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## Freedom in the World 2009 - Egypt

**Capital:** Cairo

**Population:** 74,900,000

Political Rights Score: 6

Civil Liberties Score: 5

Status: Not Free

### Overview

**A reenergized Egyptian state continued to assert its power over civil society in 2008. The long-standing emergency law was extended, President Hosni Mubarak's critics were methodically sidelined and detained, and journalists were forced to contend with prosecutorial harassment.**

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

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

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

The government embarked on a high-profile effort to cast itself as a champion of reform

in 2004. Mubarak removed several "old guard" ministers, appointed a new cabinet of younger technocrats, and introduced market-friendly economic reforms. However, the awarding of key economic portfolios to associates of the president's son Gamal, himself a rising star in the ruling party, raised concerns that the changes were simply preparations for a hereditary transition.

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

In December 2004, Kifaya (Enough), an informal movement encompassing a broad spectrum of secular and Islamist activists, held the first-ever demonstration explicitly calling for Mubarak to step down. Despite a heavy-handed response by security forces, Kifaya persisted with the demonstrations in 2005, leading other opposition groups to do likewise. The United States was also pressing Egypt to democratize at the time.

Mubarak called for a constitutional amendment that would allow Egypt's first multicandidate presidential election, but the proposed amendment restricted eligibility to candidates who were nominated by licensed parties or a substantial bloc of elected officials. Consequently, all major opposition groups denounced the measure and boycotted the referendum that approved it.

The results of the September 2005 election were predictably lopsided, with Mubarak winning 88 percent of the vote. His main opponent, Al-Ghad (Tomorrow) Party chairman Ayman Nour, took just 8 percent; having been charged earlier in the year with forging signatures in his party's petition for a license, Nour was convicted and sentenced to five years in prison a few months after the election. Three rounds of legislative elections in November and December 2005 featured a strong showing by members of the formally banned Muslim Brotherhood, who ran as independents. The Brotherhood increased its representation in the parliament sixfold, to 88 of 454 seats. Still, the ruling National Democratic Party (NDP) remained dominant. Voter turnout was low, and violent attacks on opposition voters by security forces and progovernment thugs abounded. Judges criticized the government for failing to prevent voter intimidation and refused to certify the election results, prompting the authorities to suppress judicial independence in 2006.

The government postponed the 2006 municipal elections until 2008 and began a renewed crackdown on the Muslim Brotherhood. U.S. pressure for democratic reform had subsided after the Brotherhood's recent gains and the victory of Hamas in the January 2006 Palestinian elections. In March 2007, a set of 34 constitutional amendments were submitted to a national vote. Official reports stated that only 25 percent of eligible voters participated, with 76 percent of those approving the proposals, but independent monitors put the turnout closer to 5 percent. Opposition leaders boycotted the referendum on the grounds that the amendments would limit judicial monitoring of elections and prohibit the formation of political parties based on religious principles. The Judges' Club accused the government of ballot stuffing and vote buying. The Shura Council elections that June were similarly marred by irregularities, and the Muslim Brotherhood was prevented from winning any seats. When the postponed municipal elections were finally held in 2008, the Brotherhood was again shut out, and the government's ongoing crackdown on the group led to lengthy prison terms for many senior members.

### **Political Rights and Civil Liberties**

Egypt is not an electoral democracy. The political system is designed to ensure solid majorities for the ruling NDP at all levels of government. Constitutional amendments passed in 2007 banned religion-based political parties, ensuring the continued

suppression of the Muslim Brotherhood, a nonviolent Islamist group that represents the most organized opposition to the government. President Hosni Mubarak, who has been in power since 1981, serves six-year terms and appoints the cabinet and all 26 provincial governors. The first multicandidate popular election for the presidency was held in 2005.

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

The 2007 constitutional amendments allow citizens to form political parties "in accordance with the law," but no party can be based on religion, gender, or ethnic origin. Previously, new parties required the approval of an NDP-controlled body linked to the Shura Council. Religious parties have long been banned, but members of the Muslim Brotherhood have competed as independents. Also under the new rules, a party must have been continuously operating for at least five years and occupy at least 5 percent of the seats in parliament in order to nominate a presidential candidate.

The June 2007 Shura Council elections put the new constitutional amendments into practice. Police detained a number of Muslim Brotherhood members on election day, including six candidates, for violating the ban on religious parties. Prior to municipal council elections in April 2008, the police arrested hundreds of would-be candidates. Authorities also prevented thousands of Muslim Brotherhood candidates from registering and effectively excluded them from the process.

The Muslim Brotherhood has faced a renewed, orchestrated government crackdown that began in 2006. Members and supporters are regularly detained on dubious charges. Senior Brotherhood members are sometimes charged in military courts, which do not allow appeals. In April 2008, a military court convicted over two dozen Brotherhood activists, including deputy leader Khairat al-Shatir, on charges of money laundering and belonging to a banned organization. The men received sentences that ranged from three to 10 years in prison.

Corruption remains pervasive. Egypt was ranked 115 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Freedom of the press is restricted in law and in practice. The parliament passed a press law in 2006 that abolished custodial sentences for libel, but it also increased the fines that could be imposed. Journalists and human rights groups noted that the measure allowed judges to determine whether imprisonment was appropriate for other, related offenses. Authorities continue to use an array of security and other laws to curb free expression.

