

# Egypt | Freedom House

## POLITICAL RIGHTS: 8 / 40 (−2)

### A. ELECTORAL PROCESS: 2 / 12 (−1)

#### A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4 (−1)

The president is elected by popular vote for up to two terms. In 2013, President Abdel Fattah al-Sisi, then the defense minister and armed forces commander, seized power through a coup that overthrew elected president Mohamed Morsi of the Muslim Brotherhood's Freedom and Justice Party (FJP). In the March 2018 presidential election, Sisi won a second term with 97 percent of the vote, in a process that did not offer voters a genuine choice. Legitimate opposition candidates were pressured to withdraw ahead of campaigning. Ultimately, Sisi faced an approved challenger, Mousa Mostafa Mousa, head of the loyal opposition party Al-Ghad. Mousa had campaigned on Sisi's behalf before entering the race. Prior to voting, Sisi's regime obeyed "few boundaries on its untamed repression of all forms of dissent," according to Human Rights Watch (HRW), detaining and silencing vocal opposition figures. The vote was marred by low turnout, the use of state resources and media to support Sisi's candidacy, voter intimidation, and vote buying. The electoral commission threatened nonvoters with fines in an attempt to increase turnout.

*Score Change: The score declined from 1 to 0 because the 2018 presidential election did not offer voters a genuine democratic choice, and polling was marred by voter intimidation and vote buying, among other irregularities.*

#### A2. Were the current national legislative representatives elected through free and fair elections? 1 / 4

Of the 596 members of the unicameral House of Representatives, 448 are directly elected, 120 are elected by party list, and 28 are appointed by the president; members serve five-year terms. Parliamentary elections took place in two stages in 2015. The elections featured low turnout, intimidation, and abuse of state resources. The progovernment coalition For the Love of Egypt, consisting of some 10 parties, won all 120 bloc-vote seats. Independents, a number of whom were aligned with the coalition, won 351 of the 448 constituency seats, and the coalition parties' candidates generally outpolled their rivals in the remaining districts. Just three parties outside For the Love of Egypt won more than 10 seats: Protectors of the Homeland (18), the Republican People's Party (13), and Al-Nour (11), a Salafist group that was the only major Islamist party to participate in the elections. Many parties—including moderate Islamist parties and liberal and leftist factions—boycotted the elections and voiced serious reservations about their fairness, accusing security forces of harassment and intimidation. In 2016, the parties associated with For the Love of Egypt formed a parliamentary bloc, In Support of Egypt, which controlled a majority

of the chamber.

As of 2018, Egypt remained without the elected local councils called for in the 2014 constitution, due to ongoing delays in holding the elections. In April, a parliamentary spokesperson announced that municipal elections would likely occur during the first half of 2019, after a draft local administration law is passed. The last councils were elected in 2008 and dissolved in 2011 after the ouster of longtime authoritarian president Hosni Mubarak. Since 2011, government-appointed officials have controlled local governance.

**A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 1 / 4**

The current constitution, passed in 2014, was not drafted in a fair or transparent manner, and the referendum through which it was adopted was tightly controlled, with little opportunity for public debate or an opposition campaign. While the electoral laws themselves might have provided some basis for credible elections, electoral authorities largely failed in practice to ensure an open and competitive campaign environment during the most recent presidential and parliamentary elections.

In 2017, Sisi signed a law creating the National Electoral Commission (NEC), as called for in the 2014 constitution. The commission's board consists of senior judges drawn from some of Egypt's highest courts to serve six-year terms. However, the NEC legislation phases out direct judicial supervision of elections by 2024, which critics argue will damage the integrity of elections and reduce public trust in the results.

**B. POLITICAL PLURALISM AND PARTICIPATION: 3 / 16 (-1)**

**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 0 / 4 (-1)**

Legally, political parties are allowed to form and operate if they meet membership thresholds, pay fees, and comply with other requirements established by law. However, in practice, there are no political parties that offer meaningful opposition to the ruling party. Conditions for opposition parties worsened in 2018, particularly surrounding the presidential election. While most prospective candidates withdrew from the race under government pressure, the most prominent opposition candidate, Sami Anan of the Egypt Arabism Democratic Party, was arrested and detained in January, ending his candidacy. Arrests, harsh prison terms, death sentences, extrajudicial violence, and various forms of pressure targeting activists, parties, and political movements that criticize the government were common in 2018.

