



## U.S. DEPARTMENT of STATE

### Egypt

#### Country Reports on Human Rights Practices - [2007](#)

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The National Democratic Party (NDP) has governed the Arab Republic of Egypt, with a population of approximately 79 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 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 six-year term with 88 percent of the vote in the country's first presidential election, a landmark event that was marred by low voter turnout and charges of fraud. The civilian authorities generally maintained effective control of the security forces, which 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, in place almost continuously since 1967. Security forces tortured and abused prisoners and detainees, in many cases with impunity. Prison and detention center conditions were poor. Security forces arbitrarily arrested and detained individuals and kept them in prolonged pretrial detention. The executive branch placed limits on and pressured the judiciary. Security forces held political prisoners and detainees. 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). Corruption and lack of transparency persisted. Discrimination and violence against women, including female genital mutilation (FGM), continued.

During the year the government and civil society took steps to combat FGM, including a Ministry of Health decree banning the practice.

#### RESPECT FOR HUMAN RIGHTS

##### Section 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, there were reports that the government or its agents committed arbitrary or unlawful killings during the year.

On April 25, police in the Sinai killed one Bedouin after he refused to stop at checkpoint. Bedouin leaders protested the killing.

On July 22, security personnel shot and killed a woman from Darfur as she attempted to illegally cross into Israel with a group of 26 other African migrants.

On July 31, according to the Egyptian Organization for Human Rights (EOHR), police arrested and beat Nasr Ahmed Abdallah el-Saeedi in the Al-Mansoura governorate. Police officer Mohamed Moawad reportedly battered el-Saeedi with his pistol. Police officers took el-Saeedi to Al-Mansoura police station, where he died from his injuries shortly thereafter. The chief prosecutor in Al-Mansoura ordered the detention of the officers involved but later released Chief of Investigations Captain Mohamed Qandil, Corporal Saber al-Beltagy, and detective Ahmed Hussein. On August 28, the independent newspaper *Al-Masry Al-Youm* reported that two witnesses testified that police officer Mohamed Awad and three of his assistants, Yasser Mekawy, Ahmed Saad Azim, and Sherif Saad, tortured el-Saeedi and inflicted injuries leading to his death. All three of the officers were convicted; two were sentenced to seven years in prison, and the third to three years.

In its August 8 report *Torture in Egypt: Criminals Escaping Punishment*, the EOHR reported three cases of death in

custody due to torture during the first seven months of the year.

On August 12, the family of 13-year-old Mohamed Mamdouh Abdel Aziz filed a complaint with the public prosecutor that their son died as a result of torture in police custody. In late July police arrested and detained Aziz after he was accused of stealing from a shop. On August 9, when his parents attempted to pick him up from the police station, they found him badly beaten. On August 11, Aziz died in the hospital, where he had been taken by his family. His brother later told the media that burns on the boy's body appeared to have been caused by electric shocks, but the authorities asserted that Aziz's government-produced coronary examination showed he died from a pulmonary infection. At the public prosecutor's request, a tripartite committee composed of government officials reported that Aziz died due to medical negligence and asserted that the police had committed no crime. At year's end the boy's family continued to charge that three police officers, Chief of Investigations Captain Mohamed Qandil, police officer Abou el-Ezz Fathy Mansour, and detective Yasser Mekawy, tortured their son. Following the tripartite committee's report, the public prosecutor froze the investigation. On October 23, *Al-Masry Al-Youm* and *Al-Dustour* reported that the family's lawyer submitted a petition to lift the freeze on the case. There were no further developments at year's end.

On August 12, the EOHR reported that it received a complaint from the family of Nasser Sediq Gadallah stating that police from Al-Omraneya police station raided Nasser's brother's home and beat family members while searching for Nasser. On August 7, Nasser had submitted a complaint accusing the police of extorting a bribe. When police found Nasser, they reportedly beat Nasser in front of his wife and children and then threw him from the fourth floor of the building. The government-controlled press later reported that Nasser died trying to escape from police. The public prosecution referred the case to the Cairo Court of Appeals to investigate officer Ahmed Al-Nawawi after other police officials testified against him.

In August the Association for Human Rights Legal Aid (AHRLA) filed a complaint with the public prosecutor requesting an investigation into the death of taxi driver Ahmed Shawky al-Deeb in Ain Shams police station. AHRLA also requested the release of a forensic report determining the cause of al-Deeb's death. In early August police had detained al-Deeb after stopping him at a check point in Ain Shams. Despite a court order for al-Deeb's release, he remained in custody. On August 6, the head of investigations at Ain Shams station and two detectives informed al-Deeb's uncle that al-Deeb died in custody. According to AHRLA, an initial medical report confirmed that al-Deeb suffered injuries on various parts of the body.

On September 17, border police opened fire against six Eritreans attempting to illegally cross into Israel after they refused to stop, killing one of them.

There were reports of violence during the June Shura Council elections. On June 11, the EOHR reported that Ahmed Abdel Salam Ghanem died after an exchange of gunfire between supporters of the NDP and independent candidates.

On September 3, the Cairo Criminal Court acquitted State Security Investigative Service (SSIS) Captain Ashraf Mostafa Hussein Safwat of torturing detainee Mohamed Abdel Kader al-Sayed to death in 2003. Several human rights organizations noted that this was the first attempted government prosecution of an SSIS officer in at least two decades.

Several reported cases from 2005 and 2006 of killings by security forces remained unresolved. There continued to be no investigation into January 2006 reports that 19 Islamist prisoners died in captivity of unspecified causes in 2005. There were no additional developments in the case of Yousef Khamis Ibrahim, an Alexandria man whose family alleged he was killed by police in March 2006.

#### 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. Article 126 of the penal code penalizes civil servants or public employees who order or carry out acts of torture. However, police, security personnel, and prison guards routinely tortured and abused prisoners and detainees.

Torture and authorizing torture are felonies punishable by three to 10 years' imprisonment. If death results from torture, the crime is considered intentional murder and is punishable by a life sentence. Abuse of power to inflict cruelty against persons is punishable by imprisonment and fines. Victims may bring a criminal or civil action for compensation against the responsible government agency. There is no statute of limitations in such cases. The penal code 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.

There were numerous, credible reports that security forces tortured and mistreated prisoners and detainees. Domestic and

international human rights groups reported that the SSIS, police, and other government entities continued to employ torture to extract information or force confessions. In numerous trials, defendants alleged that police tortured them during questioning. 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.

Principal methods of torture and abuse reportedly employed by the police and the SSIS included stripping and blindfolding victims; suspending victims by the wrists and ankles in contorted positions or from a ceiling or doorframe 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 being subjected to threats and being forced to sign blank papers for use against themselves or their families should they in the future lodge complaints about the torture. Some victims, including women and children, reported sexual assaults or threats of rape against themselves or family members. Human rights groups reported that the lack of written police records, as required by law, often effectively blocked investigations.

Torture occurred frequently in cases of detentions under the Emergency Law, applied almost continuously since 1967, which authorizes incommunicado detention for prolonged periods.

During the year human rights groups and the media documented numerous cases of torture. In its August 8 report on torture in the country, the EOHR stated that between 1993 and July 2007, it documented more than 567 cases of torture inside police stations, including 167 deaths that the EOHR concluded were caused by torture and mistreatment. According to the report, between January and August police officers tortured 26 individuals, resulting in three deaths.

Beginning in 2006 and continuing during the year, human rights activists called attention to more than a dozen amateur videos taken by observers with mobile phone cameras and circulated on the Internet that documented abuse and torture of detainees by security officials.

According to January 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.

On February 1, *Al-Masry Al-Youm* reported a police assault on Ihab Magdy Farouk, a Giza resident, which was documented in a widely circulated video clip. Ihab accused police officers Karim Abdallah Abdel Mohsen and Ahmed Abdel Fattah of assaulting him. In late February the Imbaba Misdemeanor Court ruled that officer Abdel Mohsen was not guilty but convicted officer Fattah of cruelty and sentenced him to one year in prison.

On February 27, according to the Nadim Center for the Rehabilitation of Victims of Torture, security forces detained Fawzi Hassan and his children for 17 days and subjected them to electric shocks and beatings. Police had accused one of Fawzi's sons of theft, but the court acquitted him prior to the arrests. The Nadim Center accused a number of officers, including Mohamed El-Banna, Mohamed Sarhan, Mohsen Nagib, Mohamed el-Ashmawy, Mesbah el-Kasabi, and Mohamed Shalabi, of involvement in the assault.

On March 19, Human Rights Watch (HRW) requested that the Ministry of Interior (MOI) investigate and prosecute the security official responsible for torturing and sexually assaulting blogger Mohamed Al Sharqawi, who was detained between May and July 2006. Police had arrested Sharqawi twice after he participated in demonstrations supporting judicial independence. Police charged Sharqawi with chanting slogans against the regime liable to disturb public order and social peace, insulting the president, insulting and assaulting officials in the course of performing their duties, "calling for an unlicensed assembly," and disrupting traffic. Sharqawi reported that police beat and sodomized him at Cairo's Qasr Al Nil police station. The police released Sharqawi in July 2006. By year's end, authorities had not investigated Sharqawi's complaints.

According to media reports, on July 9, Yehia Abdallah Atoum, whom Siwa police accused of petty theft, testified that police officer Alaa Mousa ordered a detective to hang, beat, and electrically shock him. Yehia alleged that on July 2, police officer Mohamed al-Khodargy poured alcohol on and ignited his body at Siwa police station. On a doctor's recommendation, police transferred him to a hospital between July 2 and 9, where he stayed for nine days before officers forcibly put him on a truck bound for Libya. He subsequently returned to Egypt.

On July 17, local media reported that prosecutors inspecting the Al-Montaza police station in Alexandria where police illegally detained 40 individuals, found whips, clubs, and a barbed wire-studded stick. The prosecutor's office ordered the release of the detainees and the confiscation of the equipment but by year's end had not conducted any further investigation.

On August 27, lawyer Ahmed Abdel Aziz accused the assistant investigations officer at Cairo's Shubra police station, Ashraf Morgan, of assaulting, beating, and injuring him. MOI officials transferred the accused police officer to the Qalyubia security department and opened an investigation into the charges. By year's end, the investigation remained pending.

In press statements, government officials asserted that torture is not systematic in prisons and that any torture occurs only in isolated instances. On June 24, according to press reports, Minister of Interior Habib al-Adly stated that torture occurs rarely, and that accusations of abuse are immediately brought to the ministry's attention and transferred to the public prosecutor's office.

In 2004 the government's Central Audit Agency directed the MOI to require any security or police officers found responsible for torture to be financially liable for any judgments levied against the ministry. During the year the press reported several incidents in which groups and individual victims of security force abuse received court-ordered financial compensation. Unlike in previous years, hundreds of other detainees were awarded compensation by the courts. According to press reports, in March a Cairo court ruled in favor of 456 detainees to receive compensation after the detainees had filed cases against the MOI alleging torture and abuse. However, by year's end, most of the detainees had not received their compensation and at least 300 other compensation cases remained pending at the State Council.

On February 6, press reports stated that the Alexandria Administrative Court ordered Minister of Interior Habib al-Adly to pay \$5,263 (LE 30,000) to a citizen who was illegally detained for five months in 1999.

According to February 12 press reports, the Human Rights Center for the Assistance of Prisoners won six lawsuits in favor of political detainees who received financial compensation based on claims that they had been subjected to torture during their detention. The compensation amounts ranged from \$1,228 to \$4,385 (LE 7,000 to LE 25,000).

