical Authority doctors performed forcible anal examinations on the men, purportedly to prove that they had had sexual intercourse with other men. The detainees who proved to be HIV positive were held for weeks in hospitals chained to their beds, until February 25, when the Ministry of Health ordered the hospitals to unchain them. The prosecutor dropped the charges against three of the men, who were then released.

On May 21, an appeals court rejected police officer Islam Nabih's appeal of his November 2007 conviction for assaulting and sodomizing Cairo minibus driver Imad al-Kabir in 2006. Nabih and officer Reda Fathi, convicted for the same crime, were serving three-year sentences at year's end.

Authorities did not take steps to investigate and prosecute security officials responsible for the 2006 torture and sexual assault of blogger Mohamed Al Sharqawi.

There was an update regarding the 1994 killing by state security officers of Islamic Group leader Abdel Hareth Madany. On January 6, the State Council Administrative Court made public its verdict ordering the government to pay LE 50,000 (approximately \$9,000) in compensation to Madany's family. The compensation sum is the largest compensatory verdict in the history of the Islamic Group. At year's end no further information was available.

On August 17, the MOI announced its approval of compensation to Islamists who were detained without trial during the 1990s, despite court orders for their release. The Minister agreed to pay a total of LE 10 million (approximately \$1.87 million) to an estimated 1,000 members of Al Jamaa Al Islamiya (the Islamic Group) who won court cases against the Ministry. The Ministry refused to compensate 1,000 other detainees whose cases the Ministry rejected.

Prison and Detention Center Conditions

Prison conditions and conditions in detention centers remained poor. Prison cells remained overcrowded, with a lack of medical care, proper hygiene, food, clean water, and proper ventilation. Tuberculosis was widespread; sexual and other abuse, especially of juveniles in adult facilities, was common, and guards brutalized prisoners.

On June 24, guards in Borg Al Arab prison in Alexandria allegedly beat 17 inmates who were detained following the April 6-7 El-Mahalla clashes. The prisoners had launched a hunger strike to protest conditions of their detention. Security officials denied the allegations, and authorities had not taken action to investigate the case by year's end.

In July police at Torah prison allegedly beat American detainee Mohamed Hesham Seif and transferred him, without allowing him to bring his personal belongings, to Al Wadi Al Gadid prison, where he was beaten again.

On September 8, police quashed a prison riot and a jailbreak attempt in Assiut with tear gas and live fire, killing one prisoner and wounding 25 others. Prisoners claimed guards had tortured a prisoner to death prior to the riot. Authorities commenced an investigation into the riot but had not taken further action at year's end.

Authorities did not investigate the July 2007 death in custody, reportedly due to heat and overcrowding, of a prisoner in Al-Omraneya prison.

Although separate prison facilities existed for men, women, and juveniles, adults were not always separated from juveniles.

Visits and visitors to prisoners incarcerated for political crimes or terrorism were subject to restrictions. Pretrial detainees were sometimes held together with convicted prisoners.

The government did not permit visits to prisons or other places of detention by any independent human rights observers during the year, despite repeated requests from the International Committee of the Red Cross and other domestic and international human rights monitors. Some prisons remained completely closed to the public. As required by law, the public prosecutor continued to inspect all regular prisons during the year, including police stations in Cairo, Alexandria, and Hurghada. On March 15, authorities inspecting the Hurghada police station reportedly found 11 suspects held for seven days without legal justification. At year's end there were no updates on their statuses.

On November 29, the People's Assembly Committee on Human Rights announced its decision to visit police stations randomly and inspect detention centers to determine whether they complied with human rights standards. SSIS detention centers were excluded from such inspections.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention; however, during the year, police and security forces engaged in such practices, including large-scale detentions of hundreds of individuals without charge under the Emergency Law, which was extended on April 26 for two more years.

Role of Police and Security Apparatus

The MOI controls local police forces, which operate in large cities and governorates; the SSIS, which conducts investigations; and the Central Security Force (CSF), which maintains public order. SSIS and CSF officers are responsible for law enforcement at the national level and for providing security for infrastructure and key officials, both domestic and foreign. Single-mission law enforcement agencies, such as the Tourist and Antiquities Police and the Antinarcotics General Administration, also work at the national level.

The security forces operated under a central chain of command and were considered generally effective in their efforts to combat crime and terrorism and maintain public order. However, a culture of impunity militated against systematic prosecution of security personnel who committed human rights abuses.

There was widespread petty corruption in the police force, especially below senior levels. The government claimed to investigate corruption and other instances of police malfeasance using a nontransparent internal affairs mechanism, and it failed to investigate many credible allegations of torture and mistreatment by police and security forces. In an increase from the previous year, the government prosecuted cases it investigated in the judicial system; there were at least 25 cases of security officers engaging in mistreatment and abuse during the year, resulting in convictions of at least eight officers.

Working with the UN Development Program (UNDP), the government continued to provide human rights training for thousands of judicial and law enforcement officials.

Arrest and Detention

Individuals may be arrested and detained under the Emergency Law or the penal code, both of which give the government broad powers.

The Emergency Law allows arrest without a warrant and detention of an individual without charge for up to 30 days, after which a detainee may demand a court hearing to challenge the legality of the detention order. A detainee may resubmit a motion for a hearing at one-month intervals thereafter; however, there is no limit to the detention period if a judge continues to uphold the order or if the detainee fails to exercise the right to a hearing, and there is no possibility of bail. Many detainees under the Emergency Law remained incommunicado in state security detention facilities without access to family members or to lawyers before their cases were transferred to trial, and some faced torture in detention.

Arrests under the penal code occurred openly and with warrants issued by a district prosecutor or judge. A prosecutor must bring charges within 48 hours following arrest or release the suspect. Detainees under the penal code were sometimes not informed promptly of charges against them. Authorities may hold a suspect for a maximum of six months while they investigate. There was a functioning system of bail for persons detained under the penal code. In criminal cases under the penal code, defendants had the right to counsel promptly after arrest and access to family members at the discretion of the court; however, they often faced obstacles and were unable to secure regular access to either.

On January 12, Minister of Interior Habib Al Adly issued decrees, which were subsequently implemented, allowing phone access in all prisons and increasing the number of visits allowed to prisoners, especially to mothers in prison. Notwithstanding the prevailing state of emergency and the government's use of the Emergency Law provisions, the government continued to rely on the penal code for the majority of criminal investigations and prosecutions.

In recent years, authorities detained thousands of persons administratively under the Emergency Law on suspicion of terrorist or political activity, including dozens of terrorism suspects in the Sinai in 2006. AI, the Human Rights Association for the Assistance of Prisoners (HRAAP), and other NGOs estimated that the government continued to hold approximately 5,000 persons in administrative detention without charge or trial. Failure to implement judicial rulings regarding the release of detainees also remained a problem. On May 25, 280 prisoners in Borg Al Arab prison went on a hunger strike because authorities had not released them despite court verdicts ordering their release.

In February authorities released 20 Bedouins who were arrested after the Taba, Dahab, and Sharm Al Sheikh bombings in previous years. An estimated 300 Bedouins remain in detention.

During the year there were cases of pre-trial detention exceeding legal limits.

Amnesty

The government issued several amnesties during the year, including one on March 17 for approximately 100 members of the banned group Al Takfir Wal Hijra (Excommunicate and Immigrate) after the members signed statements renouncing violence; another in March for 510 members of Islamic groups; in April for 200 members of Islamic groups (including four senior leaders of Islamic Jihad and Tala'e Al Fath); and on September 16 for a group of Salafi detainees and those from the group "Al Waad."

On July 23, Egypt's National Day, President Mubarak pardoned 1,587 prisoners who had served half their sentences.

On October 1, President Mubarak pardoned 738 prisoners on the occasions of the Eid holiday and the October 6 holiday commemorating the 1973 Arab-Israeli war.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, but in practice the judiciary was subject to executive influence and corruption. The president may invoke the Emergency Law to refer any criminal case to the emergency or military courts, in which the accused does not receive most of the constitutional protections of the civilian judicial system, and the government continued to use the Emergency Law to try non-security cases in these courts and to restrict many other basic rights. The constitution provides for the independence and immunity of judges and forbids interference by other authorities in the exercise of their judicial functions. The government generally respected judicial independence in non-political cases in civilian courts. Emergency courts, however, were not independent.

The president appoints all judges upon recommendation of the Higher Judicial Council, a constitutional body composed of senior judges. Judges receive tenure, limited only by mandatory retirement at age 70. Only the Higher Judicial Council may dismiss judges for cause, such as corruption. Headed by the president of the Court of Cassation, the council regulates judicial promotions and transfers.

There have been cases of judges taking bribes. For example, on September 4, the Cairo Criminal Court sentenced the head judge of South Cairo Compensation Court, Al Hussein Mohamed Al Hussein, to seven years in prison and fined him LE 100,000 (approximately \$18,000) for taking a LE two million (\$368,000) bribe from a jeweler.

In the civil court system, there are criminal courts, civil courts, administrative courts, family courts and the Supreme Constitutional Court. There are three levels of regular criminal courts: primary courts; appeals courts; and the Court of Cassation, which represents the final stage of criminal or civil appeals. Civil courts hear civil cases and administrative courts hear cases contesting government actions or procedures; both systems have upper-level courts to hear appeals. The Supreme Constitutional Court hears challenges to the constitutionality of laws or verdicts in any of the courts.