Parties formed on the basis of religion are forbidden, and while some Islamist parties still operate in a precarious legal position, the Muslim Brotherhood was outlawed in 2013 as a terrorist organization and its political party, the Freedom and Justice

Party, banned. Since then, authorities have systematically persecuted its members and supporters. In September, Muslim Brotherhood leader Mohamed Badie and 65 others were sentenced to life in prison for a 2013 attack on a police station.

*Score Change: The score declined from 1 to 0 because opposition leaders and candidates were intimidated, detained, and prevented from engaging in political activities, especially surrounding the 2018 presidential election.*

**B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4**

The persecution of Sisi's potential challengers in the 2018 presidential election illustrated the regime's determination to eliminate any opportunity for a peaceful change in leadership. By tightly controlling the electoral process, intimidating presidential candidates into withdrawing, and offering credible opposition parties no significant space to function effectively, the government makes it nearly impossible for the opposition to gain power through elections.

**B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 1 / 4**

Since the 2013 coup, the military has dominated the political system, with most power and patronage flowing from Sisi and his allies in the armed forces and security agencies. Most of Egypt's provincial governors are former military or police commanders.

**B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 2 / 4**

The constitution and Egyptian laws grant political rights to all citizens regardless of religion, gender, race, ethnicity, or any other such distinction. However, women, Christians, Shiite Muslims, people of color, and LGBT (lesbian, gay, bisexual, and transgender) people face indirect forms of discrimination that limit their political participation to varying degrees.

Coptic Christians, who account for some 10 percent of the population, are allocated 24 of the parliament's 120 party-list seats. Thirty-six Christians were elected in 2015, and some were also among the lawmakers appointed by the president. Thanks in large part to quotas, women won 75 seats in the 596-seat parliament in 2015, and another 14 were appointed by the president. The party-list quotas also set aside small numbers of seats for workers and farmers, people under 35, people with disabilities, and Egyptians living abroad.

**C. FUNCTIONING OF GOVERNMENT: 3 / 12**

**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 1 / 4**

President Sisi, who was not freely elected, ruled by decree until the new parliament

was seated in 2016, as the remaining chamber of the old legislature had been dissolved at the time of the coup. Since then, the parliament has played a growing if still modest role in forming and debating laws and policies. However, it does not provide a meaningful check on executive power, which Sisi continued to consolidate in 2018.

The 2014 constitution increased the military's independence from civilian oversight, including through the selection process for the post of defense minister, who must be a military officer. Sisi continues to rule in a style that entrenches military privilege and shields the armed forces from accountability for their actions.

## **C2. Are safeguards against official corruption strong and effective? 1 / 4**

Corruption is pervasive at all levels of government. Official mechanisms for investigating and punishing corrupt activity remain weak and ineffective. Under a 2015 amendment to the penal code, defendants in financial corruption cases can avoid imprisonment by paying restitution, and punishments are typically light in practice. The Administrative Control Authority (ACA), the body responsible for most anticorruption initiatives, often pursues politically motivated corruption cases and operates opaquely.

In 2018, several high-level officials were prosecuted for corruption, including the former governors of Helwan and Menoufia, who were convicted on bribery charges and received prison sentences of 5 and 10 years, respectively. It is unclear whether these cases represent a meaningful commitment to address corruption on the part of the government.

## **C3. Does the government operate with openness and transparency? 1 / 4**

The Sisi administration has offered very little transparency regarding government spending and operations. Civil society groups and independent journalists have few opportunities to comment on or influence state policies and legislation. The military is notoriously opaque with respect to its core expenditures and its extensive business interests, including in major infrastructure and land-development projects. This leads to an almost complete lack of accountability for any malpractice.