On May 8, in response to an administrative court order, the MOI began paying financial compensation to as many as 15,000 persons who had been illegally detained due to their affiliations with Islamic Jihad and Al-Jamaa'aa Al-Islamiya (Islamic Group). The compensation amounts ranged from \$2,631 to \$5,263 (LE 15,000 to 30,000) for each detainee.

During the year the government continued efforts to hold some security personnel accountable for torturing prisoners in custody, but courts generally sentenced officers to much less than the maximum available penalty. Human rights organizations and the press reported that at least seven police officers in four separate cases faced criminal trials or civil suits during the year. Some of the cases involved incidents that took place in previous years.

On February 20, the Agouza Misdemeanors Court charged three police officers with misuse of authority and cruelty towards Ahmed Samir al-Malah. The court convicted the three officers and sentenced them each to three months in jail.

On May 8, the Cairo Criminal Court sentenced police officer Salah Saeed Awad to five years imprisonment for causing permanent injuries in 2001 to brothers Haggag Mohamed Haggag, Magdy Mohamed Haggag, and to a third brother whom the court did not name. The court also ordered Awad to pay \$351 (LE 2,001) as compensation.

On November 5, the Giza Criminal Court convicted police officers Islam Nabih and Reda Fathi of assaulting and sodomizing Imad al-Kabir, a Cairo minibus driver, in January 2006. Nabih and Fathi faced up to 15 years for the crime, but the court handed down the minimum three-year sentence. Both officers, expected to appeal while remaining in detention, were removed from duty.

On May 9, the Giza Criminal Court sentenced Major Yasser Ibrahim al-Akkad, head of the criminal investigations unit in the Haram police station in Giza, to six months imprisonment for torturing actress Habiba while investigating the 1999 killing of her husband. The court ruled, however, that the sentence would not be imposed if Major Yasser avoided any misconduct for three years, and suspended Yasser from duty for one year, leaving open the possibility that Yasser could return to duty.

In 2006 the Egyptian Initiative for Personal Rights (EIPR), supported by approximately 12 other human rights NGOs, petitioned the African Commission on Human and People's Rights (ACHPR) to hear evidence concerning assaults on journalists and opposition demonstrators by government supporters during the 2005 referendum.

In November 2006 a state security court in Ismailiya convicted two defendants of involvement in the 2004 Taba bombings, sentencing them to death. At year's end they remained on death row.

The government did not permit a visit during the year by the UN special rapporteur on torture, who had been seeking to make an official visit since 1996.

#### Prison and Detention Center Conditions

Prison conditions remained poor. In September the ACHPR carried out the first public visit by an outside observer since 1981 to Cairo's Tora prison. At year's end the ACHPR had not yet released a report. During the year the government did not permit visits by any other international human rights observers.

During the year the EOHR and the Human Rights Association for the Assistance of Prisoners (HRAAP) reported deteriorating conditions in prisons, particularly overcrowded cells, a lack of medical care, proper hygiene, food, clean water, and proper ventilation. Tuberculosis was widespread. Some prisons continued to be closed to the public.

On July 1, *Al-Masry Al-Youm* and *Al-Akhbar* reported that a prisoner in Al-Omraneya prison died in custody due to heat and overcrowding.

While separate prison facilities existed for men, women, and juveniles, adults were not always separated from juveniles, and abuse of minors was common. On July 31, the Arab Organization for Human Rights (AOHR) reported that sexual abuse and assault occurred in a number of prisons during the year, citing the housing of adults with juveniles as a contributing factor in these assaults. The report also attributed poor prison conditions to a lack of judicial oversight.

According to reports issued on March 16, the Human Rights Committee of the Peoples' Assembly criticized prison conditions, stating that the government had not constructed a new prison in 25 years. The committee requested the government to initiate contracts with doctors and experts to work inside prisons and strengthen respect for prisoners' rights. At year's end the government had not responded.

In April 2006 the parliament's Human Rights Committee requested that prisoners be permitted to meet with their wives as a means of preserving family ties and reducing HIV/AIDS among prisoners.

Failure to implement judicial rulings regarding the release of administrative detainees and limits on permitting prison visits remained a problem. Relatives and lawyers often were unable to obtain regular access to prisons for visits. Special restrictions were placed on the number of visits and visitors to prisoners incarcerated for political crimes or terrorism.

As required by law, the public prosecutor continued to inspect all regular prisons during the year. According to press reports, the office conducted unannounced visits to 17 prisons in seven governorates. Inspection delegations reportedly criticized a number of deficiencies including poor food, limited visits by inmates' families, weak administrative procedures, and significant overcrowding. Findings of these visits were not made public. SSIS detention centers were excluded from mandatory judicial inspection.

Lawyers were permitted to visit prisoners in their capacity as legal counsel; however, they often faced bureaucratic obstacles preventing them from meeting with their clients. The International Committee of the Red Cross and other international and domestic human rights monitors did not have access to prisons or to other places of detention, despite their repeated requests.

#### d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention; however, during the year, police and security forces conducted large-scale arrests and detained hundreds of individuals without charge under the Emergency Law. Continuing a trend begun in 2005, the government arrested and detained hundreds of activists affiliated with the banned-but-tolerated Muslim Brotherhood (MB), generally for periods lasting several weeks. The government continued to use the Emergency Law under the official state of emergency to try non-security cases in the emergency courts and to restrict many other basic rights. Police also arbitrarily arrested and detained hundreds of persons involved with unlicensed demonstrations. The government also arrested, detained, and abused several Internet bloggers.

The EOHR estimated that between 12,000 and 14,000 individuals remained in prison without charges or despite receiving release orders from the courts.

On February 22, the Muharram Bey Court sentenced university student and blogger Karim Amer to four years in prison, charging him with spreading information disruptive of public order and damaging to the country's reputation, incitement to hate Islam, and defaming the president. At year's end he remained in prison.

On April 15, police detained blogger, Ikhwanweb (Muslim Brotherhood Web site) reporter, and correspondent for the Cairo-based British Hewart channel Abdel Moneim Mahmoud at the Cairo airport. On May 31, authorities released him on the orders of the high state security prosecutor.

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 those prisoners in the ordinary criminal justice system. The government did not release any official data on detainees. In April 2006, citing a senior MOI source, leading journalist Salama A. Salama reported that there were at least 4,000 detainees. The government held a number of detainees, including many MB activists, for periods ranging from several weeks to several months. Detention periods of more than 10 years occurred in other cases, particularly in those involving Islamist extremists belonging to the Islamic Group or Islamic Jihad who were detained by the government during the 1990s.

## Role of Police and Security Apparatus

Local and national law enforcement agencies fall under the jurisdiction of the MOI. Local police operate in large cities and governorates. The ministry controls 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. According to government statements, it investigated corruption and other instances of police malfeasance using an internal affairs mechanism but did not publicize how this process worked. The government prosecuted such cases in the judicial system. In addition to acceptance of bribes or simple theft, security forces committed assault and murder.

Impunity was a serious problem. The government failed to investigate and punish many instances of credible allegations of mistreatment by police and security forces. However, there were at least four cases in which the government investigated and prosecuted security officers of mistreatment and abuse during the year, resulting in convictions of seven officers. Human rights monitors believed most incidents of torture went unpunished.

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

By year's end the public prosecutor had not brought any action against security personnel for several unresolved incidents in 2005, including documented assaults on citizens during the parliamentary elections and violence against Sudanese asylum seekers.

## Arrest and Detention

The Emergency Law allows detention of an individual without charge for up to 30 days, only after which a detainee may demand a court hearing to challenge the legality of the detention order. Detainees may resubmit a motion for a hearing at one-month intervals thereafter. There is no limit to the detention period if a judge continues to uphold the detention order or if the detainee fails to exercise his right to a hearing. Incommunicado detention is authorized for prolonged periods by internal prison regulations. Human rights groups and the UN Committee Against Torture expressed concern over the application of measures of solitary confinement.

In cases tried under the Emergency Law, the government restricted or denied access to counsel prior to the transfer of the accused to a courtroom to begin legal proceedings. Many detainees under the Emergency Law remained incommunicado in state security detention facilities without access to lawyers. After these cases are transferred to trial, the court appoints a lawyer. Under the penal code, family members have access to detainees at the discretion of the court, but the degree of access varied from case to case and was difficult to characterize.

In recent years, authorities detained thousands of persons administratively under the Emergency Law on suspicion of terrorist or political activity. Authorities convicted and sentenced several thousand others on similar charges. During the year HRAAP and other NGOs estimated that the total number of persons in administrative detention was approximately 10,000. HRAAP estimated that authorities released an additional 10,000 persons in the past three years. Government officials disputed this figure but did not provide authoritative data on detainees.

The penal code also gives the government broad detention powers. Prosecutors must bring charges within 48 hours following detention or release the suspect. However, authorities may hold a suspect for a maximum of six months while they investigate. Arrests under the penal code occurred openly and with warrants issued by a district prosecutor or judge. There was a functioning system of bail for persons detained under the penal code but none for persons detained under the Emergency Law. The Penal Code contains several provisions to combat extremist violence, which broadly defines terrorism to include the acts of "spreading panic" and "obstructing the work of authorities."

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 vast majority of criminal investigations and prosecutions. In criminal cases investigated and prosecuted under the penal code, defendants generally had access to counsel promptly after arrest.

On March 11, authorities released cleric Hassan Mustafa Osama Nasr ("Abu Omar") from detention, without trial. In 2003 authorities detained Omar under the Emergency Law and charged him with belonging to an illegal organization.

On May 29, police detained Mamdouh Ismail, a lawyer active in defending Islamist detainees, and accused him of belonging to Islamic Jihad and defaming the country's image. On July 14, he was released on court orders.

In July authorities began to release several groups of Bedouins who had been detained without charge following the October 2004 bombings in Taba. Press reports indicated that the government released at least 73 Bedouins by year's end.

In 2006 security forces detained dozens of individuals in Sinai, in connection with ongoing investigations into the terror attacks there in 2004, 2005, and April 2006. At year's end there were no reliable estimates of the total number of suspects detained in the Sinai.

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 estimates ranged from 900 to more than 3,000. Detention periods for MB members ranged from hours to several months, pending investigative outcomes. The government held many of the detainees for relatively brief periods, but others were held for months, such as political bureau member Essam el-Erian, who authorities arrested on August 17 and held until early October.

On February 6, a military tribunal convened to try Khairat al-Shatir and 39 senior MB associates on charges of funding a banned organization and working to overthrow the government. At year's end the tribunal was ongoing; 33 individuals remained in custody, and seven others were tried in absentia.

In December 2006 several dozen Al-Azhar university students affiliated with the MB conducted a "militia-style" parade clad in black balaclavas and demonstrating martial arts exercises. Although MB leadership distanced itself from the demonstrators and reiterated its commitment to peaceful change, the government arrested several hundred MB members and sympathizers in response to the demonstration, including the organization's third-ranking official, al-Shatir, and several other businessmen who were thought to be leading financiers of the MB.

#### Amnesty

According to press reports in April, authorities released the last 40 detained members of Al-Jamaa'aa Al-Islamiya. This was part of the government's effort to release detainees in return for their pledging to renounce violence.

In May the MOI released 300 members of the banned Al-Takfeer wa al-Hijra (Excommunicate and Immigrate) group after they agreed to renounce violence.

The government continued to release Islamic Jihad members throughout the year. According to press reports, on June 2, authorities released 130 Islamic Jihad members from Al Fayoum prison after hundreds of Jihadists signed ideological revisions initially created by Sayed Imam, founder and leader of Islamic Jihad. The revisions primarily entailed the abandonment of violence. In July authorities released another group of 47 and in August another 300. On October 26, the press reported that 60 non-violent Salafists were released from detention. According to a November 4 press report, 400 members of the Al Takfir wa Al Hijra group were released from prison after they signed documents renouncing violence.