Emergency courts share jurisdiction with military courts over crimes affecting national security. The president can appoint civilian judges to emergency courts upon the recommendation of the minister of justice or military judges upon recommendation of the minister of defense. Military courts were established under the Code of Military Justice Law No. 25 of 1966. Under the Code of Military Justice the president can refer civilians to military courts for certain offenses in the Penal Code such as acts harmful to the security of the government and deliberate destruction of property to harm national security. The law was amended in April 2007 to include an appeal mechanism. Military verdicts were subject to review by other military judges and confirmation by the president, who in practice usually delegated the review function to a senior military officer. Defense attorneys claimed that they were not given sufficient time to prepare, and that military judges tended to rush cases involving a large number of defendants.

On December 15, the Tanta Emergency Supreme State Security Court convicted 22 people on charges of assaulting police officers, robbery and possession of unlicensed weapons during the April 6-7 protests in Mahalla. The court acquitted the 27 other defendants of the same charges.

On April 15, a closed military tribunal sentenced Muslim Brotherhood (MB) Second Deputy Chairman Khairat El Shater and 24 other civilian MB members, seven in absentia, to prison terms ranging from three to 10 years on charges including money laundering and planning terrorist activities. The tribunal acquitted 15 others. A Cairo civilian criminal court had acquitted 17 of the defendants of all charges in January 2007, but police rearrested them immediately after the verdict, and President Mubarak transferred their cases to the tribunal along with 23 others. This marked the first use of a military tribunal against civilians since MB trials in 2002. The tribunal regularly barred press and observers from human rights organizations and occasionally excluded defense attorneys and family members. AI described the verdict as a "perversion of justice," and Human Rights Watch (HRW) described it as a "transparently political verdict from a court that

should have no authority to try civilians."

On June 3, MB lawyers filed a complaint against the government regarding the validity of the trial; a military judge confirmed the verdicts on July 13. The Administrative Court postponed the appeal court session to March 2009.

At year's end Ossama Al-Nakhlawi, Younis Alyan, and Mohamed Gayez Sabah remained on death row following November 2006 convictions for involvement in the 2004 Taba terror bombings. HRW issued statements after the verdict noting that the convicts' claims of incommunicado detention, lack of access to counsel, torture, and forced confession raised serious questions about the Ismailiya High State Security Emergency Court verdict. HRW urged a retrial "that complies with basic standards of due process."

Trial Procedures

In civilian courts, the government provides a lawyer at the state's expense if the defendant does not have counsel, and a defendant may appeal if denied this right; however, detainees in certain high-security prisons continued to allege that they were denied access to counsel or that such access was delayed until trial, thus denying them time to prepare an adequate defense. The law allows defendants to be present and to question witnesses against them and present witnesses and evidence on their behalf, and it provides defendants and their attorneys the right to access government-held evidence against them. There are no juries and trials are usually public. In civilian courts, defendants have the right of appeal up to the Court of Cassation and the Supreme Constitutional Court. Judges used guidelines for sentencing, defendants had the right to counsel, and statements of the charges against defendants were made public. Observers needed government permission to attend court sessions. Human rights activists are generally able to attend trials in civilian courts but are excluded from most military trials.

Sentences are subject to confirmation by the president, although an April 2007 amendment to the emergency law allowed the right to appeal. Defendants in military courts do not have the legal right to counsel, but usually had lawyers who defended them. The president may alter or annul a decision of an emergency court, including a decision to release a defendant.

The government has asserted that referral to emergency courts usually has been limited to terrorism or national security cases, as well as major cases of drug trafficking; however, the government also has occasionally used emergency courts to prosecute homosexuals, heterodox religious groups, and political dissidents.

Political Prisoners and Detainees

Egyptian human rights organizations estimated in 2007 that 4,000 to 5,000 people remained in prolonged detention without charge under the law, though Minister of Interior Habib Al Adly stated that the total number of political prisoners and detainees does not exceed 1,800. There were varied and conflicting estimates of the number of "extraordinary detainees" (citizens held by the government, often without trial, for alleged political crimes). In 2006, credible domestic and international NGOs estimated that there were between 6,000 and 10,000 such detainees in addition to the prisoners in the ordinary criminal justice system. The government held detainees, including many MB activists, for several weeks to several months or longer, and did not permit international humanitarian organizations access to political prisoners.

As in previous years, the government arrested and detained hundreds of MB members and supporters without charge or trial. The precise number of MB activists in detention at year's end was unknown, but the MB estimated that 250 members remained in detention.

During the weeks leading up to April 8 local council elections, police detained an

estimated 1,000 MB members, 148 of whom were potential candidates. On July 9, SSIS reportedly arrested at least 38 MB members in advance of the July 13 parliamentary by-elections for four open parliamentary seats. At year's end the government had allegedly released most of the MB members who had been arrested before the local council elections.

Runner-up in the 2005 presidential election and leader of the opposition Al-Ghad (Tomorrow) Party Ayman Nour remained in prison at year's end, despite continued appeals for parole on health and humanitarian grounds. The New Cairo Felonies Court convicted Nour in 2005. On November 25, the government refused Nour's appeal for release on medical grounds.

The government tried to prevent Nour from sending letters from prison, but he succeeded in publishing articles in the independent daily newspaper, Al-Dostour.

Approximately 20 members of the banned Hizb al-Tahrir al-Islami (Islamic Liberation Party) remained in prison at year's end. In 2004 the Supreme State Security Emergency Court convicted 26 men linked to Hizb al-Tahrir for belonging to a banned organization. Several of the defendants, including three Britons, alleged they had been tortured to compel them to sign confessions.

Civil Judicial Procedures and Remedies

Individuals had access to civil courts for lawsuits relating to human rights violations, and filed such lawsuits; however, the courts were not entirely independent, especially in politically high-profile cases. Human rights observers recommended that rules for pursuing judicial and administrative remedies, including standards for considering damages for victims, be established to obtain equitable redress and parity in compensation.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution provides for the privacy of the home, correspondence, telephone calls, and other means of communication; however, the Emergency Law suspends the constitutional provisions regarding the right to privacy, and the government used the Emergency Law to limit these rights. Furthermore, authorities in terrorism cases may disregard constitutional protections of privacy of communications and personal residences.

Under the law, police must obtain warrants or court orders before undertaking searches and wiretaps, but some human rights observers alleged that the government routinely violated the law. Police officers who conducted searches without proper warrants were subject to criminal penalties, although courts seldom imposed them. The Emergency Law empowers the government to place wiretaps, intercept mail, and search persons or places without warrants. Security agencies frequently placed political activists, suspected subversives, journalists, foreigners, and writers under surveillance, screened their correspondence (especially international mail), searched them and their homes, and confiscated personal property. Authorities also punished or threatened to punish family members.

On March 20, according to the Al Nadim Center and the Association for Human Rights Legal Aid (AHLRA), police chief of investigations Ali Kedr and officers Hossam Abdel Moneim and Mahmoud Al Deeb of the Menia Al Nasr police station allegedly raided the home of Ibrahim El Sayed Metwally because of a debt he owed. The officers severely beat and verbally abused Metwally's mother and siblings. Metwally's sister claimed the officers detained her, beat her with a stick, and threatened to strip her. On May 27, press reports stated that Al Daqahleya Public Prosecution had begun an investigation. There were no further updates at year's end.

Authorities did not investigate the June 2007 home raid of writer and blogger Mohamed

Mossad Yaqout.

2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and of the press; however, the government partially restricted these rights in practice, particularly by using the Emergency Law. Nevertheless, citizens openly expressed their views on a wide range of political and social issues, including vigorous criticism of government officials and policies and direct criticism of the president. During the year there was continued public debate about political reform, human rights, corruption, press freedom, and related issues.

During the year a number of opposition political activists, journalists, and NGOs continued to advocate for political reform and openly criticized the government. A number of government actions including wide-scale detentions of MB members, lawsuits against independent journalists, and government restrictions on civil society organizations led many observers to charge that the government sought to curtail criticism and activism.

The penal code and press and publications law govern press issues. The constitution restricts ownership of newspapers to public or private legal entities, corporate bodies, and political parties. There were numerous restrictions on legal entities seeking to establish newspapers, including a limit of 10 percent ownership by any individual; the government apparently enforced this limit unevenly. The government owned stock in the three largest daily newspapers, which generally followed the government line, and the president appointed their top editors. The government also controlled the licensing, printing, and distribution of newspapers, including those of opposition political parties, which frequently criticized the government and gave greater prominence to human rights abuses than did state-run newspapers. The daily independent newspaper Al-Masry Al-Youm, which focuses on domestic politics, continued to offer significant, independent coverage of controversial topics.

During the year the Supreme Press Council revoked the licenses of at least 14 news publications. It revoked the licenses of 12 of the 14 newspapers according to council guidelines because the newspapers were not regularly published. It revoked the license of the magazine Al-Zuhour at the behest of SSIS after MB member Salah Abd-al-Maqsud was appointed editor-in-chief, and the newspaper Al-Shuruq Al-Gadid on the grounds that some of the journalists were shareholders, in violation of Press Syndicate regulations. By year's end, Al-Shuruq Al-Gadid received a new license, though the others remained closed.

On December 16, an administrative court overturned a decision by the Government Central Auditing Agency (CAA) to monitor the financial and administrative records of privately owned independent newspapers. The court ruled that freedom of expression is guaranteed by the Constitution and cannot be restricted.

The Ministry of Information owned and operated all ground-based domestic television and radio stations. Two private satellite stations, Al-Mihwar and Dream TV, operated without direct government control, although the government had a financial stake in both. The government blocked reception of at least one foreign channel via satellite.