# **CIVIL LIBERTIES: 14 / 60 (-2)**

## **D. FREEDOM OF EXPRESSION AND BELIEF: 4 / 16 (-1)**

### **D1. Are there free and independent media? 1 / 4**

The Egyptian media sector is dominated by progovernment outlets; most critical or opposition-oriented outlets were shut down in the wake of the coup. Moreover, in recent years, a number of private television channels and newspapers have been launched or acquired by progovernment businessmen and individuals with ties to the military and intelligence services. Journalists who fail to align their reporting with the interests of owners or the government risk dismissal. Egyptian journalists also

continued to face arrest for their work. According to Reporters without Borders (RSF), more than 20 journalists were arrested in the six months leading up to the 2018 presidential elections, and as of December, the Committee to Protect Journalists (CPJ) reported that 25 journalists were imprisoned. The disappearance of former member of parliament and journalist Mostafa al-Naggar highlighted the dangers faced by individuals who speak out against the regime. Naggar had been sentenced to three years in prison for “insulting the judiciary” before his disappearance in September. Authorities denied that Naggar was in government custody, and his whereabouts remained unknown at the end of the year.

Two new laws ratified by President Sisi in August posed additional threats to press freedom. The Media Regulation Law imposes prison sentences on journalists who “incite violence” and permits censorship that does not require judicial approval, among other provisions. The Anti-Cyber and Information Technology Crimes Law is ostensibly intended to combat extremism and terrorism, but allows authorities to block any website considered to be a threat to national security, a broad provision which is vulnerable to abuse. Nearly 500 websites, including news sites, were blocked between May 2017 and February 2018, according to the Association for Freedom of Thought and Expression (AFTE), a nongovernmental organization (NGO).

## **D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 1 / 4**

While Article 2 of the 2014 constitution declares Islam to be the official religion of the state, Article 64 states that “freedom of belief is absolute.” Most Egyptians are Sunni Muslims. Coptic Christians form a substantial minority, and there are smaller numbers of Shiite Muslims, non-Coptic Christian denominations, and other groups. Religious minorities and atheists have faced persecution and violence, with Copts in particular suffering numerous cases of forced displacement, physical assaults, bomb and arson attacks, and blocking of church construction in recent years.

## **D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4**

The state controls education and curriculums in public schools and to a lesser degree in some of the country’s private institutions. Faculty members and departments have some autonomy in shaping the specific syllabus for their courses, though many scholars self-censor to avoid any punitive measures.

The government continued its efforts to constrain academic research on sensitive topics in 2018. In May, University of Washington graduate student Walid Salem, who was researching Egypt’s judiciary, was arrested and detained for over six months on suspicion of spreading false news and membership in a terrorist organization, but he was not formally charged. Although he was released in December, Salem still faced potential criminal charges at year’s end.

Despite a ban on political protests, universities have been a center of antigovernment demonstrations and the target of violent government crackdowns since the 2013 coup. A 2017 AFTE report on university students’ rights documented 1,181 arrests, 1,051 disciplinary sanctions such as expulsion, 65 military trials, and 21 extrajudicial

killings between 2013 and 2016. A 2015 decree allows for the dismissal of university professors who engage in on-campus political activity, and in 2016 the government reportedly began imposing more systematic requirements for academics to obtain approval from security officials for travel abroad.

**D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4 (-1)**

The security services have reportedly upgraded their surveillance equipment and techniques in recent years so as to better monitor social media platforms and mobile phone applications. Progovernment media figures and state officials regularly call for national unity and suggest that only enemies of the state would criticize the authorities. The spate of arrests of government critics ahead of the 2018 presidential election sent a clear message that voicing dissent could result in arrest and imprisonment, which has led to more self-censorship and guarded discussion among ordinary Egyptians.

Both of the new laws ratified in August 2018 to regulate the media and the internet posed serious threats to online expression. The Media Regulation Law subjects any social media user with more than 5,000 followers to government monitoring and regulation. The Anti-Cyber and Information Technology Crimes Law requires telecommunications companies to store users' data for 180 days, enabling widespread government surveillance, and vaguely worded language in the law criminalizes online expression that "threatens national security," which rights activists suspect could be used to crack down on online political discourse.

*Score Change: The score declined from 2 to 1 due to the string of arrests of opposition figures ahead of the 2018 presidential election, which led to greater self-censorship among ordinary Egyptians; and the passage of the Media Regulation Law and the Anti-Cyber and Information Technology Crimes Law, both of which threaten online expression.*

**E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 1 / 12 (-1)**

**E1. Is there freedom of assembly? 0 / 4 (-1)**

According to the constitution, freedom of assembly should not be restricted. However, a 2013 decree regulating protests severely constrained such rights, giving police great leeway to ban and forcibly disperse gatherings of 10 or more people, prohibiting all protests at places of worship, and requiring protest organizers to inform police at least three days in advance. Thousands of people have since been arrested under the law. The Interior Ministry can ban, postpone, or relocate protests with a court's approval. In July 2018, 75 protesters were sentenced to death for their role in a 2013 demonstration against the overthrow of former president Morsi. The severity of the crackdown on assembly rights has made protests extremely rare.