According to December 19 press reports, 919 prisoners were released as a result of the Eid al-Adha presidential pardon, of whom 161 were subject to some form of continued monitoring.

#### e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, but it is subject to executive influence. The president may invoke the Emergency Law to refer any criminal case to the emergency courts or military courts, in which the accused does not receive most of the constitutional protections of the civilian judicial system. 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 64. 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. The government included lectures on human rights and other social issues in its training courses for prosecutors and judges.

In the civil court system, there are criminal courts, civil courts, administrative 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 appeal. 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.

According to a 1993 supreme constitutional court decision, the president may invoke the Emergency Law to refer any crime, including charges against civilians, to a military court. Military verdicts were subject to a 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.

The February 6 commencement of the closed military tribunal against 40 MB defendants marked the first use of a military tribunal against civilians since those against the MB between 2001 and 2002. The tribunal commenced and continued despite four rulings by civil courts ordering the government to release the defendants and try them before civilian courts. Press and observers from human rights organizations continued to be barred from the tribunal; on occasion, defense attorneys and family members were also barred.

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.

#### Trial Procedures

The government provides a lawyer at the state's expense if the defendant does not have counsel, and defendants may appeal if denied this right. The Bar Association maintains a roster of lawyers eligible to serve as public defenders. Although defendants enjoy a presumption of innocence, 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 time to prepare an adequate defense. The law provides defendants and their attorneys the right to access evidence against them and that a woman's testimony is equal to a man's in court. No juries are used.

The law provides that defendants question witnesses against them and present witnesses on their behalf.

The emergency courts share jurisdiction with military courts over crimes affecting national security. The president can appoint civilian judges to the emergency courts upon the recommendation of the minister of justice or military judges upon recommendation of the minister of defense. Sentences are subject to confirmation by the president. There is no right to appeal. 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. Government authorities ignored judicial orders in some cases. The government used the Emergency Law to try cases outside the scope of combating terrorism and grave threats to national security.

Ossama Al-Nakhlawi, Younis Alyan, and Mohamed Gayez Sabah, all facing trial before the State Security Emergency Court for involvement in the 2004 Taba terror bombings, remained on death row at year's end. In November 2006 the High State Security Emergency Court in Ismailiya announced that the Mufti of the Republic, Ali Goma'a, approved the court's conviction and death sentences in these cases. The HRW issued statements after the verdict noting that the convicts' claims of incommunicado detention, denied access to counsel, and allegations of torture and forced confession raised serious questions about the verdict, and urged the government to permit the men to be re-tried "in a trial that complies with basic standards of due process." The ACHPR, Amnesty International (AI), and other NGOs also called for a stay of execution. At year's end the three remained on death row.

On August 20, the Higher State Security Court in Cairo sentenced four persons involved in the 2005 al-Azhar and Abdul-Moneim Riyad terror bombings in Cairo to life in prison, sentenced four to between one and 10 years in prison, and ordered five released, including two female defendants. The EOHR demanded the retrial of the convicted individuals before normal courts due to the fact that State Security Courts do not allow the right to appeal.

#### Political Prisoners and Detainees

There were political prisoners and detainees.

On July 31, the State Council's Court of Administrative Justice rejected Ayman Nour's request for parole on health and humanitarian grounds, following a separate May 31 New Cairo Felonies Court ruling against a similar request from Public Prosecutor Abdel Mequid Mahmoud. In May 2006 the Court of Cassation, the country's highest appeals court, upheld Nour's five-year prison sentence handed down in 2005 by Adel Abdel-Salaam Gomaa of the New Cairo Felonies Court. The court convicted Nour, runner-up in the 2005 presidential election and leader of the opposition al-Ghad (Tomorrow) Party, of forging proxy signatures on his party's registration papers. In 2006 Nour also faced dozens of charges ranging from assault to insulting Islam. Human rights organizations and Nour's supporters charged that his detention and trial had been politically motivated and failed to meet basic international standards. His supporters reported that his health was

deteriorating as a result of imprisonment and insufficient medical care. Nour, a diabetic with heart disease, remained in prison at year's end.

Some observers regarded the large number of arrested, detained, and sometimes convicted members of the MB as political prisoners and detainees.

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.

According to the EOHR, there were between 8,000 and 10,000 persons detained without charge on suspicion of illegal terrorist or political activity. In addition, several thousand prisoners were serving sentences after being convicted of similar charges.

The government did not permit international humanitarian organizations access to political prisoners.

#### Civil Judicial Procedures and Remedies

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.

#### Property Restitution

On April 19, the Egyptian Center for Housing Rights, in cooperation with the "Nubian Follow-up Committee" in Alexandria and the Nubian Heritage Association in Aswan, organized a conference for Nubian citizens calling on President Mubarak to grant them the right to return to lands that the government had confiscated prior to the construction of the High Dam in Aswan. The Nubian activists charged that the houses built for the nearly 17,000 Nubian families who were evacuated following the construction of the High Dam in 1964 were about to collapse.

#### 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. On March 19, the government amended Article 179 of the constitution to allow authorities in terrorism cases to disregard constitutional protections of privacy of communications and personal residences.

Under the constitution, police must obtain warrants before undertaking searches and wiretaps, and courts dismissed cases in which police obtained warrants without sufficient cause. Police officers who conducted searches without proper warrants were subject to criminal penalties, although penalties seldom were imposed. 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.

On June 10, security forces raided the house of writer and blogger Mohamed Mossad Yaqout and seized his computer and a number of papers and books, apparently due to his support for MB candidates in the Shura Council elections, as well as his anti-government writings.

A telecommunications law allows telephone wiretaps and Internet monitoring only by court order. However, some human rights observers alleged that the government routinely violated this law.

#### Section 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 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.

On July 31, the government released independent parliamentarian Talaat Sadat, nephew of former president Anwar Sadat, who was convicted in October 2006 of defaming the military and sentenced to one year of prison with hard labor and no possibility of appeal. In October 2006 police arrested Sadat after he publicly accused military commanders, including then-vice president Mubarak, of complicity in the 1981 assassination of his uncle, former president Anwar Sadat.

The penal code, Press Law, 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; however, this limit appeared to have been enforced 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 printing and distribution of newspapers, including those of the opposition parties. Opposition political parties published their own newspapers, which frequently criticized the government. They also gave greater prominence to human rights abuses than did state-run newspapers. Most opposition newspapers were weeklies, with the exception of the dailies *Al-Wafd*, *Al-Ahrar*, and *Al-Ghad*, first published in 2005. The daily independent *Al-Masry Al-Youm*, which focuses on domestic politics, continued to offer significant, independent coverage of many controversial topics.

While in recent years opposition party newspapers have published articles critical of the president and foreign heads of state without being charged or harassed, the government 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 found to be negligent could be considered criminally responsible for libel contained in any portion of the newspaper.

July 2006 amendments to the penal code provide for fines of \$909 to \$3,636 (LE 5,000 to LE 20,000) and prison sentences for journalists who criticize foreign leaders or the president. The law specifically stipulates up to five years in prison for any journalist convicted of "vilifying" a foreign head of state and allows for detention of anyone who "affronts the president of the republic" and journalists whose work might "disturb public order."

During the year government officials and private citizens continued to bring several prominent libel cases against journalists.

In January 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.

In September the courts sentenced seven independent opposition editors 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 charges were dropped against three of the editors. At year's end the four other editors remained free on bail as they prepared to appeal the decisions against them. Ibrahim Eissa, editor of the daily independent *Al-Dustur*, was the target of at least eight such private lawsuits at year's end.

On September 11, a state security prosecutor charged Ibrahim Eissa with publishing reports "likely to disturb public security and damage the public interest," after Eissa published articles in August in *Al-Dustur* about President Mubarak's rumored health problems. Eissa faced up to three years in prison if convicted.

On September 13, in response to a lawsuit initiated by several members of the ruling party, a Cairo misdemeanor court sentenced Adel Hammouda, editor of the weekly *Al-Fagr*; Wael al-Ibrashy, of the weekly *Sawt al-Umma*; Abd al-Halim Qandil, former editor of the weekly *Al-Karama*; and Ibrahim Eissa to one year in prison and a \$3,500 (LE 20,000) fine for violating Article 188 of the penal code, which punishes any person who makes statements "likely to disturb public order." The court also set bail at \$1,750 (LE 10,000). At year's end the editors were free pending the appeal.

On September 25, Cairo's Al Warrak criminal court sentenced Anwar al-Hawari, the editor-in-chief of *Al-Wafd* newspaper, along with deputy chief editor Mahmoud Ghalab and politics editor Amir Salem to two years in prison, a \$35 (LE 200) general fine and an additional \$357 (LE 2,000) fine for publishing "untrue information which damaged the reputation of the justice system and the justice ministry." The three remained free on a \$892 (LE 5,000) bail pending an appeal. In a similar case, 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." On October 17, the first hearing in the case took place. The case was pending at year's end.

According to media reports, security personnel arrested or detained at least three journalists/reporters during the year.

On April 15, at Cairo airport, security officers arrested Abd al-Monim Mahmoud, a MB-affiliated television correspondent and blogger, as he tried to board a plane for Sudan to cover a story. Mahmoud was a vocal critic of the government's use of torture and asserted that he was tortured by police during a 2003 detention. A prosecutor asserted that the government was investigating Mahmoud on suspicion of membership in and administration of a banned organization and funding an armed group. On May 3, the government released Mahmoud without filing formal charges.

On May 2, a Cairo criminal court sentenced Al-Jazeera journalist Huwaida Taha Mitwalli to six months in prison for a documentary she produced about torture in the country. The court convicted Mitwalli of "possessing and giving false pictures about the internal situation in Egypt that could undermine the dignity of the country." Mitwalli admitted to having staged reenactments of allegedly real torture events for the Al-Jazeera documentary. The court fined her \$3,518 (LE 20,000). On January 8, security officers at Cairo airport had prevented Mitwalli from leaving the country and confiscated her videotapes and computer. On January 12, she received a summons to appear at the Supreme State Security Court where security officials held her overnight for questioning and then released her on bail. She remained free at year's end pending the appeal of her May 2 conviction.

On August 21, authorities detained *Al-Badeel* newspaper correspondent Mohamed Taher on charges related to his investigation of an alleged torture incident. On August 27, authorities released him without charge.

The Emergency Law authorizes censorship for public safety and national security. The Ministry of Information is empowered only to ban particular issues or editions in the interest of public order. The Ministry of Interior has the authority to stop specific issues of foreign newspapers from entering the country on the grounds of protecting public order. Under the law, the public prosecutor may issue a temporary ban on the publication of news related to national security, the length of which is based on the length of time required for the prosecution to prepare its case.

Only the cabinet can place a long-term ban on a foreign publication.

The law authorizes various ministries to ban or confiscate books, other publications, and works of art upon obtaining a court order. The cabinet may ban works that it deems offensive to public morals, detrimental to religion, or likely to cause a breach of the peace. The government has increasingly ceded confiscatory authority to Al-Azhar University and acted on its recommendations.

During the Cairo International Book Fair, January 23 through February 4, authorities confiscated copies of a book by Egyptian feminist writer and activist Nawal al-Saadawi. The book, *God Resigns in the Summit Meeting*, portrayed God as a genderless spirit. In March al-Saadawi departed the country after Al-Azhar officials accused her of apostasy and a lack of respect for the principles of Islam.