According to media reports, security personnel detained, harassed, and assaulted journalists during the year.

While the government generally permitted foreign journalists to operate in the country, there were at least two instances of government harassment of foreign journalists.

On February 3, security forces briefly detained an Agence France-Presse journalist and a

photographer in Rafah. Plainclothes police officers erased the memory cards in the photographer's camera, saying journalists were no longer allowed to photograph the Egypt-Gaza border, which authorities had closed after Hamas breached the border in January. Police also confiscated the journalists' identity cards before taking them to the local security office in Rafah for three hours of questioning, after which police forbade them from working in Rafah for "national security reasons."

On April 7, authorities detained nine photojournalists and cameramen, including Reuters photographer Nasser Nouri, for several hours because of their coverage of the April 6 and 7 Mahalla protests.

On June 17, according to several human rights organizations, Rahmaniya police officers Mohammed Badrawy, Amr Allam, and Mohamed Basiouni arrested Kamal Murad, a journalist for Al Fagr weekly newspaper, who had reportedly been taking photos of police beating farmers in Ezbat Mohram to coerce them to sign leases with a local businessman. The officers allegedly beat Murad, verbally assaulted him, and seized his notes and mobile phone memory card. Human rights organizations alleged that the officers arrested Murad because he had previously reported on the 2007 high-profile police torture case of Emad Al-Kabir; the officers reportedly referred to Murad as "the one who sent the officer to jail for three years." On June 21, three human rights organizations (ANHRI, the Arab Council for the Support of a Fair Trial and the Hisham Mubarak Law Center) requested that the Ministry of Interior investigate the officers responsible. At year's end, the MOI had not taken action to investigate this case.

Although in recent years opposition party newspapers published articles critical of the president and foreign heads of state without being charged or harassed, the government and private individuals continued to charge journalists with libel under the portion of the press and publication law that forbids malicious and unsubstantiated reporting. Under the law, an editor-in-chief could be considered criminally responsible for libel contained in any portion of his or her newspaper, and journalists faced fines of as much as LE 20,000 (approximately \$3,600) and as long as five years in prison for criticizing foreign leaders or the president. The government also charged and convicted journalists for "disturbing public order" on national security-related grounds when their reporting was politically embarrassing.

On October 11, the Cairo Criminal Court fined the editor-in-chief of the independent sensationalist newspaper Al-Fagr, Adel Hamouda, and a reporter for the paper, Mohammed Al-Baz, LE 80,000 (\$15,000) each for publishing images of the Sheikh of Al-Azhar dressed in papal robes and wearing a cross, alongside a September article urging the Sheikh not to visit the Vatican.

On October 26, a court fined the owner of the Cairo News Company media transmission firm LE 150,000 (\$27,000) and confiscated some of his equipment for operating the firm without the required licenses. The government shut down the firm in April after it provided uplink services for an Al-Jazeera broadcast of protestors trampling on posters of President Mubarak during the April Mahalla clashes.

On November 25, the public prosecutor ordered the trial of Magdy El Galad, editor-in-chief of the independent newspaper Al-Masry Al-Youm, Abass El Tarabily, editor in chief of the opposition newspaper Al Wafd, and three other journalists from the two newspapers for violating the press ban on the trial of former NDP member of parliament Hisham Talaat Mustafa for allegedly ordering the murder of Lebanese pop singer Suzanne Tamim. At year's end the trial of the journalists was scheduled to begin on January 8, 2009.

In January 2007 lawyers affiliated with the ruling NDP filed suit based on Article 102 of the Criminal Law alleging that on January 26, Al-Wafd newspaper published false news that damaged the reputation of the judiciary by printing an article about the justice minister's alleged public criticism of a number of judges in January 2007.

On February 12, a North Cairo court commuted a six-month prison sentence imposed by

a lower court in May 2007 against Al-Jazeera producer Huweida Taha Metwalli for allegedly damaging the country's image. However, the court allowed Metwalli's conviction to stand. Metwalli had admitted to staging reenactments of allegedly real torture for an Al-Jazeera documentary.

At year's end a verdict in the appeal case of four independent editors, including Ibrahim Eissa, editor in chief of the independent newspaper Al-Dostour, was scheduled to be issued on January 31, 2009. The editors were free on bail at year's end. The four editors were convicted in September 2007 on charges ranging from misquoting the justice minister to defaming the president and senior officials of the NDP. Private individuals affiliated with the ruling party sponsored the lawsuits that led to the editors' convictions. Under the law, such lawsuits can result in criminal convictions. In December 2007, charges were dropped against three of the original seven defendants.

On March 26, Bulaq Misdemeanor Court convicted Ibrahim Eissa on charges of spreading false information "liable to harm the general interest and the country's stability" for August 2007 reporting on President Mubarak's health. The court issued Eissa a six-month suspended sentence, which Eissa appealed. On September 28, Bulaq Misdemeanor Court of Appeals upheld the conviction and ordered Eissa to serve a two-month jail sentence; on October 6, President Mubarak commuted Eissa's sentence. At year's end Eissa was free and employed at the newspaper. On December 22, a court ordered the pro-government newspaper Al-Ahram and a translation service to jointly pay a 50,000 LE (approximately \$9,090) fine to Sheikh Youssef El-Badry for insulting El-Badry in an August 2007 article.

The September 2007 case against Mohamed al-Sayed Sa'eed remained pending at year's end. In September 2007 an NDP-affiliated lawyer, Samir Al-Sheshtawy, filed a lawsuit against Mohamed al-Sayed Sa'eed the editor-in-chief of the independent daily Al-Badeel, for "defamation" after Al-Badeel ran an editorial on September 5 describing al-Sheshtawy as "a Mubarak-loving lawyer." In October 2007 the first hearing in the case took place.

There were developments regarding the 2007 case of Dr. Saad Eddin Ibrahim, founding chairman of the Ibn Khaldun Center for Development Studies. On August 2, the Al-Khalifa Misdemeanor Court ruled against Ibrahim in a civil lawsuit accusing him of "tarnishing Egypt's image abroad," and sentenced Ibrahim in absentia to two years imprisonment and imposed a 10,000 LE (approximately \$1,886) fine. Ibrahim had been living in self-imposed exile in Qatar and the United States since July 2007. In late 2007 Lawyers' Syndicate Deputy President Abul Naga al-Merhezi brought the civil lawsuit against Ibrahim for allegedly harming the country's image after Ibrahim criticized the government in a series of articles and speeches on democracy. Ibrahim was living in the United States at year's end.

The Emergency Law authorizes censorship for reasons of public safety and national security, and the government frequently censored domestic and international publications and media content during the year, including works deemed offensive to public morals, detrimental to religion, or likely to cause a breach of the peace. Domestic media also practiced self-censorship due to fear of government reprisal. The government regularly confiscated publications by Islamists and other critics of the state, and it increasingly ceded confiscatory authority to Al-Azhar University and acted on its recommendations.

During the year the government banned the sale of four international newspapers (Germany's Frankfurter Allgemeine Zeitung and Die Welt, Britain's Observer, and the U.S.'s Wall Street Journal) because they contained pictures "offensive to Prophet Mohammed." The government confiscated German magazine Der Spiegel's special edition on Islam.

On April 1, the Nilesat network, a government-owned satellite transmission company, stopped the broadcast of Al-Hiwar, a privately owned London-based channel, without prior notice. Al-Hiwar had featured talk shows such as "People's Rights," which had hosted prominent government critics such as Ibrahim Eissa. The Committee to Protect

Journalists expressed deep concern about the suspension, noting "the decision comes in retaliation for the station's critical reporting on Egyptian and Arab world politics." At year's end the station was still suspended.

In late October Nilesat also stopped the transmission of the Islamic satellite channel "Al Hikma" without prior notice.

On April 8, authorities confiscated 5,000 copies of a book written by former senior police officer Amr Afifi. The book discusses legal procedures relating to interactions with police officers, including investigations, arrests, and inspections, and it explains citizens' rights vis-a-vis security forces. Afifi subsequently fled the country and remained in exile at year's end. Authorities also banned a number of books from the Cairo International Book Fair, including four works by Czech author Milan Kundera and Moroccan Mohamed Choukri's autobiographical *For Bread Alone*. These works are banned in several Arab countries because they contain references to teenage sex and drug use. The government also banned *Love in Saudi Arabia* by novelist Ibrahim Badi and *Women of Sand and Myrrh* by Lebanese writer Hanan al-Sheikh.

On July 27, the Press and Publications Department of the MOI denied having banned the book *Inside Egypt: The Land of the Pharaohs on the Brink of a Revolution*. On July 23, the AFP reported the book's New York-based publishers Palgrave Macmillan confirmed the book had been banned in the country.

Throughout the year the government routinely searched imported written material to confiscate items deemed insulting to religious sensibilities.

Internet Freedom

Approximately 10 million persons had access to the Internet, which the government actively promoted through low-cost access. There were reportedly more than 160,000 bloggers in the country. The government blocked access to some Web sites and monitored the Internet during the year. On August 9, according to ANHRI, the government imposed a regulation requiring Internet cafes to gather personal information of Internet users including names, e-mail addresses, and telephone numbers. ANHRI described the measure as an increase in censorship and a violation of users' privacy. Although there is no specific legislation regarding the blocking of Web sites, the authorities forced Internet service providers to block sites on public safety or national security grounds. Private use of Internet encryption devices is prohibited by the Telecommunications Act. The government blocked Web sites discussing the April 6-7 Mahalla clashes. Also, on May 4, a government-owned Internet service provider blocked the Web site of the opposition movement Keyafa. Authorities subsequently censored Keyafa for 12 days because it has supported calls for a May 4 strike against inflation and low wages.