*Score Change: The score declined from 1 to 0 because the crackdown on assembly rights, including the death sentence imposed on 75 protesters for a 2013*

*demonstration, has made protests extremely rare.*

**E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 0 / 4**

NGOs in Egypt have faced mass closures as well as harassment in the form of office raids, arrests of members, lengthy legal cases, and restrictions on travel in recent years. A highly restrictive law on the creation and regulation of NGOs was signed by the president in 2017. The law established a new regulatory body dominated by security agencies; banned NGOs from engaging in work deemed to harm “national security, public order, public morality, or public health”; and required the regulator’s approval for any field research or polling and any type of cooperation with foreign NGOs. All NGO funding and basic management decisions are also subject to the regulator’s approval. Violations of the law can lead to fines and up to five years in prison. Although 43 employees of several international and local democracy-support NGOs were acquitted in December 2018 on charges from 2013 of illegally receiving foreign funding for their operations, the climate for NGOs remained highly repressive throughout the year.

**E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4**

The government only recognizes unions affiliated with the state-controlled Egyptian Trade Union Federation, which held its first elections in 12 years in May 2018, amid accusations that the government prevented independent labor leaders from running. While Article 15 of the constitution provides for the right to organize peaceful strikes, they are not tolerated in practice, and the 2013 law on protests prohibits gatherings that impede labor and production. Striking workers are regularly arrested and prosecuted, particularly since labor protests increased in 2016; workers at military-owned businesses are subject to trials by military courts.

In 2017, the parliament approved a law on trade unions that forced independent unions to dissolve and resubmit applications for recognition, effectively compelling them to join the state-controlled federation. The law also set membership threshold requirements that made unionization impossible in enterprises with fewer than 150 workers. Employers who violate the law face limited financial penalties, while workers involved with illegal unions could face imprisonment.

**F. RULE OF LAW: 3 / 16**

**F1. Is there an independent judiciary? 1 / 4**

The executive branch exerts influence over the courts, which typically protect the interests of the government and military and have often disregarded due process and other basic safeguards in cases against the government’s political opponents. In 2017, the president signed an amendment to the Judicial Authority Law that gave the president the power to appoint the heads of four key judicial bodies: the State Lawsuits Authority, the Administrative Prosecution, the Court of Cassation, and the State Council. Prior to the law’s passage, the heads were selected based on seniority.

Some of the government critics and opposition figures arrested before and after the 2018 presidential election have been prosecuted in the Emergency State Security Courts created when President Sisi declared a state of emergency in 2017 (which has been repeatedly renewed through 2018). President Sisi has control over these courts, whose decisions are subject to executive approval; the president can suspend any of the court's rulings or order a retrial.

## **F2. Does due process prevail in civil and criminal matters? 1 / 4**

Although the constitution limits military trials of civilians to crimes directly involving the military, its personnel, or its property, a 2014 presidential decree placed all “public and vital facilities” under military jurisdiction, resulting in the referral of thousands of civilian defendants to military courts. Charges brought in military courts are often vague or fabricated, defendants are denied due process, and basic evidentiary standards are routinely disregarded. The Emergency State Security Courts also disregard due process protections, including the right to appeal convictions.

A series of mass trials in recent years have resulted in harsh sentences, including life imprisonment or the death penalty, based on negligible evidence and most likely related to political motivations. They have generally targeted suspected members of the Muslim Brotherhood, although journalists and non-Brotherhood activists were also convicted in mass trials in 2018. However, appeals of the initial verdicts have resulted in retrials, reduced sentences, and acquittals in a number of cases. Among other prominent examples during 2018, the Cairo Criminal Court in September ordered the retrial of Mohamed Badie and other senior Muslim Brotherhood members, who had received life sentences in 2015 for violence surrounding Morsi's 2013 removal.