On February 4, the Deutsche Presse Agentur (German Press Agency) reported that publisher Mahmoud Madbouli removed all copies of the book from circulation and destroyed them. Madbouli stated that he withdrew the book after he learned it offended readers' religious sensitivities. Although Madbouli claimed his decision to remove and shred the book was not political, he also told Deutsche Presse Agentur that police witnessed the destruction of the books.

The Ministry of Interior regularly confiscated publications by Islamists and other critics of the state.

The government controlled and censored the state-owned broadcast media. 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 has a financial stake in both. The government did not block reception of foreign channels via satellite.

#### Internet Freedom

Approximately 10 million persons had access to the Internet, which the government actively promoted through low cost access. The government blocked access to some Web sites and monitored the Internet.

During the year the government occasionally blocked Islamist and secular opposition Web sites. While there is no specific legislation regarding blocking of Web sites, the authorities have 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.

During the year, police detained several active bloggers. The detentions usually lasted for several days. In most cases the bloggers' arrests appeared to be linked primarily to participation in street protests or other activism.

On March 12, the Alexandria Court of Appeals upheld the conviction of student blogger Abdel Karim Nabil Suleiman. On

February 22, the Alexandria Criminal Court convicted him of "denigrating" Islam and insulting President Mubarak through his blog entries and sentenced him to four years in prison (three for denigrating Islam and one for insulting the president). In November 2006 Alexandria security forces arrested Nabil, whose blog entries contained strongly-worded critiques of Islam and Al-Azhar's Sunni Muslim orthodoxy. In 2005 authorities detained Nabil for 18 days on account of his writings. Al-Azhar University previously expelled Nabil and reported him to the authorities for criticizing Islamic authority. At year's end Nabil remained in jail awaiting his appeal.

On May 29, authorities detained blogger Amr Gharbia for two hours in connection with allegations that he defamed Judge Abdel Fattah Mourad. Authorities released him after he paid a bail of \$35 (LE 200). Gharbia stated that anonymous contributors posted the comments to which Mourad objected.

On June 20, the state's Lawsuits Commission dismissed a lawsuit by Judge Mourad, chief judge of the Alexandria Appeals Court, to close 21 human rights-related Web sites. Judge Mourad sought to block the Web sites and blogs on the grounds that they "abused the state's dignity and threatened its interests."

#### Academic Freedom and Cultural Events

The government did not explicitly restrict academic freedom in universities; however, the government selected deans rather than permitting the faculty to elect them. The government justified the measure as a means to combat Islamist influence on campus.

In September the government refused to grant the MB permission to hold its annual Ramadan "iftar" dinner, an event normally attended by 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; however, 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.

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

On March 17, security forces detained 21 protestors who gathered outside of the Tagammu Party headquarters. All were released within a day or two without charge.

On March 25, security forces arrested 17 individuals protesting the constitutional referendum; all were released soon after their detention.

On July 22, security forces broke up a demonstration held by Bedouin and other residents of Rafah, the town bordering Hamas-controlled Gaza, to protest a reported government plan to clear all buildings within 150 meters of the Gaza Strip border to foil smuggling. On July 30, another Bedouin protest called upon the government to register Bedouin land ownership and release Bedouin tribal members who were detained without charge. In an effort to disperse the protestors, police fired tear-gas and rubber bullets at the demonstrators resulting in the injury of 15 protesters.

Police generally responded to political demonstrations during the year with high numbers of riot police deployed by the MOI to contain both the size and effectiveness of the demonstrations. A pattern of arresting demonstrators, 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 while in detention.

The MOI selectively obstructed some meetings scheduled to be held on private property and university campuses. For example, during student elections held in October, police prevented students from meeting on campuses.

##### Freedom of Association

The constitution provides for freedom of association; however, the government significantly restricted the exercise of this right. The minister of insurance and social affairs 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 29, the Chairman of the City of Naga Hamadi, General al-Sherbeery Hasheesh, ordered the closure of the city's branch of the Center for Trade Union and Workers Services (CTUWS). On April 10, the governor of El-Gharbiya issued a similar decision to shut down the CTUWS branch in Mahalla. In both instances, government officials alleged CTUWS was responsible for inciting labor strikes.

On July 9, in response to the closure of the CTUWS, 39 domestic NGOs launched a campaign calling for freedom of association. On August 15, the EOHR issued a statement condemning the Ministry of Social Solidarity's refusal to register CTUWS. Unable to obtain NGO registration from the government, it had registered in 1990 as a civil company under the commercial code.

On September 8, the government ordered the closure of the Association for Human Rights Legal Aid (AHRLA), a leading local human rights NGO, 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. Several local and international NGOs, including the Cairo-based Observatory for the Protection of Human Rights Defenders, the National Council for Human Rights (NCHR), and the HRW, expressed concern over the closing and urged the government to reverse the decision and allow AHRLA to resume activities.

### 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 that are not recognized by the government, particularly the Baha'i Faith, experienced personal and collective hardship.

Approximately 90 percent of citizens are Sunni Muslims; less than 1 percent are Shi'a Muslims. Estimates of the percentage of Christians ranged from 8 to 12 percent, or between 6 and 10 million, the majority of whom belonged to the Coptic Orthodox Church. There are small numbers of Mormons and Jehovah's Witnesses, but the government does not recognize either group. The non-Muslim, non-Coptic Orthodox communities ranged in size from several thousand to hundreds of thousands. The number of Baha'is is estimated at 2,000 persons.

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 Jew, Christian, or Muslim. As a result, Baha'is face great difficulties in conducting civil transactions, including registering births, marriages and deaths, obtaining passports, enrolling children in school, opening bank accounts, and obtaining driver's licenses. During the year, Baha'is and members of other religious groups were compelled either to misrepresent themselves as Muslim, Christian or Jewish, or go without valid identity documents. Many Baha'is chose the latter course.

By September 30, all citizens had to obtain new computer identification cards or risk detention; however, the government did not enforce this requirement. In December 2006 the Supreme Administrative Court overturned a lower court ruling, deciding that Baha'is may not list their religion in the mandatory religion field on obligatory government identity cards. In May 2006 the MOI successfully appealed an administrative court ruling issued in April 2006, which supported the right of Baha'i citizens to receive ID cards and birth certificates with the Baha'i religion noted on the documents. The government issued passports, which do not indicate the holder's religion, for Baha'i citizens.

In February the EIPR filed a lawsuit on behalf of Hosni Hussein Abdel-Massih, who was suspended from the Suez Canal University's Higher Institute of Social Work due to his inability to obtain an identity card because he is a Baha'i. Students must produce a military draft postponement to complete their university education without interruption; however, one cannot obtain a military draft number without being issued a national ID number and a national ID card. The case was pending at year's end.

On September 10, the NCHR organized a workshop to discuss the issue of religious identity on ID cards. General Aly Abdel Mawla, Head of General Administration for Legal Affairs in the MOI, opposed the suggestion that the government allow the religion field to be left blank, asserting that the policy of requiring the indication of religious affiliation aims to protect freedom of religion.

In October Raouf Hindi Halim, a Baha'i convert, filed suit against the government to issue birth certificates for his twin

daughters with the religion field left blank or to write (Baha'i) in the field. The case was postponed several times since it was first brought before the administrative court in 2004. Halim obtained birth certificates for the children when they were born in 1993 which recognized their Baha'i religious affiliation, but new certificates were mandatory, and the children were unable to enroll in public schools without them. The case remained pending at year's end.

During the year security forces arrested those affiliated with the Koranist movement, a small group of Muslims who rely on the Koran as the sole source for Islam, excluding the prophetic traditions ("hadith") and other sources of Islamic view. On May 29, SSIS agents arrested three Koranist men. On May 31 and June 17, the SSIS arrested two more Koranists. According to a lawyer with the EIPR, who attended some of the police interrogations of the Koranists, the interrogation of the detainees was focused on their religious views. One detainee told the EIPR and the investigating prosecutor that an SSIS investigator previously beat and threatened him with rape. On October 5, authorities released the five men.

According to a 2005 presidential decree, churches are permitted to proceed with rebuilding and repair simply by notifying the governorate administration in writing. Permits for construction of new churches remained subject to presidential decree. Despite these decrees, some local security and government officials continued to prevent churches from being renovated, often requiring an exhaustive list of documents to be submitted multiple times between administrative and security departments of governorates, in repeated attempts to preclude final authorization. As a result, congregations experienced lengthy delays--lasting for years in many cases--waiting for new church building permits to be issued. Authorities refused to issue decrees for restoration, renovation, and expansion of churches, or failed to enforce decrees that had already been approved. Local authorities closed unlicensed buildings used as places of worship.

Government officials previously asserted that the government approves a much larger number of projects for church construction and expansion through informal arrangements between church authorities and local security and administrative officials.

On January 18, the NCHR released its third annual report. The report called for the removal of obstacles that hinder political participation, primarily by Christians and women. The NCHR reported that it had received replies from government ministries and other bodies regarding 36 of the 57 formal complaints regarding religious freedom that it had received between March and December 2006 and sent forward to relevant authorities for action.

In addition to complaints by Christian citizens to the NCHR, there were also 14 complaints from Baha'is, one of which was signed by 51 complainants who sought the right to have their religion listed on official papers.

State-run television refused to comply with a 2005 judicial ruling banning veiled anchorwomen on television programs. In March the court told anchorwomen Hala al-Malki and Ghada al-Tawil that it could do nothing to enforce its ruling. In April al-Malki and al-Tawil appealed the 2005 ruling. On June 21, before any decision on the appeal was made, Hala al-Malki anchored a program on national state television while wearing a hijab. The status of the women's formal appeal was pending at year's end.

According to March media reports, officials at the Al-Ayat Government Industrial Secondary School in Giza governorate attempted to require all female students, including Christians, to wear hijabs. The Ministry of Education quickly denied this allegation, noting that it bans wearing the hijab in primary schools and allows it only in preparatory and secondary schools upon written request from a girl's parent.

Neither the constitution nor the civil and penal codes prohibits proselytizing, but those accused of proselytizing have been harassed by police or arrested on charges of violating Article 98(F) of the penal code, which prohibits citizens from ridiculing or insulting "heavenly religions" or inciting sectarian strife.

While there are no legal restrictions on the conversion of non-Muslims to Islam, the conversion of Muslims to any other religion is prohibited by Shari'a. Converts to Christianity sometimes faced harassment. On April 28, authorities released Bahaa Al-Accad, a Christian convert, after he had spent almost 2 years in prison without being formally charged with any crime.

On April 24, the Court of Administrative Justice ruled that the MOI was not obligated to recognize reconversion back to Christianity by Christian-born converts to Islam. The court ruled that such recognition would violate the prohibition against apostasy under Islamic Shari'a and constitute a "manipulation of Islam and Muslims." This ruling was inconsistent with other court rulings in the last three years ordering the MOI to issue amended identification cards to 32 citizens who sought to reconvert to Christianity.

On August 8, police detained Adel Fawzi Faltas Hanna, a retired doctor and president of the Middle East Christian Association's (MECA) Egyptian branch, and Peter Ezzat Hanna, a photographer for MECA and the Copts United Web site. The authorities investigated the two men's activities, based on accusations that they had insulted Islam. The police also raided the Cairo homes of Hanna and Ezzat and confiscated several copies of a MECA publication ("the Persecuted"), which MECA had printed abroad and then distributed in the country. On November 4, authorities released Faltas and Ezzat following three months in detention. On November 5, authorities arrested three other MECA affiliates/activists--

Wagih Yaob, Victor George, and Mamdouh Azmeh--whom authorities also investigated for denigrating Islam. On December 26, authorities released the three men without charge.