During the year police detained and allegedly tortured bloggers. The bloggers' arrests usually appeared to be linked primarily to their efforts to organize demonstrations through their blogs, and their participation in street protests or other activism.

On April 7, police detained an activist who contributed to organizing the April 6 general strike. The activist had used a Facebook group to call for the strike. Authorities released the activist from prison on April 23.

On May 7, SSIS officers apprehended and tortured an Internet activist who had called for a general strike on May 4 to protest low wages and inflation. According to Human Rights Watch (HRW), the officers allegedly blindfolded and stripped him naked before beating him for 12 hours and releasing him without charge. On May 10, HRW requested that the MOI investigate and prosecute the police officers responsible. At year's end authorities had not taken action against the officers. The government also blocked Web sites discussing the strike.

On July 21, police detained Mohamed Rafat Bayoumi, a blogger and mass communications student at Cairo University. Rafat had called upon the readers of his blog to launch public demonstrations to commemorate the July 23, 1952, Free Officers Revolution. The police officers accused Rafat of public agitation and disturbing social peace. Rafat was released on September 29.

On October 24, blogger Ahmed Abdel Kawi, a third-year journalism student at Cairo University, was excluded from university housing despite having met all of the necessary conditions. During the year Kawi had criticized government policy on his blog. The Arabic Network for Human Rights Information issued a statement criticizing the measure the university took as unlawful. ANHRI urged the university to maintain the independence of academic institutions and to end complicity with state security regarding the abrogation of students' legal rights.

On November 16, State Security Forces arrested blogger Mohamed Khairi and detained him in Fayoum. Khairi was accused of attempting to overthrow the regime, membership in an illegal group, and possession of leaflets calling for lifting the siege on Gaza. The prosecutor of Fayoum ordered Khairi's release on November 19, and the government released him on November 28.

On November 16, Sinai University officials excluded student and blogger Amr Salama from student union elections although all his documents had been in order and his name had been included on the final list of candidates.

On November 20, State Security arrested MB-affiliated blogger Mohammed Adel and allegedly tortured him. On November 21, SSIS seized many of his books and CDs from his home. Adel's blog called for MB detainees to be released. At year's end, Adel remained in custody.

On December 2, the government prevented an Internet activist from traveling to the United States to participate in the December 3-5 "Alliance of Youth Movements Summit."

During the second half of the year SSIS also arrested two other bloggers, Abd Altawab Mahmoud and Khalifa Ebaid. Karim Amer, a university student and blogger convicted in February 2007 of spreading disruptive information, and blogger Abdel Karim Nabil Suleiman, convicted in 2006 of "denigrating" Islam and insulting Mubarak, remained in prison at year's end.

Academic Freedom and Cultural Events

The government restricted academic freedom through various means. It selected deans rather than permitting the faculty to elect them, justifying the measure as a way to combat Islamist influence on campus. It also banned academic travel. On March 31, SSIS prevented political science professor Dr. Abdel Hamid El Ghazali from traveling to Saudi Arabia to attend a conference on Islamic economics. On August 20, SSIS prevented him from traveling to Algeria to attend a conference on social reform. On November 11, Egyptian authorities banned MB-affiliated doctors Essam Al Eryan and Mohamed Gamal Heshmat from traveling to Damascus to attend a conference on "The Right of Return for Palestinians." In September the government refused to grant the MB permission to hold its annual Ramadan "iftar" dinner for hundreds of guests.

The Ministry of Culture must approve all scripts and final productions of plays and films. The ministry censored foreign films to be shown in theaters but was more lenient regarding the same films in videocassette or DVD format. Government censors ensured that foreign films made in the country portrayed the country in a favorable light.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution provides for freedom of assembly, but the government restricted the exercise of this right. Citizens must obtain approval from the MOI before holding public meetings, rallies, and protest marches. The MOI refused to grant permits for some political events, and the government tightly controlled public demonstrations, including some meetings on private property and university campuses.

On April 2, Parliament passed a law criminalizing protests in places of worship and surrounding areas, with prison sentences of as long as one year and fines as much as LE 5,000 (approximately \$900).

In numerous incidents, authorities showed little tolerance for peaceful demonstrations by opposition groups and activists protesting government policies.

Police generally responded to political demonstrations during the year with high numbers of riot police deployed by the Ministry of Interior to contain both the size and effectiveness of the demonstrations, and sometimes used excessive force, such as in the April 6-7 Mahalla clashes. A pattern of arresting demonstrators, and detaining them for at least 15 days "pending further investigation" continued, particularly in cases of unauthorized rallies. In a number of unauthorized demonstrations, police detained suspected organizers, some of whom alleged mistreatment in detention.

On April 1 and 2, MB members demonstrated across the Delta area (Gharbeya, Qalyubiya, Zagazig and Alexandria) against government efforts to prevent the MB from running in the April 8 local elections. Authorities arrested hundreds of MB members and injured approximately 10 persons.

On April 6 and 7, in Mahalla, police in riot gear used live ammunition and rubber bullets to suppress protests against low wages and price hikes for basic goods. Protestors reportedly threw rocks and Molotov cocktails, injuring five police officers, and burned two schools and other property. A 15-year-old bystander was killed and dozens were wounded. Security forces detained more than 300 demonstrators.

On July 23, police arrested 26 members of a Facebook social networking group known as the "6th of April Youth" as they demonstrated in support of Egypt's July 23, 1952, revolution. Authorities arrested the activists on charges including "causing a public disturbance" and "disrupting traffic in an attempt to stage street riots." On July 28, a court in Alexandria ruled that the protesters should be released, but 14 remained in custody for several more days before they were released.

On December 30 and 31, police prevented protesters from demonstrating in downtown Cairo against Israeli attacks in Gaza. Police reportedly arrested large numbers of protesters, and released most of them after a few hours.

Freedom of Association

The constitution provides for freedom of association; however, the government significantly restricted the exercise of this right. The minister of social solidarity has the authority to dissolve NGOs by decree. The law also requires NGOs to obtain permission from the government before accepting foreign funds. According to officials, donations from foreign governments with established development programs in the country were excluded from this requirement.

On March 30, Giza Administrative Court ruled that the Center for Trade Union and Workers Services (CTUWS)-a labor rights organization that monitored trade union elections and provided legal aid to candidates and voters – should be permitted to register as an NGO, responding to complaints filed after the government closed CTUWS headquarters in three cities in 2007. On June 26, the Ministry of Social Solidarity issued a decree reopening CTUWS, and it subsequently re-opened. On October 26, in response to international and domestic pressure, Cairo Administrative Court overturned the government decision to dissolve AHRLA, and the organization was able to continue to

operate normally throughout the rest of the year. In September 2007 the government ordered the closure of AHRLA for accepting funds from foreign donors without government approval. AHRLA played a role in exposing several cases of torture by security personnel, specifically in a lawsuit against a state security officer who allegedly tortured Mohamed Abdel Kader al-Sayed to death in 2003.

c. Freedom of Religion

The constitution provides for freedom of belief and the practice of religious rites; however, the government restricted the exercise of these rights. According to the constitution, Islam is the official state religion, and Shari'a (Islamic law), the primary source of legislation. Religious practices that conflict with the government's interpretation of Shari'a are prohibited.

Members of non-Muslim religious minorities officially recognized by the government generally worshiped without harassment and maintained links with coreligionists in other countries.

Members of religions not recognized by the government, particularly Baha'is, experienced personal and collective hardship. Religious groups seeking recognition must submit a request to the MOI, which determines whether, in its view, the group would pose a threat to national security or social order. The MOI also consults leading religious figures, particularly the pope of the Coptic Orthodox Church and the sheikh of Al-Azhar. The last official recognition of a religious group occurred in 1990. The government did not recognize marriages of citizens adhering to faiths other than Christianity, Judaism, or Islam, nor did it recognize conversions of Muslim-born citizens to other religions.

The law prohibited blasphemy and the "denigration of religions." Though there were no reported prosecutions, at least one Koranist was arrested and was being held without charges at year's end. The government prosecuted members of religious groups whose practices deviated from mainstream Islamic beliefs and whose activities were believed to jeopardize communal harmony. The law bans Baha'i institutions and community activities and stripped Baha'is of legal recognition. The government continued to deny civil documents, including ID cards, birth certificates, and marriage licenses to members of the Baha'i community. The MOI requires identity card applicants to self-identify as a Jew, Christian, or Muslim. As a result, Baha'is faced difficulties in conducting civil transactions, including registering births, marriages, and deaths, obtaining passports, enrolling children in schools, and opening bank accounts. During the year Baha'is were compelled either to misrepresent themselves as Muslim, Christian or Jewish, or go without valid identity documents. Many Baha'is chose the latter course.

Traditional practices and some aspects of the law discriminated against religious minorities, including Christians and particularly Baha'is. The law requires non-Muslims to obtain a presidential decree to build a new place of worship. In addition, MOI regulations, issued in 1934 under the Al-Ezabi decree, specify a set of 10 conditions the government must consider before a presidential decree for construction of a new non-Muslim place of worship can be issued. The conditions include the requirement that the distance between a church and a mosque not be less than 100 meters (328 feet) and that approval of the neighboring Muslim community be obtained before a permit to build a new church may be issued.