## **F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4**

Police brutality and impunity for abuses by security forces were catalysts for the 2011 uprising against Mubarak, but no reforms have since been enacted. Reports of torture, alleged extrajudicial killings, and forced disappearances continued throughout 2018, with NGOs documenting hundreds of cases. Prison conditions are very poor; inmates are subject to torture, overcrowding, and a lack of sanitation and medical care. A 2015 antiterrorism law provided a vague definition for terrorism and granted law enforcement personnel sweeping powers and immunity.

Fighting continued between security forces and IS-affiliated militants in the North Sinai region in 2018. In February, the government launched a major antiterrorism campaign called Operation Sinai 2018, which has resulted in the deaths of hundreds of militants and dozens of military personnel. According to the Egyptian Institute for Studies, the army has killed dozens of civilians while carrying out the campaign. A military lockdown has left the region's 400,000 residents without basic services.

According to the government, the number of terrorist attacks in Egypt decreased from 50 in 2017 to 8 in 2018.

## **F4. Do laws, policies, and practices guarantee equal treatment of**

## **various segments of the population? 1 / 4**

Women enjoy legal equality on many issues, and their court testimony is equal to that of men except in cases involving personal status matters such as divorce, which are more influenced by religious law. In practice, however, women face extensive discrimination in employment, among other disadvantages. Other segments of the population that face various forms of harassment and discrimination include religious minorities, people of color from southern Egypt, migrants and refugees from sub-Saharan Africa, people with disabilities, and LGBT people.

While same-sex sexual activity is not explicitly banned, LGBT people have been charged with prostitution or “debauchery.” After concert attendees waved a rainbow flag in 2017, the authorities launched a crackdown on suspected LGBT people, detaining nearly 60 people amid reports of abuse in custody and imposing prison sentences of up to six years. The persecution of LGBT Egyptians continued in 2018, with police officers using the dating app Grindr to entrap gay men, and several media outlets publishing stories meant to stoke hostility towards LGBT people.

## **G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 6 / 16**

### **G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 1 / 4**

The constitution guarantees freedom of movement, but internal travel and access are restricted tightly in North Sinai and to a lesser extent in other governorates along Egypt’s borders. Sinai residents are subject to curfews, checkpoints, and other obstacles to travel.

Individuals seeking to change their place of employment or education can encounter bureaucratic barriers and scrutiny from security officials. In addition, a growing list of rights activists, journalists, political party members, bloggers, and academics have been subjected to arbitrary bans on international travel in recent years. A number of foreign researchers or activists have been expelled or denied entry to the country.

### **G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or non-state actors? 2 / 4**

While a new 2017 investment law was designed to encourage private investment in underdeveloped areas, bureaucratic barriers and related corruption remain serious problems, and the growing role of military-affiliated companies has hindered and crowded out private businesses. Property rights in Sinai and other border areas are affected by the activities of security forces. In 2018, the military expanded the summary demolitions of homes and commercial buildings beyond the security buffer zone, destroying at least 3,000 structures as part of Operation Sinai 2018.

Women are at a legal disadvantage in property and inheritance matters, typically receiving half the inheritance due to a man. Societal biases also discourage women’s ownership of land.

### **G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4**

Domestic violence, sexual harassment, and female genital mutilation (FGM) are still among the most acute problems in Egyptian society. The country has adopted laws to combat these practices in recent years, and FGM is reportedly becoming less common over time. However, the effectiveness of such laws is hindered by societal resistance, poor enforcement, abuses by the police themselves, and lack of adequate protection for witnesses, which deter victims from reporting abuse and harassment. Spousal rape is not a crime.

Personal status rules based on religious affiliation put women at a disadvantage in marriage, divorce, and custody matters. Muslim women cannot marry non-Muslim men, for example, and the Coptic Church rarely permits divorce.

### **G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4**

Egyptian women and children, migrants from sub-Saharan Africa and Asia, and Syrian refugees are vulnerable to forced labor and sex trafficking in Egypt. The Egyptian authorities routinely punish individuals for offenses that stemmed directly from their circumstances as trafficking victims. Military conscripts are exploited as cheap labor to work on military- or state-affiliated development projects.

In late 2016, Egypt removed a number of controls on currency exchange, imports, and foreign loans. Combined with government efforts to reduce budget deficits and subsidies, these moves continue to spur inflation which causes acute economic hardship for many Egyptians.