In the absence of a legal means to register their change in religious status, some converts have resorted to soliciting illicit identity papers, often by submitting fraudulent supporting documents or bribing the government clerks who process the documents. In such cases, authorities periodically charged converts with violating laws prohibiting the falsification of documents.

In August Mohamed Ahmed Hegazi and his wife, Zeinab, publicly announced that they had converted to Christianity and wished to be legally recognized as such to ensure they could raise their children as Christians. However, the Civil Registrar refused to issue Hegazi a new National ID card stating his new religion. On August 2, Hegazi sued the minister of interior. The case remained pending at year's end.

Rulings concerning marriage, divorce, alimony, child custody, and burial are based on an individual's religion. In the practice of family law, the government recognizes only the three "heavenly religions:" Islam, Christianity, and Judaism. Muslim families are subject to Shari'a, Christian families to Canon law, and Jewish families to Jewish law. In cases of family law disputes involving a marriage between a Christian woman and a Muslim man, the courts apply Shari'a.

The government does not recognize the marriages of citizens adhering to faiths other than Christianity, Judaism, or Islam. Coptic males are prevented from marrying Muslim women by both civil and religious laws. A civil marriage abroad is an option if a Christian male and a Muslim female citizen decide to marry; however, their marriage would not be legally recognized in the country. A female Muslim citizen in such a situation could be arrested and charged with apostasy, and any children from such a marriage could be taken and assigned to the physical custody of a male Muslim guardian, as determined by the government's interpretation of Shari'a. The Coptic Orthodox Church permits divorce only in specific circumstances, such as adultery or conversion of one spouse to another religion.

On September 3, the Alexandria Administrative Court ruled that the father of Mario Medhat Ramses, 11, and Andrew Medhat Ramses, 13, could convert his sons to Islam, despite their Christian mother's objections. The estranged father had previously converted from Christianity to Islam. The children's mother appealed to the Cairo Supreme Administrative Court, and the case remained pending at year's end.

There were no reports of forced religious conversion carried out by the government; however, there continued to be unsubstantiated reports of forced conversions of Coptic women and girls to Islam by Muslim men. Reports of such cases were disputed and often included allegations and denials of organized seduction, kidnapping and rape. Observers, including human rights groups, found it extremely difficult to determine whether compulsion was used, as most cases involved a Coptic female who converted to Islam when she married a Muslim man. Reports of such cases almost never appear in the local media.

On February 9, Muslim citizens set fire to Christian owned shops in the village of Armant, Qena governorate, after reports surfaced of a love affair between a Muslim woman and a Coptic Christian man. Security forces deployed in the town closed shops under a security decree and detained eight Muslims and one Copt. Some were released on February 15, and the rest were released shortly thereafter. Member of Parliament (MP) Mohamed al-Nubi and village leaders initiated a national conference on inter-religious dialogue to address the sectarian divide and reportedly brought together some 2,000 Muslims and Christians from across the country.

On September 21, rumors of a love affair between a Muslim woman and a Coptic Christian man again sparked sectarian clashes in Alexandria. Reportedly dozens of Muslims and Christians fought and hurled bricks at each following Friday evening prayers. Nine people were injured and about nine cars were destroyed in the clashes before security forces were deployed to the area and detained 25 people. The prosecution office ordered their detention for four days pending investigations. All were released without charges.

While there is no legal requirement for a Christian girl or woman to convert to Islam to marry a Muslim man, conversion to Islam has been used to circumvent the legal prohibition on marriage under the age of 16 or marriage between the ages of 16 and 21 without the approval and presence of the girl's male guardian (usually her father). The law only recognizes the willing conversion to Islam of any person over age 16. However, there are credible reports of local government authorities failing to uphold the law. Local authorities sometimes allow custody of a minor Christian female who "converts" to Islam to be transferred to a Muslim custodian, who is likely to grant approval for an underage marriage. Some Coptic activists maintain that government officials do not respond effectively to instances of alleged kidnapping. In cases of marriage between an underage Christian girl and a Muslim man, there have been credible reports that government authorities have failed to sufficiently cooperate with Christian families seeking to regain custody of their daughters.

During the year, according to *Watani* newspaper editor and publisher Youssef Sidhom and Christian lawyer Naguib Gabriel, the MOI ceased to require "advice and guidance sessions" in cases of Christian-born converts to Islam without any prior notice or discussion. According to Sidhom, the advice and guidance sessions repeatedly proved to be instrumental in resolving disputed conversion cases, returning many Christian girls to their original faith and families.

Gabriel filed a lawsuit before the administrative court to restore these sessions, but the court had not issued any judgment by year's end.

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 occasionally prosecuted members of religious groups whose practices deviated from mainstream Islamic beliefs and whose activities were believed to jeopardize communal harmony.

In May 2006 public prosecutor Maher Abdul Wahid ordered two Azharites, Abdul Sabur al-Kashef and Mohammed Radwan, to be tried by a low-level criminal court on charges of blaspheming Islam. Kashef was prosecuted for claiming to have seen God while Radwan was prosecuted for denying the existence of heaven and hell. Al-Kashef was sentenced to 11 years' imprisonment while Radwan received three years. In mid-January El-Gamaleya Misdemeanor Court of Appeals reduced Kashef's sentence to six years' imprisonment and upheld the earlier ruling of three years for Radwan.

While Jehovah's Witnesses remained without legal status, the small community in the country reported that hostile treatment from security services diminished significantly. In 2006 a delegation of Jehovah's Witnesses from Europe and the United States made several visits to meet with government officials in order to explore the prospects for the formal establishment of the faith in the country and to advocate for the human rights and religious freedom of Jehovah's Witnesses in the country.

#### Societal Abuses and Discrimination

Societal religious discrimination and sectarian tension continued during the year. Tradition and some aspects of the law discriminated against religious minorities, including Christians and particularly Baha'is.

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.

On March 27, voters approved 34 constitutional amendments with unclear implications for religious freedom. The amended Article 1 of the constitution states that the country's political system is based on the principle of citizenship. Government supporters argued that these changes would separate religion from politics. However, some critics argued that the amendments are incompatible with Article 2, which continues to state that Shari'a is the basis for legislation.

The government continued to discriminate against Christians in public sector employment, in staff appointments to public universities, by payment of Muslim imams through public funds (Christian clergy are paid by private church funds), and by refusal to admit Christians to Al-Azhar University (a publicly-funded institution). In general, public university training programs for Arabic language teachers refuse to admit non-Muslims because the curriculum involves the study of the Koran. There have been no reports of Christian graduates since 2001.

Courts have normally not prosecuted officials suspected of causing personal injuries or damages due to sectarian-based violence. However, the government took positive steps in response to an April 2006 sectarian attack in Alexandria that led to mob violence resulting in personal injury to Copts and the burning and looting of Christian-owned shops. A parliamentary inquiry investigated the incidents, and on January 22, a police military tribunal in Cairo convicted five of the 10 accused police officers on charges of dereliction of duty for failing to appear at their respective duty stations. The court had not handed down final rulings against the remaining five officers by year's end.

On May 11, a group of Muslim citizens attacked Christians in the village of Bamha. In the ensuing violence, Muslims reportedly set fire to or looted 27 Christian shops and homes and injured 11 Christians. The police responded quickly to contain the incident and arrested approximately 60 persons whom they released soon after.

On July 15, in Fayoum, a group of young Muslims attacked the wall that surrounded the land of an Evangelical Church and destroyed and stole the brick and cement supplies that were stored on site. On July 18, a reconciliation meeting took place at which Reverend Ghattas met with Fayoum Governor Magdi Qubeissi, who promised to have the culprits punished, the wall re-built, and the church indemnified for damages. Security officials promised to compensate the church, but the church had not received any compensation by year's end.

The country's Jewish community numbered approximately 100; most were senior citizens. Anti-Semitic sentiments appeared in both the progovernment and opposition press. Anti-Semitism in the media was common but less prevalent than in recent years, but 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. These expressions occurred primarily in the government-sponsored daily newspaper, *Al-Gumhuriyya*, *Akhbar Al-Yawm*, and *Al-Ahram*, and occurred without government response.

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.

On July 22, *Watani* newspaper, a newspaper published by the Coptic Church, reported on a book titled "The Evidence of the Greatness of Mohamed's Message and Prophecies of it in the books of the People of the Book," written by Mohamed al-Sadat and published by the state-owned publishing house, the General Egyptian Book Organization (GEBO). The book stated fundamental tenants of Islam but also attacked Christianity and Judaism and derided the concept of the Trinity. Nasser al-Ansari, the chairman of the board of GEBO, later halted its circulation.

For a more detailed discussion, see the [2007 International Religious Freedom Report](#).

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

The law provides for these rights, and the government generally respected them in practice; however, there were some notable exceptions. Citizens and foreigners were free to travel within the country, except in certain areas 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 under the age of 21 must have permission from their fathers to obtain passports and travel. Married women no longer legally require the same permission from their husbands; however, in practice police reportedly still required such permission in most cases. Citizens who left the country had the right to return.

On April 27, the government prevented former MB parliamentarian Gamal Heshmat from traveling to Bahrain to participate in the National Arab Conference. The authorities provided no explanation for Heshmat's travel ban.

In a similar case, on August 17, the local press reported that the government prevented MB member Essam al-Erian from traveling to Turkey. An official in the MOI's media office refused to comment on the incident when questioned by Reuters. On two previous occasions the government prevented Erian from traveling abroad.

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. Apart from a 1954 agreement with the UN High Commissioner for Refugees (UNHCR) and two "technical decrees" from the MOI relating to residence and travel, the country has no national legislative framework on asylum. The government generally did not issue work permits to refugees. The government admitted refugees on the understanding that their presence in the country was temporary.

Because the country lacked national legislation or a legal framework governing the granting of asylum, the UNHCR assumed full responsibility for the determination of refugee status on behalf of the government; however, the 2004 peace accord in the Sudan led the UNHCR to halt new refugee status determinations in 2005. This led to protests by some Sudanese who sought refugee status and resettlement. The UNHCR provided recognized refugees with a refugee identification card that was considered a residence permit and bore the stamp of the national authorities. Refugees generally may not obtain citizenship.

According to the UNHCR, during the year there were approximately 43,610 recognized refugees and asylum seekers residing in the country. Approximately 24,551 of these individuals were Sudanese nationals. In addition, between 40,000 and 70,000 Palestinian refugees were reported to be in the country, although fewer than 200 were registered with the UNHCR. The number of Iraqi asylum seekers approaching the UNHCR increased, with more than 8,500 registered during the year. Conflicting press reports, some citing the UNHCR, gave widely varying estimates of the number of Iraqis seeking protection in the country at year's end, ranging from 20,000 to 150,000. Press reports also noted that some schools expelled Iraqi children. Iraqis protested MOI delays in the issuance of residence permits, and the authorities in Sixth of October City rejected a request by Iraqi asylum seekers to open a Shi'a mosque.

In 2005 the UNHCR halted refugee determinations for South Sudanese after the Sudanese peace accords and ceased consideration of applications by South Sudanese for resettlement abroad. Sudanese refugees, as well as those Sudanese who unsuccessfully sought refugee status, were part of a much larger community of Sudanese residents, many of whom were in the country illegally. Estimates of the total number of resident Sudanese ranged from two to four million. Many Sudanese legally enter with short-term visas and then decide to remain. According to a study produced by the American University in Cairo's Center for Forced Migration and Refugee Studies in July 2006, migrants from Sudan, regardless of their official status, faced unemployment, poor housing, limited access to health and education, and racial discrimination.