Government harassment of the press continued in 2008. Journalists were prevented from covering events, prosecuted on dubious charges, fined, and sentenced to prison time. In February, an appeals court upheld the conviction of a reporter for Qatar-based Al-Jazeera television, Howaida Taha, who was accused of harming the country's reputation in connection with a documentary on police brutality. Her original six-month prison sentence was rescinded, but a fine imposed on her was upheld. In late September, an appeals court upheld the March conviction of prominent *Al-Dustour* newspaper editor Ibrahim Issa, but reduced his sentence from six to two months in jail. Several days later, the president pardoned Issa, who had been convicted of publishing false information and rumors about the president's health. Although neither journalist served a prison sentence, the episodes served as a reminder of the government's control over the fate of critical reporters.

The government exercises influence over all privately owned publications through its monopoly on printing and distribution. The three leading daily newspapers are state controlled, and their editors are appointed by the president. Foreign publications and Egyptian publications registered abroad are subject to direct government censorship. Several private satellite television stations have been established, but their programming is subject to state influence. Films, plays, and books are subject to censorship, especially on grounds of containing information that is "not in accordance with the principles of Islam" or harmful to the country's reputation. A number of books and movies have been banned based on the advice of the country's senior clerics.

The government does not significantly restrict or monitor internet use, but follows online media closely and punishes bloggers for perceived transgressions. Blogger Abdel Kareem Nabil Suleiman was sentenced to four years in prison in 2007 for "inciting hatred of Islam" and insulting the president. He remained behind bars at the end of 2008. In addition to Suleiman, several other bloggers were detained and released from their posts throughout 2008, and at least three were still detained at year's end.

Islam is the state religion. The government appoints the staff of registered mosques and attempts to closely monitor the content of sermons in thousands of small, unauthorized mosques. Most Egyptians are Sunni Muslims, but Coptic Christians comprise a substantial minority and there are small numbers of Jews, Shiite Muslims, and Baha'is. Although non-Muslims are generally able to worship freely, religious expression considered deviant or insulting to Islam is subject to prosecution. In January 2008, a court ruled that the authorities could not prevent Baha'is from receiving identity cards. The religion section on Baha'i cards will now be left blank. In February, the Supreme Administrative Court found that Christians who had converted to Islam and wanted to return to Christianity were permitted to do so. Anti-Christian employment discrimination is evident in the public sector, especially the security services and military. The government frequently denies or delays permission to build and repair churches.

Academic freedom is limited in Egypt. Senior university administrators are appointed by the government, and the security services reportedly influence academic appointments and curriculum on sensitive topics. University professors and students have been prosecuted for political and human rights advocacy outside of the classroom.

Freedoms of assembly and association are heavily restricted. Organizers of public demonstrations must receive advance approval from the Interior Ministry, which is rarely granted. The Emergency Law allows arrest for innocuous acts such as insulting the president, blocking traffic, or distributing leaflets and posters. Authorities have cracked down more zealously on protesters and labor activists in recent years, partly because U.S. pressure for democratic reform has eased.

The Law of Associations prohibits the establishment of groups "threatening national unity [or] violating public morals," bars NGOs from receiving foreign grants without the approval of the Social Affairs Ministry, requires members of NGO governing boards to be approved by the ministry, and allows the ministry to dissolve NGOs without a judicial order. Security services have rejected registrations, decided who could serve on boards of directors, harassed activists, and intercepted donations.

The 2003 Unified Labor Law limits the right to strike to "nonstrategic" industries and requires workers to obtain approval for a strike from the government-controlled Egyptian Trade Union Federation, the only legal labor federation. Nevertheless, Egypt has been swept by a wave of wildcat strikes since late 2006. The strikes continued throughout 2008 and began to increase in scope from the local to the national level. The government has used a mix of threats, arrests, and concessions to cope with the work stoppages. In April, the police forcefully shut down a labor protest in Mahalla, an industrial town north of Cairo where many labor actions have been organized.

The Supreme Judicial Council, a supervisory body of senior judges, nominates and assigns most members of the judiciary. However, the Justice Ministry controls promotions and compensation packages, giving it undue influence over the courts. The

2006 Judicial Authority Law offered some concessions to judicial independence, but fell short of reforms advocated by the Judges' Club.

Egypt remains subject to the Emergency Law, invoked in 1981 and renewed most recently in April 2008 despite Mubarak's 2005 promise that it would be replaced with specific antiterrorism legislation. Under the Emergency Law, "security" cases are usually placed under the jurisdiction of exceptional courts that are controlled by the executive branch and deny defendants many constitutional protections. The special courts issue verdicts that cannot be appealed and are subject to ratification by the president. Although judges in these courts are usually selected from the civilian judiciary, they are appointed directly by the president. Arrested political activists are often tried under the Emergency Law. The recently approved amendments to the constitution essentially enshrine many controversial aspects of the Emergency Law, such as the president's authority to transfer civilians suspected of terrorism to military courts.

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

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

The Egyptian Organization for Human Rights (EOHR) has reported that as many as 16,000 people are detained without charge for security-related offenses, and thousands have been convicted and are serving sentences. Conditions in Egyptian prisons are very poor; prisoners are subject to torture, overcrowding, abuse, and a lack of sanitation, hygiene, and medical care.

Human rights groups like Human Rights Watch (HRW) have criticized Egypt's treatment of migrants and refugees from Sudan and other African states. HRW reported that from June 2007 through November 2008, Egyptian authorities shot and killed at least 32 migrants trying to enter Israel.

Although the constitution provides for equality of the sexes, some aspects of the law and many traditional practices discriminate against women. Unmarried women under the age of 21 need permission from their fathers to obtain passports. A Muslim heiress receives half the amount of a male heir's inheritance, though Christians are not subject to such provisions of Islamic law. Domestic violence is common, and spousal rape is not illegal. Job discrimination is evident even in the civil service. The government has been involved in a major public information campaign against female genital mutilation, but it is still widely practiced.

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