The law also requires non-Muslims to obtain a governor's approval to repair, renovate, or expand existing church complexes. Decree 291 of 2005 delegated such authority, formerly held by the president, to the governors, but loopholes in the law have been exploited to prevent implementation. For example, some local authorities refuse to process applications without "supporting documents" that were virtually impossible to obtain (e.g., a presidential decree authorizing the existence of a church that had been established during the country's monarchical era). Church and lay leaders also maintain that security forces blocked them from using permits that had been issued, and at times denied them permits, for repairs to church buildings and the supply of water and electricity to existing church facilities. As a result, in general, congregations continue to

wait many years to be able to build and repair church properties.

The constitution requires elementary and secondary public schools to offer religious instruction. Public and private schools provided religious instruction according to the faith of the student.

The government did not carry out forced conversions; however, there were again reports of forced conversions of Coptic women and girls to Islam by Muslim men. Reports of such cases are disputed and often include inflammatory allegations and categorical denials of kidnapping and rape. Observers, including human rights groups, find it difficult to determine whether compulsion was used, as most cases involve a female Copt who converts to Islam when she marries a Muslim male.

On September 24, the Alexandria Court of Appeals upheld a 2006 Family Court ruling that the father of Mario Medhat Ramses, 11, and Andrew Medhat Ramses, 13, a convert from Christianity to Islam, was entitled to custody of his sons. The ruling would permit him to convert children to Islam over the objection of their Christian mother, who continued to raise them as Christians after her husband converted to Islam. Although Article 20 of the civil code grants custody of children to their mothers until age 15, the court applied Shari'a guidelines to reach the verdict. Despite the court order, the boys remained in their mother's custody at year's end.

Neither the constitution nor the civil and penal codes prohibit proselytizing, but police harassed or arrested some individuals proselytizing on charges of ridiculing or insulting the "heavenly religions" (Islam, Christianity, and Judaism) or inciting sectarian strife.

Jehovah's Witness leadership reported that authorities monitored the homes, telephones, and meeting places of members of Jehovah's Witnesses. The government also reportedly maintained regular and sometimes hostile surveillance of Muslim-born citizens who were suspected of having converted to Christianity. On September 17, a criminal court sentenced Bahya Nagy Ibrahim to three years in prison for falsely claiming to be Christian. She remained free at year's end and human rights observers noted that they did not expect the sentence to be enforced; her sister, Shadia, was convicted of the same crime in November 2007, a conviction the public prosecutor subsequently reversed. Ibrahim had listed her religion as Christian on her marriage certificate in the 1980s, not knowing her father's brief conversion to Islam in 1962 made her official religion Islam according to the country's interpretation of Islamic law.

Authorities monitored and occasionally placed restrictions on religious materials (published in the country and imported) as they did other written materials.

The government banned women and girls in public primary schools from wearing veils. Girls in secondary or preparatory schools could wear a veil only upon a parent's written request.

Societal Abuses and Discrimination

Societal religious discrimination and sectarian tension continued during the year.

For example, on November 24, hundreds of Muslims attacked a recently opened, unlicensed Coptic church in the Ain Shams area of Cairo, fighting with Coptic worshippers and police attempting to restore order.

Authorities continued to detain two Copts accused of killing a Muslim who died at the time of the attack on the Abu Fana Monastery. There were no charges filed against the assailants who assaulted the monastery and abused the monks who were abducted.

The constitution provides for equal public rights and duties without discrimination based on religion or creed, and in general the government upheld these protections; however, government discrimination against non-Muslims existed. The government continued to

discriminate against non-Muslims in public sector employment and in admission to publicly financed Al Azhar University.

Anti-Semitism in the media was common, although less prevalent than in recent years. There were no reports of anti-Semitic acts directed toward the country's approximately 125 Jews. Anti-Semitic sentiments appeared in both the pro-government and opposition press. Anti-Semitic editorial cartoons and articles depicting demonic images of Jews and Israeli leaders, stereotypical images of Jews along with Jewish symbols, and comparisons of Israeli leaders to Hitler and the Nazis were published throughout the year. The government advised journalists and cartoonists to avoid anti-Semitism. Government officials insisted that anti-Semitic statements in the media were a reaction to Israeli government actions against Palestinians and did not constitute anti-Semitism.

For a more detailed discussion, see the [2008 International Religious Freedom Report](#).

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d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice with some notable exceptions. Citizens and foreigners may not travel in areas of the country designated as military zones. Males who have not completed compulsory military service may not travel abroad or emigrate, although this restriction may be deferred or bypassed under special circumstances. Unmarried women younger than 21 must have permission from their fathers to obtain passports and travel, and police reportedly required such permission for married women in practice, although the law no longer required it. The government did not consistently cooperate with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

On May 1, SSIS prevented MB member and blogger Abdel Moneim Mahmoud from traveling to Morocco to participate in a conference on press freedom.

The constitution prohibits forced exile, and the government did not use it during the year.

Protection of Refugees

The constitution includes provisions for the granting of refugee status or asylum to persons who meet the definition in the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol; however, the country has no national legislative framework or system for granting asylum. The government admits refugees on the understanding that their presence in the country is temporary, and the UNHCR assumes full responsibility for the determination of refugee status on behalf of the government.

From January to June, the government denied the UNHCR access to all potential Eritrean and Ethiopian refugees who were imprisoned for illegally entering the country. On June 16, the government allowed the UNHCR to meet with the estimated 140 Eritreans and 40 Ethiopians detained in Aswan. Most Eritreans were granted refugee status; all Ethiopians were denied. The Ethiopians subsequently requested repatriation to Ethiopia.

In practice, the government sometimes did not provide protection against the expulsion or forced return of refugees to countries where their lives or freedom would be threatened.

On April 19, the government forcibly deported to southern Sudan an estimated 30

Sudanese men and boys, at least 11 of whom UNHCR recognized as refugees or asylum seekers. According to HRW, police arrested the individuals on February 8 after Sudanese gangs in Cairo had been accused of vandalizing cars.

In June authorities forcibly returned at least 1,200 Eritrean nationals to Eritrea, triggering a June 19 letter from 18 local human rights organizations expressing concern about the deportations. By year's end authorities had not responded to the letter. On December 24, Egypt forcibly repatriated another 25 more Eritreans.

On August 26, police arrested 23 Sudanese refugees in Sinai and deported them to Khartoum on November 7 for allegedly illegally crossing into Israel. According to the Darfur Democratic Forum, they were transported to Cairo and interrogated, beaten, and tortured before being transferred to the Sudanese embassy, which organized their departure.

Refugees faced violence by security forces, abuse, and discrimination.

During the year in at least 16 separate incidents, security forces shot and killed at least 33 African migrants attempting to cross illegally into Israel. At year's end the government had not taken action to prosecute any of the officers involved in these incidents. For example, on February 16, security forces shot and killed Mervat Mer Hatover, an Eritrean woman, as she attempted to cross the border near the El Kuntilla region in the Sinai Peninsula. On June 28, security forces shot and killed a seven-year-old Sudanese girl and man attempting to cross the border south of Rafah. There was an increase in the number of Eritrean, Sudanese, and other African asylum seekers who attempted to migrate illegally through the country to Israel during the year. Throughout the year authorities arrested more than 1,300 sub-Saharan refugees on charges of attempting an unlawful crossing of Egypt's eastern border with Israel. Detainees were tried in military courts that, according to AI, did not meet international standards for fair trial. Courts often imposed one year sentences followed by immediate deportation procedures.

Many African and Sub-Saharan refugees faced discrimination, including restrictions on employment, poor housing, limited access to health and education, and societal discrimination based on race. Iraqi refugees faced restrictions on employment and access to health and education services.

Baha'i men of draft age had difficulty obtaining passports because they are unable to establish that they have fulfilled or are exempt from military service obligations.

3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution provides that citizens shall elect the president every six years and the 454-seat People's Assembly every five years. The constitution also provides that two-thirds of the 264-member Shura Council, the upper house of parliament, are elected and one-third are appointed by the president. Shura council terms are for six years, with half of the Shura's elected seats contested every three years. There continued to be limitations on citizens' rights to change their government peacefully, due to consistent election irregularities, including technical problems and fraud.

Elections and Political Participation

On February 17, President Mubarak announced that local council elections would take place April 8. Local councils are responsible for implementing legislation and monitoring daily local functions of the government municipalities; in addition, the law requires independent presidential candidates to obtain at least 140 signatures from local council members in at least 14 governorates.

On February 29, the government banned election campaigning in places of worship, schools, universities, and public transportation. The decree also banned the use of funds

from abroad for campaigning.

Many opposition candidates from registered political parties and the MB reported difficulties registering and alleged a government campaign to prevent opposition candidates from participating in the elections. More than 3,000 MB candidates prevented from registering sued the government. Although the courts ruled in favor of the MB candidates in 2,664 suits, the majority of the rulings were not implemented. The government arrested and detained an estimated 1,000 MB members prior to the elections. On March 30, HRW issued a statement noting that government arrests of MB-affiliated candidates "put the legitimacy of the election in serious doubt." AI also expressed concern over the arrests and called for the government to release the detained individuals.

On April 7, following weeks of arrests and official hurdles placed in the way of candidate registration, the MB called on citizens to join it in "boycotting this fraudulent process." Only 20 MB candidates registered and none ran for office after the MB announced its boycott.

On April 8, the local elections took place in 26 governorates where candidates contested approximately 52,000 total seats. There were 57,000 candidates in total, of whom 52,000 were NDP members.