In at least one instance, there were reports that the government did not provide protection against refoulement, the return

of persons to a country where there is reason to believe they feared persecution. On August 18, the government accepted the deportation of 48 Africans from Israel, 23 of whom the government stated were registered with the UNHCR as refugees or asylum seekers. Government forces arrested the deportees and refused the UNHCR access to this population. Press reports indicated that on October 28, the government forcibly returned five of the group to Sudan, where they reportedly may face persecution for having been in Israel. The government denied that it deported the five and stated that all 48 were released from custody in December.

The year witnessed a growing trend of Sudanese and other African asylum seekers who attempted to migrate illegally to Israel. Some of these migrants were registered with the UNHCR as refugees or asylum-seekers.

On July 22, security personnel shot and killed a woman from Darfur as she attempted to illegally cross into Israel with a group of 26 other African migrants.

A similar incident occurred on July 23, when police shot and wounded a Sudanese man as he attempted to illegally cross into Israel from the Sinai Peninsula. The police ordered him to stop but he refused and the police opened fire, injuring the man.

According to media reports, on October 15, police shot and wounded two Turkish teenagers attempting to cross into Israel to work, according to *Al-Dustour*. On October 18, Reuters reported that police shot and critically wounded a Turkish man as he tried to cross a barbed wire fence into Israel with six other individuals believed to be his family.

At year's end the government had not investigated the case of the 27 Sudanese asylum seekers who died while police sought to clear a squatters' settlement of several thousand Sudanese in a Cairo park outside UN offices in December 2005. On May 2, after the Associated Press reported the findings of a UN human rights panel that called on the government to reinvestigate the deaths of the 27 Sudanese, the Ministry of Foreign Affairs rejected the request, stating the UN committee did not have jurisdiction to ask for reinvestigations.

### Section 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. 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 being contested every three years. However, during the year there were limitations on citizens' right to change their government peacefully due to consistent election irregularities, including technical problems and fraud. The NDP continued to dominate the 454-seat People's Assembly, as a result of the 2005 parliamentary elections, which were marred by fraud, police interference, and violence. It also dominated local governments, the mass media, labor, and the large public sector, and controlled the licensing of new political parties, newspapers, and private organizations.

#### Elections and Political Participation

On March 26, the country held a popular referendum on a set of 34 amendments aimed at reforming elements of the constitution. The referendum was moved up from its originally scheduled date in April. The amendments included changes to articles regarding individual legal protection, a ban (under Article 5) on the establishment of any political party with a religious basis, and revisions to Article 88 replacing supervision of elections by the judiciary with a new Supreme Electoral Commission.

International and local civil society advocates and human rights groups criticized the abbreviated timetable for the referendum as well as the substance of the amendments as falling short of meaningful reform. The Carnegie Endowment for International Peace characterized revisions to Article 88 as a step backwards, noting that judicial oversight had previously resulted in a more transparent electoral process. AI described the amendments as the "greatest erosion of human rights in 26 years" and called on parliament to reject the proposed constitutional amendments, stating they would continue a long-standing system of abuse under the Emergency Law. The EIPR criticized the proposed amendment to Article 179, arguing that it would "do away with whatever legal protection is left for personal rights and freedoms" as well as diminish guarantees of due process.

The NCHR fielded monitors for the referendum. They reported that they witnessed inaccurate electoral lists, group voting, lack of judicial supervision in some polling stations, prevention of NGOs representatives from practicing their work, closure of ballot boxes before official time, lack of prescribed ink in some polling stations, and a lack of information for voters outside the polling stations.

While the government reported voter turnout at 27.1 percent, press reports and independent monitors estimated the figure to be between 2 and 5 percent. The government reported that 75.9 percent of voters voted in favor and 24.1 percent against the package of amendments; 9.7 million voted out of 35.8 million registered; and 9.4 million valid votes and 252,695 invalid votes were counted. Civil society monitors and other observers who conducted election monitoring

asserted that turnout was less than five percent of eligible voters.

On June 11, the government organized Shura Council elections for 88 open seats. The ruling NDP won 84 of the 88 contested seats. Three NDP members ran as independents (having failed to secure the nomination of their party) and won three additional seats, while the opposition leftist Tagammu Party won one seat. Independent candidates affiliated with the banned MB failed to win any of the seats. Other significant opposition parties such as the Wafd and Nasserists, boycotted the Shura elections.

Immediately after the announcement of the results of the Shura elections, President Mubarak exercised his presidential prerogative to appoint an additional 44 members including nine women and three Copts. The government reported that turnout for the Shura elections was 31 percent, but independent monitors reported turnout of 5 percent. In the run-up to the election, government security forces arrested and detained hundreds of MB members and campaign workers.

On June 24, the NCHR issued a report pointing to discrepancies in turnout as announced by the government and as estimated by NGO monitors. The NCHR noted that it had received complaints on a wide range of violations during the elections, including violations in campaigning, security service threats to voters, arrests of political activists, denial of access to polling stations, bribery, unauthorized invalidations of electoral applications, and late openings of some polling stations. In an effort to promote the transparency of the Shura Council elections, the NCHR worked with the government to provide a total of 5,827 monitoring licenses for 18 NGOs who conducted monitoring of the elections.

In the aftermath of the Shura elections, the NCHR recommended that the government work to improve voter participation levels; to better integrate the disabled in monitoring or participation; to permit monitoring by regional or international organizations; to evaluate the monitoring process to determine flaws; and to increase political parties' involvement in monitoring. The NCHR also recommended doubling the number of judges in the Supreme Election Commission in order to provide better supervision of peripheral stations and called for the government to allow voters to use their national ID for voting instead of a separate voting card to simplify the voting process.

Independent MPs linked to the MB continued to participate actively in parliament.

In September 2005 voters elected President Hosni Mubarak to a fifth six-year term, defeating nine other candidates representing political opposition parties, in the first competitive presidential election. The government announced that Mubarak received 88 percent of the vote and that Ayman Nour of the Al-Ghad party had placed second with 7 percent. Domestic election monitors said that voter turnout was lower than the 23 percent turnout reported by the government.

Press reports, voters, opposition groups, and civil society monitors reported technical flaws and fraud during the presidential election. NDP representatives reportedly controlled many polling stations and pressured voters to support Mubarak; NDP parliamentarians reportedly paid small bribes and used other illegal inducements to win votes for Mubarak; voter lists were outdated; nonresident or unregistered voters were allowed to vote for Mubarak; the NDP had exclusive control over voter lists in some areas and refused to make the lists available to all competing parties; some polling places were located in police stations; the "indelible" ink used to mark voters' fingers was applied inconsistently and easily rubbed off; there was confusion over voter registration, including who was registered and where persons were supposed to vote; and voters were not allowed to register to vote after January 2005. The government did not invite international election observers to observe the election, and the operations of the Presidential Election Commission, a nine-member quasi-judicial body tasked with approving candidates, were marred by a lack of transparency.

According to the constitution, licensed and operating political parties can nominate candidates for the presidency, provided they have been in legal status as recognized parties for five continuous years and secured at least 5 percent of the elected seats in each of the PA and the Shura Council in the most recent parliamentary elections. Fourteen of the country's 18 licensed opposition political parties met the licensing and operating requirements for the 2005 race but only due to a one-time exemption clause for 2005, which eliminated this requirement.

The constitution provides that candidates unaffiliated with political parties may run for president if they secure endorsements from at least 250 elected officials, to include at least 65 of the 444 elected members of the PA, at least 25 of the 176 elected members of the Shura Council, and at least 10 elected members of local councils in each of at least 14 of 26 governorates. No independent candidates competed in the 2005 presidential election.

The most recent elections for the 444 open seats of the PA took place in November-December 2005. The first round in the greater Cairo area occurred peacefully, but there were multiple confirmed reports of vote buying and charges of vote rigging. Presidential runner-up Ayman Nour lost his parliamentary seat in a race against a recently-retired state security officer. Nour's camp alleged government fraud. The second round of the parliamentary elections, which included Alexandria, witnessed violence by government supporters against opposition voters, resulting in at least three deaths and sporadic police cordons intended to limit access to polling stations. The third round of the parliamentary elections was marred by widespread police cordons at polling stations aimed at limiting opposition voters, as well as multiple clashes between police and opposition voters which left at least eight persons dead. The NDP retained its overriding majority in the new parliament but was joined by 88 independent deputies allied with the MB and a handful of other opposition deputies.

In a series of October 2006 rulings, the Court of Cassation ruled that approximately 100 parliamentary contests spanning at least five constituencies--Nasr City and Khalifa in Cairo, Qellin in Kafr El-Sheikh, and Nabarawa and Dekerness in Daqahliyya--should be invalidated due to evidence of vote rigging during the 2005 parliamentary elections. However, the constitution provides parliament the right to decide which judicial rulings against it must be enforced. Historically, the NDP-controlled parliament has used this provision to ratify only those court judgments that go against select opposition and independent candidates. The NCHR recommended an amendment to make court rulings against parliament binding and non-reviewable. By year's end the parliament had not taken any action in response to the Court of Cassation rulings.

On May 10, President Mubarak issued a presidential decree establishing a High Elections Commission to oversee all elections matters. The commission consisted of 11 members and was headed by Counselor Adel Zaki Andraws, president of the Cairo Court of Appeals.

On May 25, the Shura Council's Committee for Political Parties Affairs approved the establishment of the Democratic Front party headed by Dr. Yehia el-Gamal, a former cabinet minister. At year's end, at least 12 aspirant political parties awaited decisions on their legal status, including the Karama ("Dignity," Arab nationalist) and Wasat ("Center," moderate Islamist) parties.

The PA debated government proposals, and members exercised their authority to call cabinet ministers to explain policy. The executive initiated almost all legislation. The PA exercised limited influence in the areas of security and foreign policy and retained little oversight of the MOI's use of Emergency Law powers. Ministerial decrees were used to carry out many executive branch initiatives and policies without legislative oversight. Individual voting records were not published, and citizens had no independent method of checking a member's voting record.

The Political Parties Law prohibits political parties based on religion, and the MB remained an illegal organization; however, MB members openly and publicly expressed their views. They remained subject to government pressure. Independent MPs linked to the MB continued to participate actively in parliament. A total of 88 candidates affiliated with the MB were elected to the PA in 2005 as independents.

There were six women elected to the 454-seat PA, as well as five women appointed. Two women served among the 32 ministers in the cabinet.

There were six Christians (five appointed, one elected) in the 454-seat PA; six Christians (all appointed) in the 264-seat Shura Council; and two Christians in the 32-member cabinet. Christians, who represent between 8 and 12 percent of the population, held less 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 26 governors, in 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, and the government implemented these laws effectively in some cases. The Worldwide Governance Indicators of the World Bank reflect that corruption was a serious problem.

In May a court convicted NDP parliamentarian Emad al-Gelda of official corruption and sentenced him to three years in prison.

On June 4, airport officials stopped parliamentarian Hosam Abdul-Mohsen Makawy on arrival from Dubai carrying 1,000 cell phones and 800 memory cards. Makawy agreed to pay a fine and taxes to avoid prosecution.

The local press routinely reported on confirmed cases of low-level corruption, including tampering with official documents, embezzlement, and acceptances of bribes by officials in various government departments. 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 Criminal Court with charges of receiving bribes and manipulating the ministry's tenders, which accounted for \$170,000 (LE 930,000).