Independent observers estimated that the voter turnout was less than 3 percent. NDP candidates won 92 percent of the seats, and the rest went to the liberal Wafd party, the socialist Taggamu party, the liberal Democratic Front Party, the liberal Al-Ghad party, and independents.

The Carnegie Endowment for International Peace described the elections as "a step backwards for Egyptian politics," and the Egyptian Organization for Human Rights (EOHR) did not monitor the elections because of citizens' reluctance to participate and the elections' lack of competitiveness.

Observers, including the Egyptian Alliance for Democracy Support and the NCHR, reported numerous violations and irregularities, including NDP monopolization of distinctive symbols, government prevention of observers from entering polling stations, violence between supporters of different candidates, ballot box stuffing, group voting, vote buying, counting of votes before the polls closed, and a shortage of ballots in some polling stations. The NCHR also reported that candidates' supporters attempted to influence voters in some polling stations.

On July 3, Minister of Interior Habib Al Adly set parliamentary by-elections for four vacant parliament seats in Kafr Al Sheikh and Alexandria for July 13. The four seats had been vacant since a legal challenge during the 2005 parliamentary elections. The NDP won the four contested seats. MB-affiliated candidates ran for three of the seats, and the MB accused the government of rigging the vote to favor the NDP.

The NDP continued to dominate national politics by maintaining an overriding majority in the People's Assembly and the Shura Council. It also dominated local governments, mass media, labor, and the public sector, and controlled licensing of new political parties, newspapers, and private organizations. The law prohibits political parties based on religion, and the MB remained an illegal organization; however, independent members of Parliament linked to the MB continued to participate actively in Parliament. The government refused to grant official registration to 12 political parties that had filed applications in the past. At year's end, none of the 12 parties had reapplied to the Political Parties Affairs Committee.

There were nine women in the People's Assembly (out of 454 total seats) and 21 in the Shura Council (out of 264). Two women served among the 32 ministers in the cabinet.

There were six Christians (five appointed, one elected) in the People's Assembly; 10

Christians (all appointed) in the Shura Council; and two Christians in the cabinet. Christians, who represent 8 to 12 percent of the population, held fewer than 2 percent of the seats in the PA and Shura Council. In 2006, for the first time in more than 30 years, the government appointed a Copt as one of the country's 28 governors in Qena. During the year the government reappointed the Christian governor of Qena. There were no Christians in the upper ranks of the security services and armed forces.

Government Corruption and Transparency

The law provides criminal penalties for official corruption, but the government did not consistently and effectively implement the law, and impunity was a problem. Media routinely reported on confirmed cases of low-level corruption, including the fraudulent alteration of official documents, embezzlement, and bribery.

There was an update regarding the November 2007 detention of Ayman Abdel Moneim. On October 8, a Cairo criminal court convicted Moneim and two other Ministry of Culture officials, and sentenced them to 10-year prison terms. The court fined Moneim LE 200,000 (approximately \$35,000), and the other two officials LE 125,000 (\$22,000) and LE 550,000 (\$100,000). In November 2007 Assistant Minister of Justice Ahmed al-Shalaqany ordered the provisional detention of Ayman Abdel Moneim, director of the Ministry of Culture's Office for Monuments, after Moneim was accused of receiving bribes. On November 25, the public prosecutor transferred Moneim and eight other suspects to a criminal court on charges of receiving bribes and manipulating the ministry's tenders, which accounted for LE 930,000 (\$170,000). At year's end Moneim and the two other officials were in prison.

On July 27, Safaga Misdemeanors Court acquitted ferry owner and Shura Council member Mamdouh Ismail, along with five other defendants, for failing to offer assistance in the 2006 sinking of the Al-Salaam Bocaccio 90 ferry in the Red Sea, which killed more than 1,000 people. Ismail's relationship with presidential chief of staff Zakaria Azmi had sparked public debate about corruption. Four hours after the verdict was issued, the public prosecutor appealed the decision. The case remained pending at year's end, and Ismail remained in London.

On November 20, Cairo Criminal Court sentenced former Deputy Minister of Agriculture Youssef Abdel Rahman and Chairman of the Agricultural Bourse Randa Al Shamy to 10 and seven years of imprisonment, respectively. Both were found guilty of importing carcinogenic pesticides to Egypt, bribery, and embezzlement of public money.

There were no financial disclosure laws for public officials, nor were there legal provisions for public access to government information.

4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Government restrictions on NGO activities, including limits on organizations' ability to accept foreign funding, continued to limit reporting on human rights abuses. Government officials were selectively cooperative and responsive to some NGOs' views.

Local independent human rights NGOs included the EOHR, the HRAAP, the AHRLA, the Cairo Institute for Human Rights Studies (CIHRS), the EIPR, the Ibn Khaldun Center, the Arab Center for the Independence of the Judiciary and the Legal Profession (ACIJLP), the Arab Network for Human Rights Information, the Nadim Center for the Rehabilitation of Victims of Torture and Violence, and the Egyptian Center for Women's Rights (ECWR). The government closed AHRLA in September 2007, but the organization continued to operate as the Center for Human Rights and Legal Aid until an October 26 court ruling allowed it reestablish using its original name. The AOHR generally took a softer line toward the government. Informal coalitions of Internet activists and bloggers continued to play an increasingly significant role in publicizing information about human rights abuses. On September 12, prominent Egyptians, including former foreign minister Ahmed Maher, announced the formation of a new NGO called "The Police and the People

for Egypt," which seeks to address existing tensions between police and citizens.

Several leading human rights groups and civil society organizations continued to press legal challenges against government decisions that prohibit them from registering under the NGO law. Although these organizations generally were allowed to conduct operations, albeit on a limited basis, they did so in technical violation of the NGO law with the omnipresent prospect of government interference and/or closure looming over them.

The government did not demonstrate a consistent approach to cooperating with human rights NGOs, sometimes harassing them or restricting their activities, and it detained and abused some bloggers.

On May 18, the Arab Center for the Independence of the Judiciary and the Legal Profession (ACIJLP) reported that the government forced it to conclude a May 14-16 human rights conference in Alexandria one day earlier than planned. Security officials allegedly harassed the hotel staff where the conference took place.

In June the government removed EIPR from the list of participants for the UN General Assembly High Level Meeting on HIV and AIDS on June 10 and 11. Domestic and international NGOs described the incident as "a disturbing escalation of the atmosphere of harassment and restrictions targeting independent human rights organizations."

On December 5, CIHRS issued its first annual report detailing the state of human rights in the Arab world, accusing the government of using its influence in international organizations to thwart efforts at human rights reform.

The government generally allows international human rights NGOs to establish informal operations. Organizations such as HRW made periodic visits as part of their regional research program and were able to work with domestic human rights groups. On April 7, according to press reports, the Ministry of Foreign Affairs withdrew approval for the International Federation for Human Rights to open a regional office in Cairo. At year's end the NGO was still waiting for official approval. The National Democratic Institute, International Republican Institute, and International Foundation for Electoral Systems (IFES), which provide technical assistance in support of expanded political and civil rights, remained unregistered but were able to pursue limited activities.

The government cooperated selectively with the UN and other international organizations. It did not respond to standing visitation requests from at least five UN special rapporteurs, including those on torture, the situation of human rights defenders, freedom of religion, independence of judges and lawyers, human rights, and counterterrorism.

The United Nations High Commissioner for Refugees criticized the government for its forced returns of Eritrean asylum seekers during the year. On January 17, the European Parliament issued a resolution criticizing the country's human rights record. The resolution called on the government to release Ayman Nour, end harassment of journalists and human rights activists, lift the state of emergency, amend the law governing military tribunals, investigate suspected cases of torture, and enhance the independence of the judiciary. The government responded by condemning the resolution and threatening to sever relations with the European Parliament and the Euro-Mediterranean Parliamentary Assembly.

The National Council for Human Rights (NCHR) is a subsidiary of the Shura Council in consultative status. The NCHR continued to monitor government abuses of human rights, formally submitting citizen complaints to the government, and issued reports critical of the government. On March 30, the NCHR issued its fourth annual report on the status of human rights in the country, covering 2007. The NCHR reported that it received more than 6,600 complaints during the year, of which 30 percent were alleged violations of civil and political rights. The report documented that the government responded to 53 percent of the complaints, an improvement of the 2006 response rate. The report called

on the government to address mistreatment of citizens in detention centers, improve judicial supervision of prisons and detention centers, provide the draft counterterrorism law to the NCHR for review, lift restrictions on political parties and NGOs, issue new election regulations, follow up on the implementation of political rights, and enforce citizenship rights. At year's end the government followed up on some of the NCHR's recommendations, such as improving employment conditions and releasing specific individual prisoners from detention. By year's end the NCHR had opened a rotating complaints office, following its announced intention to do so in February 2007.

The People's Assembly had a Human Rights Committee, which human rights activists deemed ineffective.

5. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution provides for equality of the sexes and equal treatment of non-Muslims; however, aspects of the law and many traditional practices discriminated against women and religious minorities.

Women

The law prohibits rape, prescribing penalties of 15 to 25 years imprisonment or life imprisonment for cases involving armed abduction. The government did not always enforce the law, in part due to women's fear of reporting rape incidents. Spousal rape is not illegal. According to a May 2007 study by the National Center for Criminal and Social Research, there were approximately 20,000 cases of rape during the year.