The February 2006 sinking of the Al-Salaam Bocaccio 98 ferry in the Red Sea killed more than 1,000 people, many of them Egyptian migrant workers returning from jobs in the Gulf. A parliamentary inquiry in April 2006 ruled that the ship was overloaded, possessed inadequate safety equipment, and had not been properly maintained. The relationship of ferry owner Mamdouh Ismail, a Shura Council member, with presidential chief of staff Zakaria Azmi, sparked public debate about corruption. Although he was stripped of his parliamentary immunity shortly after the accident, Ismail fled the country. His role as a board member of the Red Sea Ports Authority led to media claims that he had used his regulatory role to boost his business interests. At the time of the Salaam sinking, his ferry company possessed a virtual monopoly on Red Sea ferry traffic. A fact finding committee under the chairmanship of Hamdi Al Tahan, head of the transportation and communications parliamentarian committee, indicted Ismail as well as the Ministry of Transportation, the Marine Safety

and Search and Rescue Authority, and government officials from different government bodies who were tasked with responding to the crisis. The case remained pending at year's end.

In 2005 prosecutors indicted two key figures in the country's media sector on corruption charges. Abdel Rahman Hafez, director of the state-owned Media Production City, and Ehab Talaat, a private sector advertising executive, were indicted by the public prosecutor after a case against them was brought by the Administrative Control Authority (a government anticorruption body). According to the indictment, Hafez conspired with Talaat to grant the latter's ad agency advertising time on the state-owned Nile Satellite Channel for a tenth of its actual value.

There are no legal provisions for public access to government information. There were no financial disclosure laws for public officials.

#### Section 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.

The law governing the regulation and operation of all NGOs grants the minister of social solidarity the authority to dissolve an NGO by decree, rather than requiring a court order. There were no reports that the minister used this measure during the year.

The leading independent human rights NGOs included the Egyptian Organization for Human Rights (EOHR), the Human Rights Association for the Assistance of Prisoners (HRAAP), the Association for Human Rights Legal Aid (AHRLA), the Cairo Institute for Human Rights Studies (CIHRS), the Egyptian Initiative for Personal Rights, the Ibn Khaldun Center (IKC), the Arab Center for the Independence of the Judiciary and the Legal Profession (AIJL), the Arab Network for Human Rights Information, and the Egyptian Center for Women's Rights (ECWR). The Arab Organization for Human Rights generally took a softer line towards the government. Informal coalitions of Internet activists and bloggers played an increasingly significant role during the year in publicizing information about human rights abuses. The government did not demonstrate a consistent approach towards cooperating with human rights NGOs and detained and abused some Internet bloggers.

The NCHR continued to monitor government abuses of human rights by formally submitting citizen complaints to the government and issuing reports critical of the government. In January the NCHR began its second three-year term. In 2006 two members of the original 27-member board resigned. One member, human rights activist Bahey El-Din Hassan, publicly said that he chose to resign to protest what he alleged was a lack of progress by the NCHR in addressing human rights challenges. Hassan questioned the effectiveness of the NCHR since the organization possessed no legal authority to compel the government to address the concerns it raised.

On January 18, the NCHR issued its third annual report, covering March 1 to December 31, 2006. The NCHR reported that it received a total of 5,826 complaints, marking a 25 percent increase from the previous period. Economic and social rights complaints comprised 38.5 percent of the total, while civil and political rights complaints accounted for 30.2 percent of total complaints submitted to the council. The report called on the government to take more effective action in response to human rights violations and complaints, combat corruption, and amend the NGO law to eliminate restrictions on civil associations.

In February the NCHR announced the establishment of a new Complaints Office with two regional offices, one in Upper Egypt and the other in northern Egypt, to facilitate the processing of citizen complaints. The offices were not up and running by year's end.

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

The EOHR, HRAAP, and other groups obtained limited cooperation of government officials in visiting some prisons in their capacity as legal counsel, but not as human rights observers.

A number of civil society organizations received direct funding from foreign governmental and nongovernmental donors to support their work in a variety of areas, including human rights advocacy and election monitoring. During the year the government permitted various human rights organizations, including the CIHRS, HRAAP, EOHR, IKC, and AIJL, to hold and participate in international conferences.

The government generally allows international human rights NGOs to establish informal operations. Organizations such as the HRW made periodic visits as part of their regional research program and were able to work with domestic human rights groups. In 2005 the National Democratic Institute, International Republican Institute, and IFES, which provide technical assistance in support of expanded political and civil rights, established informal operations in the country. In June 2006, however, the Ministry of Foreign Affairs ordered all three groups to "freeze" their operations pending formal approval of their registrations. By year's end the three organizations remained unregistered and unable to pursue full operations.

In August, an official delegation from the African Commission on Human and People's Rights visited the country for the first time since the establishment of the commission in 1981. The delegation met with officials from various ministries including the Ministry of Foreign Affairs, MOI, and Ministry of Justice. The delegation also met with the public prosecutor, the NCHR, National Council for Childhood and Motherhood, and a number of civil society organizations. The delegation also visited Tora prison.

On September 13, press reports noted that the government refused the application by the UN Office of the High Commissioner for Human Rights to establish its regional office in Cairo.

The government did not respond to standing 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, to visit.

The PA has a "Human Rights Committee," which human rights activists did not judge effective. The committee recommended that the government decrease the numbers of prisoners per cell and provide "appropriate medication." The committee also recommended that the government not reply to an AI report on human rights during the year.

#### Section 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, and punishment under the penal code ranges from 15 to 25 years; however, spousal rape is not illegal. Although reliable statistics regarding rape were not available, activists believed that it was not uncommon, despite strong social disapproval. A rapist, if also convicted of abducting his victim, can be subject to execution. There was no data available on the rate of prosecution of rape cases.

According to a study presented in May by the National Council for Criminal and Social Studies, there are 20,000 cases of rape annually, and 60 percent of females are subjected to harassment. According to the ECWR, of the 2,500 woman who reported cases of sexual harassment to ECWR, only 12 percent went to the police with their complaint.

In 2005, after hearing confessions from two defendants that they had raped and beaten to death Hoda al-Zaher, Judge Abdo Attia handed down sentences of only three years for one defendant and three months for another. In November 2006 the public prosecutor appealed the court's decision. At year's end the case was under appeal.

Although the law does not prohibit spousal abuse, provisions of law relating to assault in general may be applied. Domestic violence continued to be a problem, but reliable national level statistics were unavailable. According to the "Listening and Guidance Program" of the Nadeem Center for Rehabilitation of Victims of Violence, beatings, sexual harassment and spousal rape remained significant problems in society. According to a 2003 survey by the Center for Egyptian Women's Legal Affairs, an estimated 67 percent of women in urban areas and 30 percent in rural areas had been involved in some form of domestic violence at least once between 2002 and 2003. Among victims, fewer than half sought help. The 2005 Egypt Demographic and Health Survey indicated that 47.4 percent of women above age 14 had experienced domestic violence. Abuse within the family rarely was discussed publicly. Spousal abuse is grounds for a divorce. The law requires the victim of spousal abuse to produce multiple eyewitnesses, a difficult condition to meet. 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 of violent assaults by a male against a female, usually a family member, because of perceived lack of chastity. In practice, the courts sentenced perpetrators of such crimes to lesser punishments than those convicted in other cases of murder. There were no reliable statistics regarding the extent of "honor" killings.

Female genital mutilation (FGM) remained a serious, widespread problem, despite government and NGO attempts to combat it. Tradition and family pressure continued to play a leading role in the persistence of FGM. While it is difficult to obtain reliable statistics on the practice, UNICEF reported a reduction in "intention" levels among the families of at-risk girls.

In June, 12-year-old Badour Shaker died following an FGM operation. A forensic investigation reported that the girl died due to an anesthesia overdose during the procedure. Authorities arrested the doctor who performed the operation.

On June 23, Ali Gomaa, Grand Mufti of Egypt, issued a formal fatwa banning FGM. On June 28, Minister of Health Al-Gabaly issued a decree banning FGM. While the decree does not include criminal penalties, it can be enforced through regulatory action such as license suspension and referral to professional syndicate disciplinary boards. On July 3, Dar al-Iftaa issued a formal statement declaring FGM to be "religiously forbidden."

The government supported efforts to educate the public about FGM. During the year the government opened an FGM hot-line to provide FGM information; however, illiteracy impeded some women from distinguishing between the deep-rooted tradition of FGM and religious practices. Moreover, many citizens believed that FGM was an important part of maintaining female chastity. FGM was equally prevalent among Muslims and Christians. Religious leaders joined the government in publicly refuting that FGM has religious sanction.

During the year the government-established National Council for Childhood and Motherhood, under the direction of Ambassador Moushira Khattab, launched a campaign titled "The Beginning of the End" that conducted awareness sessions, public debates, and media campaigns highlighting the dangers of FGM. During the year the governorates of Aswan, Sohag, Minya, and Beni Sweif publicly announced their rejection of FGM and signed documents making their rejection official.

On September 2, a government health official stated that four doctors and a midwife would be prosecuted for conducting FGM procedures. Consequently, the government closed the private clinics of the four doctors in Menya. The case was pending at year's end.

On September 15, UNICEF issued a statement commending the June ministerial decree banning FGM.

Prostitution and sex tourism are illegal but continued to occur, particularly in Cairo and Alexandria.

Sexual harassment is not prohibited specifically by law. According to an April study by the National Center for Women's Rights, police authorities receive complaints in only 2 percent of harassment cases. According to the government's National Centre for Social and Criminal Research, sexual crimes were on the rise, but no official figures were available.

At year's end, there was no government investigation of reports that in October 2006, during the Muslim Eid al-Fitr holiday marking the end of Ramadan, groups of young men sexually harassed female pedestrians in downtown Cairo. Some critics of the government charged that security forces had failed to intervene to stop the harassment. Government officials and certain progovernment newspapers stated that the reports of harassment were fabricated. The episode sparked considerable public debate and led to calls by women's rights NGOs and the independent media for action by the government and society to combat sexual harassment.

The law provides for equality of the sexes; however, aspects of the law and many traditional practices discriminated against women. By law, unmarried women under the age of 21 must have permission from their fathers to obtain passports and to travel. Married women do not require such permission, but police did not apply the law consistently. A woman's testimony is equal to that of a man in court. Under the penal code, a married man is adulterous only if the sexual act is committed in the marital home while a woman is adulterous wherever the act is committed.

The law does not prohibit women from serving as judges. On March 14, the Supreme Judicial Council approved the appointment of 31 female judges and chief judges. The government assigned all 31 judges to family courts. Judge Tahani Al Gebali, who was appointed to the Supreme Constitutional Court by a presidential decree in 2003, is the only female judge in a higher court.

On March 15, press reports stated that the minister of awqaf (religious endowments) cancelled the 2006 appointments of approximately 50 female preachers (murshidaat) to work in different governorates, fearing the women's choice to wear the "niqab" would influence many others to wear it. In an earlier statement, the minister stated that the niqab is a custom and not dictated by Islam, and ultimately he transferred all female preachers wearing the niqab to administrative positions in the ministry.

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.

Laws affecting marriage and personal status generally corresponded to an individual's religion. Khul' divorce allows a Muslim woman to obtain a divorce without her husband's consent, provided that she is willing to forego all of her financial rights, including alimony, dowry, and other benefits. However, in practice some judges have not applied the law accurately or fairly, causing lengthy bureaucratic delays for the thousands of women who have filed for khul' divorce. Many women have also complained that after being granted khul' divorce, their ex-husbands have been able to avoid paying required

child support. 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, while Christian widows of Muslims have no inheritance rights. A sole female heir receives half her parents' estate; the balance goes to designated male relatives. A sole male heir inherits all of his parents' property. Male Muslim heirs face strong social pressure to provide for all family members who require assistance; however, in practice this assistance was not always provided. Labor laws provide for equal rates of pay for equal work for men and women in the public sector. According to government figures from 2003, women constituted 17 percent of private business owners and occupied 25 percent of the 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 FGM and the traditional male relative's role in enforcing chastity.