Although the law does not prohibit domestic violence or spousal abuse, provisions of law relating to assault in general may be applied with accompanying penalties. However, the law requires any kind of assault victims to produce multiple eyewitnesses, a difficult condition for a domestic abuse victim to meet. Domestic violence continued to be a significant problem. Several NGOs offered counseling, legal aid, and other services to women who were victims of domestic violence.

The law does not specifically address honor crimes, in which a male violently assaults or kills a female, usually a family member, because of a perceived lack of chastity. There were no reliable statistics regarding the extent of honor killings.

Prostitution and sex tourism were illegal but continued to occur, particularly in Cairo and Alexandria. Prostitution existed in cities and in some rural areas. Sex tourism existed in Luxor and Sharm El-Sheikh. Street children were subject to prostitution. Most sex tourists came from Europe and the Gulf.

There is no specific law criminalizing sexual harassment, but the government prosecuted sexual harassment under a statute titled "Public Exposure and the Corruption of Morals." Sexual harassment remained a serious problem. An ECWR survey, released July 17, found that 83 percent of Egyptian women and 98 percent of foreign women in the country had been sexually harassed and that approximately half of women surveyed faced harassment on a daily basis. Women reported men staring inappropriately at their bodies, touching them inappropriately, making sexually explicit comments, and stalking them. The study found the majority of women did nothing in response to sexual harassment, although many reported suffering negative physical and emotional effects. Only 2.4 percent of Egyptian women and 7.5 percent of foreign women reporting sexual harassment sought help from police, and some reported police officers mocked or harassed them.

On October 21, for the first time in the country's history, a court heard a sexual assault case, and convicted and sentenced Sherif Gomaa Gibrial to three years in prison for groping a woman in June. The court also fined Gibrial LE 5001 (approximately \$895).

On November 17, a court convicted and sentenced Islam Megdy to one year in prison on

charges of sexual assault for the attempted rape and groping of three women on a street in the Cairo neighborhood of Mohandiseen on October 2.

On November 20, police arrested and briefly detained approximately 500 young men and boys for sexual harassment in schools and public parks.

At year's end the government had not investigated 2006 reports of groups of young men sexually harassing female pedestrians in downtown Cairo.

The law provides for equality of the sexes; however, aspects of the law and many traditional practices discriminated against women.

Laws affecting marriage and personal status generally corresponded to an individual's religion. For example, a female Muslim citizen may not marry a non-Muslim man without risking arrest and conviction for apostasy; under the government's interpretation of Shari'a, any children from such a marriage could be put in the custody of a male Muslim guardian. Khul divorce allows a Muslim woman to obtain a divorce without her husband's consent, provided she is willing to forgo all her financial rights, including alimony, dowry, and other benefits. The Coptic Orthodox Church permits divorce only in specific circumstances, such as adultery or conversion of one spouse to another religion. Muslim female heirs receive half the amount of a male heir's inheritance, and Christian widows of Muslims have no inheritance rights. A sole female heir receives half her parents' estate with the balance going to designated male relatives, but a sole male heir inherits his parents' entire estate. A woman's testimony is equal to that of a man in court.

Labor laws provide for equal rates of pay for equal work for men and women in the public sector, though this did not always happen in practice. According to 2003 government figures, women constituted 17 percent of private business owners and occupied 25 percent of managerial positions in the four major national banks. Educated women had employment opportunities, but social pressure against women pursuing a career was strong. Women's rights advocates claimed that Islamist influence inhibited further gains. Women's rights advocates also pointed to other discriminatory traditional or cultural attitudes and practices, such as Female Genital Mutilation (FGM) and the traditional male relative's role in enforcing chastity.

During the year the government appointed women to several positions of authority within the government. On July 19, Dar Al Ifta, a government body responsible for fatwas (religious edicts) issued a formal fatwa stating it is religiously permissible for an Egyptian woman to become the head of state or assume a position as a judge. On February 26, Zagazig Court appointed the first female marriage registrar in the country. On March 19, President Mubarak appointed 103 women as assistant district attorneys. On May 6, the Supreme Judicial Council approved the appointment of 12 female judges in first instance courts. In November the minister of interior appointed the country's first Coptic woman mayor, Eva Habil Kirolos, in Qena.

At year's end the Supreme Judicial Council had not ruled on the 2006 cases of two female attorneys, Fatma Lashin and Amany Talaat, who had challenged the government's refusal to appoint them as public prosecutors.

The Ministry of Social Solidarity operated more than 150 family counseling bureaus nationwide to provide legal and medical services. The National Council for Women proposed and advocated policies to promote women's empowerment and designed development programs to benefit women. The Office of the National Ombudsman for Women provided assistance to women facing discrimination in employment and housing, domestic violence, sexual assault, and child custody disputes. A number of active women's rights groups worked to reform family law, educate women on their legal rights, promote literacy, and combat FGM.

Children

Despite a formal fatwa and a government law criminalizing it, FGM remained a serious problem, although it declined from previous years. In December the National Council for Childhood and Motherhood (NCCM) estimated that 55 percent of girls who married younger than 18 underwent FGM, with 9 percent in cities and 65 percent in rural areas. Previously, reported rates were as high as 97 percent. Tradition and family pressure continued to play a leading role in the persistence of FGM. On June 7, the People's Assembly criminalized FGM, except in cases of medical necessity, with penalties of three months to two years in prison, or a fine of as much as LE 5,000 (approximately \$900). Criminal prosecutions in FGM cases occurred following the passage of the new law. The quasi-government NCCM operated a hotline for children. At year's end the NCCM did not yet have statistics on the number of FGM reports it received during the year. It continued a public awareness campaign in 120 villages in the country, and numerous senior government officials spoke out publicly against FGM during the year.

On April 26, Al Maghagha Misdemeanors court sentenced Dr. Hanan Amin to one year of imprisonment with hard labor and a fine of LE 1,000 (approximately \$180). Amin had administered a fatal anesthesia overdose to 12-year-old Badour Shaker during a June 2007 FGM operation in an illegal medical unit. However, on May 20, the Al Maghagha Misdemeanors Appeal Court acquitted Amin and fined her LE 200 (\$35) after she reconciled with the victim's family.

On June 7, the People's Assembly approved new and amended provisions of the Child Law that included criminalization of FGM, except in cases of medical necessity, and stipulated penalties of three months to two years in prison or a fine from LE 1,000 (\$180) to LE 5,000 (\$900). The government continued to support efforts, including through its child abuse hot line, to educate the public about FGM.

Although reliable data are lacking, several NGOs (including the Hope Village Society, the Egyptian Center for Women's Rights, and the Alliance for Arab Women) reported that child marriages, including temporary marriages intended to mask prostitution, were a significant problem. On June 7, as part of the Child Law amendments, the government raised the official marriage age from 16 to 18. The amendments also allow the mother of a child whose father is unknown to issue a birth certificate for the child under the mother's name.

On December 26, an Alexandria court sentenced teacher Haitham Nabil Abdel Hamid to six years in prison with hard labor for beating to death his 11-year-old student, Islam Badr, in October.

The Ministry of Social Solidarity offered shelters for street children, but many children chose not to seek refuge there. Throughout the year, the shelters closed at night, forcing the children back onto the street. The NCCM offers a hotline for street children and abused children, which operates 24 hours a day, 365 days per year.

In 2006 a court convicted six individuals of kidnapping, deceiving, molesting, and murdering 24 street children between April and November 2006. In May 2007 two received death sentences and the others received long prison terms. At year's end a court of cassation decision on the defendants' appeal was expected in January 2009.

Trafficking in Persons

There is no specific comprehensive law prohibiting trafficking in persons; however, other laws, such as the labor code and the new child law amendments, which the parliament adopted on June 7, may be used to prosecute traffickers. Although no laws specifically proscribe trafficking of adults, the government nonetheless prosecuted trafficking-related cases under laws prohibiting commercial sexual exploitation, with a maximum penalty of seven years' imprisonment and forced labor. Under the child law amendments, an individual who sells, buys, or offers a child for sale may be sentenced to at least five years of imprisonment and fined as much as LE 200,000 (approximately \$37,000). There were occasional reports of persons trafficked from Eastern Europe and Asia through the country to Israel for commercial sexual exploitation and forced labor.

Some antitrafficking activists suggested children were being trafficked from rural areas within the country for work as domestic servants or laborers in agriculture, and urban street children were at risk for forced prostitution or panhandling. Caritas Internationalis estimated that 80 percent of street children were victims of some form of sexual exploitation. ECWR reported that women were sexually exploited through "temporary marriages" to tourists from the Gulf.

The National Coordinating Committee to Combat and Prevent Trafficking in Persons, established in July 2007, improved intergovernmental coordination on antitrafficking initiatives. The government indicated that authorities investigated 102 cases from 2003 to 2007-08 that may have involved elements of trafficking in persons, including 73 cases involving commercial sexual exploitation and seven cases of abusing or forcing children into begging. Since there is no trafficking law, the government did not report any prosecutions, convictions, or punishments for trafficking offenses.

The government continued to lack a formal victim identification program, and police reportedly arrested and mistreated street children for violating prostitution or other laws. The government offered minimal protection services to victims during the year, and it continued to operate a child abuse hot line.

The National Council for Childhood and Motherhood (NCCM) formed a new antitrafficking unit to provide services and training, and held several workshops during the year.

In August press reports stated that Public Prosecutor Abdel Meguid Mahmoud approved issuing booklets for prosecutors including orders on treatment of children, banning FGM, child trafficking, and child abuse. In December First Lady Suzanne Mubarak hosted an event to introduce the Arabic version of the International Organization on Migration's (IOM) Arabic "Handbook on Direct Assistance for Victims of Trafficking."

See also the State Department's [2008 Trafficking in Persons Report](#).

Persons with Disabilities

The law provides that all businesses must designate five percent of their jobs for persons with physical or mental disabilities; however, there were no laws prohibiting discrimination against persons with disabilities in education, access to health care, or the provision of other state services, nor was there legislation mandating access to buildings or transportation. Widespread societal discrimination remained against persons with disabilities, particularly mental disabilities, resulting in a lack of acceptance into mainstream society. Government-run treatment centers for persons with disabilities, especially children, were poor.

Statistics regarding the practical implementation of the employment laws were unavailable; however, on April 14, the deputy of the employment force district in Sohag stated that most employers did not comply with the governorate's orders to implement the right of employment for persons with disabilities.

The Ministry of Education and the Ministry of Social Solidarity share responsibility for protecting rights of persons with disabilities. Persons with disabilities rode government-owned mass transit buses free of charge, received expeditious approval for the installation of new telephone landlines, and received reductions on customs duties for specially equipped private vehicles to accommodate disabled drivers.

The government worked closely with UN agencies and other international aid donors to design job-training programs for persons with disabilities.

Other Societal Abuses and Discrimination

Although the law does not explicitly criminalize homosexual acts, police targeted homosexuals and persons with HIV/AIDS, leading to arrests on charges of "debauchery."

Authorities also reportedly forced individuals in detention to undergo HIV tests and conducted abusive anal examinations. Homosexuals and persons with HIV/AIDS faced significant social stigma in society and in the workplace.

6. Worker Rights

a. The Right of Association

There are no legal obstacles to establishing private sector labor unions, although such unions were uncommon. Workers may join trade unions but are not required to do so. Workers are able to form a local union or workers' committee if at least 50 employees express a desire to organize. Local unions can only operate if they affiliate with one of the 23 existing trade unions that operate with government authorization. The government requires all 23 trade unions to belong to the Egyptian Trade Union Federation (ETUF), the sole legally recognized labor federation. ETUF controlled nomination and election procedures for trade union officers and permitted public authorities to intervene in union financial activities.

State-owned enterprises employed most union members, who made up approximately one-quarter of the labor force.

On December 20, civil service tax collectors established the country's first independent trade union since the creation of ETUF in 1957. According to the Land Center for Human Rights (LCHR), ETUF has about 4.5 million registered workers, fewer than 20 percent of whom work in agriculture.

The 2003 Unified Labor Law permits peaceful strikes, but only after an extended negotiation process and provided the strike is announced in advance and organized by the trade union to defend vocational, economic, or social interests. In practice, strikes are rarely, if ever, approved. To call a strike, the trade union must notify the employer and concerned administrative authority at least 10 days in advance, giving the reason for the strike and the date it would commence. Prior to this formal notification, a two-thirds majority of the ETUF board of directors must approve the strike action. The law prohibits strikes while collective bargaining agreements are in force or during the mediation and arbitration process. The law also prohibits strikes in a lengthy list of "strategic or vital" entities in which the interruption of work could result in a disturbance of national security or basic services.

There were no formal, authorized strikes during the year; however, numerous illegal strikes and related actions took place, with complaints encompassing fears over privatization and job losses, demands for payment of promised incentives and bonuses, and issues related to health insurance and medical treatment. According to a Sons of Land Center report, between January and July workers initiated 118 sit-in protests, 68 strikes, 48 demonstrations, and five protests. Strikes were largely peaceful despite the often heavy government security presence at the larger strikes. The majority of high-profile strikes occurred in the textile industry.

On April 6, police occupied the state-owned Misr Helwan Spinning and Weaving Company and prevented 27,000 employees from gathering at the end of their shifts for a strike against low wages. Police later clashed with 2,000 protesters in the Mahalla al Kubra town square, killing four protesters and detaining at least 50, some of whom were abused.

On April 14, 3,000 workers from the Alexandria Spinning and Weaving Company initiated a strike to demand the 15-day bonus Prime Minister Ahmed Nazif had called for earlier in the month. Workers conducted a sit-in outside the headquarters with their families for one week. Employers partially accepted their demands.

On May 25, 6,000 Amereya textile workers initiated an open strike after their company completed the previously determined one-month period for the company to answer

demands for a bonus and meal compensation. Security forces surrounded the building on the second day of the strike and prevented participants from entering the building, even for food or drinks. On the third day, 1,500 workers tried to enter the headquarters. Security forces tried to prevent them but the workers made it inside. There were no reported injuries. On the sixth day of the strike, a compromise granted protesters half of their demands.

b. The Right to Organize and Bargain Collectively

The law provides for collective bargaining; however, the law requires tripartite negotiations – employer, workers, and government – and the government is heavily involved in any negotiations.

On June 22, in response to a January Supreme Constitutional Court decision, an amended labor law took effect, reestablishing labor courts as the primary vehicle for labor dispute resolution and doing away with special "pentagonal committees," which were formerly responsible for resolving disputes.

The law does not permit antiunion discrimination, and there were no reports of attempted discrimination.

Labor law and practice were the same in the six existing export processing zones (EPZs) as in the rest of the country.

c. Prohibition of Forced or Compulsory Labor

The constitution and law prohibit forced or compulsory labor, including by children. Such practices were reportedly rare. There were NGO reports that women were sexually exploited through "temporary marriages" to tourists from the Gulf.

d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits children younger than 14 to work in most sectors. The law limits the type and conditions of work that children younger than 18 may perform. In nonagricultural work, the minimum age for employment is 14 if the child has completed basic education, which is offered until age 15. Provincial governors, with the approval of the minister of education, may authorize seasonal work for children between the ages of 12 and 14, provided that duties are not hazardous and do not interfere with schooling. Children are prohibited from working for more than six hours per day, and one or more breaks totaling at least one hour must be included. Several other restrictions apply to children: they may not work overtime, during their weekly day(s) off, between 7 p.m. and 7 a.m., or on official holidays. Children are also prohibited from working for more than four continuous hours. Children under 16 are prohibited from working in 44 hazardous industries, including agricultural work involving the use of pesticides.

On March 13, NCCM Secretary-General Mushira Khattab spoke to Al Ahram Weekly about the child law amendments, calling the new penalties for child labor exploitation "relatively severe." A person convicted of forcing children below the minimum age into work faces a prison sentences of between three and six months. MOMM, working with the NCCM and the MOI, generally enforced these regulations in state-owned enterprises, but enforcement in the informal sector was lax. Employers continued to abuse, overwork, and generally endanger many working children. NGOs estimated that as many as 2.7 million children worked, 78 percent in agriculture. Children also worked in light industry, on construction sites, and in service businesses such as auto repair shops. Press reports continued to focus attention on the estimated 2,000-3,000 children working in stone quarries in Minya and hundreds of children working in small brick factories in the Arab Jbour area. According to credible NGO reports, street children in Egypt are at risk of being sexually exploited or forced to panhandle.

Enforcement of child labor laws remained spotty, and when offenders were prosecuted, the fines imposed were often as small as LE 500 (approximately \$90) and thus had questionable deterrent effects. The government made progress toward eliminating the worst forms of child labor, pursuant to the UN Convention on the Rights of the Child (CRC); however, many challenges remain. The NCCM continues working with the MOMM, ETUF, ILO, World Food Program, UNICEF, and government ministries to formulate a national strategy to combat child labor and eliminate the worst forms of child labor; police officers trained on children's rights and working with juveniles coordinated with the Ministry of Education to incorporate study of the CRC into curricula and to set up social and economic projects in several governorates to transfer working children into non-hazardous activities. NCCM also worked during the year to provide working children with social security safeguards and reduce school dropout rates by providing their families with alternative sources of income.

In practice, however, these programs experienced obstacles. According to the June 28 issue of Al Masry Al Youm daily newspaper, NCCM noted it had made a mistake in the planning and implementation of its project for combating child labor and school dropout rates. NCCM stated that the project lacked complete coordination with the Ministry of Education.

The government's campaign to increase public awareness of child labor issues was highlighted by workshops and conferences throughout the year. Many of these efforts were characterized by high-level government involvement. On June 25, Suzanne Mubarak, first lady and NCCM president, led a conference on how best to address the economic cost of curbing child labor.

e. Acceptable Conditions of Work

The government did not set a formal private sector minimum wage, although general public sector compensation practices, including a public sector minimum wage, were followed. The public sector minimum wage frequently did not provide a decent standard of living for a worker and family; however, base pay commonly was supplemented by a complex system of fringe benefits and bonuses that may double or triple a worker's take-home pay.

The National Council of Wages determined working hours for government and public sector employees, but there were no standards for the private sector. The law stipulates that the maximum work week is 48 hours. Most private sector employees work five days per week, usually Sunday to Thursday.

Overtime for hours worked beyond 36 hours per week is payable at the rate of 35 percent extra for daylight hours and 70 percent extra for work performed at night. The premium for work on rest days is 100 percent and workers should receive 200 percent for work on national holidays. The labor law permits overtime work in limited circumstances.

The Ministry of Labor sets and enforces worker health and safety standards, which also apply in the EPZs; enforcement and inspections were uneven. The law prohibits employers from maintaining hazardous working conditions, and workers have the right to remove themselves from hazardous conditions without risking loss of employment.

There were occasional reports of employer abuse of undocumented workers, especially domestic workers. A few private sector employers were prosecuted during the year for abuse of domestic workers, but many claims of abuse were unsubstantiated because undocumented workers were reluctant to make their identities public.