On May 27, press reports stated that the government granted citizenship to 236 individuals in accordance with the Law 54 of 2004, which grants citizenship to children of citizen mothers and noncitizen fathers.

The Ministry of Social Solidarity operated more than 150 family counseling bureaus nationwide, which provided legal and medical services. The National Council for Women proposed and advocated policies that promoted women's empowerment and also designed development programs that benefited 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

The government remained committed to the protection of children's welfare; in practice, the government made progress in eliminating FGM and in affording rights to children with foreign fathers. However, the government made little progress in addressing the plight of street children, which remained a significant problem.

The government provided public education, which is compulsory for the first nine academic years (typically until the age of 15). The government treated boys and girls equally at all levels of education. The minister of education asserted that 98 percent of citizen children were enrolled in compulsory education through 9th grade. By contrast, UNICEF reported that in the period between 2000 and 2005, 83 percent of citizen children of primary school age attended school. Approximately 30 percent of citizen students pursued studies at the postsecondary level.

The government was publicly committed to provide medical care for all children, but strained health facilities and budgetary pressures sometimes limited the provision of care.

The Child Law provides for privileges, protection, and care for children in general. Six of the law's 144 articles set rules protective of working children.

FGM remained a serious problem and was widely performed, despite some signs of a modest downward trend. In an attempt to curb this practice, the government initiated a public awareness campaign in 120 villages in the country. Throughout the year, numerous senior government officials spoke out publicly against the practice.

Child labor continued to be a significant problem, although the government took steps during the year to increase awareness of child labor-related issues and enforcement.

The late November arrests of Ramadan Mansour and several associates in connection with a series of murders of street children focused public attention on the plight of the country's approximately 500,000 street children.

Although reliable data is 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 25, the National Council for Childhood and Motherhood (NCCM) hosted a regional conference focused on combating violence against children with an emphasis on limiting trafficking and sexual exploitation of children.

According to the director of NCCM's Child Rescue Hotline, between July 2005 and June 2007 the hotline received 22,158 complaints. The hotline organized a FGM awareness campaign between July and September increasing the number of complaints about FGM from 16 to 1,520. Other complaints included requests for psychological services, legal consultancy, and sheltering.

## Trafficking in Persons

The law does not specifically prohibit trafficking in persons; however, other portions of the criminal code may be used to prosecute traffickers. It is unclear how many prosecutions for trafficking offenses occurred during the year. There were occasional press reports of persons trafficked from Eastern Europe and Asia through the country to Israel for commercial sexual exploitation and forced labor. Because the country lacks a systematic victim identification mechanism, it was difficult to determine how many of the aliens illegally transiting the country were trafficked and how many were voluntary economic migrants. The government aggressively patrolled its borders to prevent alien smuggling, but geography and finances limited the efforts. Government officials participated in international conferences on combating trafficking in persons. Some anti-trafficking activists suggested that some children may be trafficked from rural areas within the country for work as domestic servants or laborers in the agriculture industry, but there was no data available to support or refute this assertion. Antitrafficking activists and government officials say that some children are vulnerable to commercial sexual exploitation, but no data was available to quantify the extent of the potential problem.

On July 10, the prime minister issued a decree establishing a National Coordinating Committee to Combat and Prevent Trafficking in Persons.

## Persons with Disabilities

There are no laws prohibiting discrimination against persons with physical or mental disabilities in education, access to health care, or the provision of other state services. There remained widespread societal discrimination 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.

The law provides that all businesses must designate 5 percent of their jobs for persons with disabilities who are exempt from normal literacy requirements. Statistics regarding the practical implementation of this policy were unavailable. Similarly, there were no reliable statistics regarding the total number of citizens with disabilities, but NGOs estimated that at least 8 percent of the population has some sort of disability, and that 1 to 2 percent of the population is severely disabled.

Public schools reportedly did not discriminate against children with disabilities.

There is no specific legislation providing rights to persons with disabilities, including access to buildings, transportation and other public accommodations, health care, and voting; however, persons with disabilities rode government-owned mass transit buses free of charge, were expeditiously approved for 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 have in the past targeted homosexuals using Internet-based "sting" operations leading to arrests on charges of "debauchery." There were no reports of such Internet entrapment cases during the year.

There were no reports during the year of societal violence against persons with HIV/AIDS.

There have also been reports of abuse of foreign workers employed as domestic servants.

## Section 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 were 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 which 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 the 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.

Unionization has decreased in the past several years as a result of early retirement plans in public sector enterprises,

which have aimed at rightsizing workforces. Privatization of public sector enterprises has also led to some job losses, although unions have continued to operate in privatized companies.

Some unions within the ETUF were affiliated with international trade union organizations. Others were in the process of becoming affiliated. The law does not permit antiunion discrimination. There were no reports of attempted discrimination, nor were there reports of attempts to enforce this protection.

#### b. The Right to Organize and Bargain Collectively

The 2003 Labor Law provides for collective bargaining, allowing for tripartite negotiations to improve labor terms and conditions and resolve disputes between workers and employers. Collective negotiation may be set in motion by any of the concerned parties without the consent of other parties involved, with the assistance of the concerned administrative authority.

The law also established a national labor consultative council, including representatives from the government, employers, and workers associations; however, the council did not meet in 2006 or during the year.

The 2003 Labor Law also established special pentagonal committees composed of two judges and representatives from the Ministry of Manpower and Migration (MOMM), the ETUF, and employers. The law provides these committees with judicial powers to adjudicate labor disputes arising from its application. Decisions by these committees, which are intended to serve in place of the courts of first instance, may be appealed through the regular judicial appeals process. Statistics regarding the number of complaints lodged and verdicts issued were not available at year's end; however, observers noted that the pentagonal committees often failed to establish quorums, thus limiting their responsiveness. A group of workers pursued a case against the Ministry of Justice, arguing that the formation of pentagonal committees violated the constitution, but the case had not been heard by year's end.

The MOMM has a unit for collective negotiations and monitoring the implementation of collective agreements. The government sets wages, benefits, and job classifications for public sector and government employees, and the private sector sets compensation for its employees in accordance with the government's laws regarding minimum wages.

The labor law permits peaceful strikes, but only after an extended negotiation process and provided they are announced in advance and organized by the trade union to defend vocational, economic, and 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 of the strike date, giving the reason for the strike and the date it would commence. Prior to this formal notification, the strike action must be approved by a two-thirds majority of the ETUF board of directors. Strikes are prohibited by law during the validity of collective bargaining agreements and during the mediation and arbitration process. The law also prohibits strikes in 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. Wildcat strikes are prohibited, but numerous strikes nonetheless took place.

The labor law also regulates litigation related to collective bargaining and allows collective bargaining in what are identified as strategic and vital establishments. The Sons of the Land Center for Human Rights, a workers advocacy NGO, reported that during the year there were 323 labor related actions, including protests, demonstrations, strikes, and sit-ins. The group also reported that businesses terminated the employment of 124,139 workers during this period.

On February 6, according to the official news agency, the Shura Council's National Security Committee cautioned against the danger of workers' strikes on the country's national security. The committee stressed the importance of keeping the channels of dialogue constantly open between trade unions and the government to settle problems facing workers. The committee asked the government to do more to improve workers' living conditions and protect their rights.

Strikes, however, continued throughout the year, 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. Strikes were largely peaceful despite the heavy government security presence at the larger strikes that occurred in the industrial heartland. Following December 2006 strikes in which an estimated 20,000 textile workers at the Ghazl Al-Mahalla factory engaged in a work stoppage to protest non-payment of bonuses, the country witnessed a wave of industrial strikes in textile, cement, oil and soap factories, and by Cairo's subway workers, garbage collectors, bakers, food processing workers, and others. Many of the strikers were public sector employees. The disputes leading to the strikes ranged from outstanding financial claims, low wages, administrative injustice, privatization, forced retirement, conflicts over pensions, and vocational health and safety issues.

The majority of the high-profile strikes occurred in the public-sector textile industry.

Beginning on April 21, 250 mostly female workers in Mansoura's Spanish Garment Factory staged a sit-in on the plant's shop floor after a dispute with management over missed pay and to protest the sale of the factory. Workers complained

that low salaries failed to meet many of their basic needs, and charged that the company had failed to pay them their last 17 bonuses since 1999.

In the last week of September, 24,000 workers at the Misr Spinning and Weaving Company in Mahalla al-Kubra went on strike, citing failures by management to fulfill promises following the December 2006 strike. At that time, workers agreed to accept annual bonuses equal to 45 days' pay rather than the two months' pay they had been promised the previous March. Minister of Investment Mahmoud Mohieldin agreed that if the firm earned more than \$10.7 million (LE 60 million) in profit in the fiscal year that ended in June, 10 percent of that profit would be distributed among the employees. During the September strike, the workers occupied the factory floor of this public sector textile mill and rebuffed the initial mediation efforts of the ruling NDP. Workers established a security force to protect the factory premises and threatened to occupy the company's administrative headquarters as well. Mediation by ETUF, the MOMM, and the MOI ended the action, but at year's end workers claimed that all agreements had not yet been honored.

On September 24, security forces detained five of the prominent strike leaders (Faysel La'oush, Mohamed Al Attar, Wael Habib, Magdy Sheif and Mohamed Abo El Esaad) pending investigations but released them the next day. The factory's board filed a police complaint accusing the labor leaders of organizing an unlawful gathering, inciting a strike, and causing the company losses in the excess of \$900,000 (LE 5 million) per day, according to news reports. On September 29, management and labor reached an agreement calling for partial payment of the bonuses demanded by the workers and enabled the resumption of work at the factory.

The state-owned press largely downplayed any political aspects of the wave of labor unrest; however, several state-owned newspaper editorials, as well as some elected members of parliament, questioned whether or not certain opposition groups, including the outlawed MB, were responsible for inciting the unrest.

Other than large companies in the private sector, firms generally did not adhere to government-mandated standards. Although they were required to observe some government practices, such as the minimum wage (the minimum wage has not yet been formally set, but departments follow an informal floor), social security insurance, and official holidays, firms often did not adhere to government practice in non-binding matters, including award of the annual Labor Day bonus.

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 prohibits forced or compulsory labor. The 2003 Labor Law and the Child Law do not specifically prohibit forced and compulsory labor by children. Such practices, including by children, were reportedly rare, but did occur in some carpet/rug factories.

#### d. Prohibition of Child Labor and Minimum Age for Employment

The 1996 Child Law and its executive regulations protect children from exploitation in the workplace. While MOMM, working with the NCCM and the MOI, generally enforced these regulations in state-owned enterprises, enforcement in the private sector, especially in the informal sector, was lax. Employers continued to abuse, overwork, and generally endanger many working children.

The law limits the type and conditions of work that children under the age of 18 may perform legally. In nonagricultural work, the minimum age for employment is 14 if the child has completed basic education, which is offered until 15 years of age. 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.

Preemployment training for children under the age of 12 is prohibited. 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 hours continuously.

Statistical information regarding the number of working children was difficult to obtain and often outdated. NGOs estimated that up to 2.7 million children worked. Government studies indicated that the concentration of working children was higher in rural than in urban areas. Approximately 78 percent of working children were in the agricultural sector. However, 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 the stone quarries in Minya.

Previous changes in the Child Labor Law have not significantly improved conditions due to lax enforcement by the government. Enforcement remained spotty, and in cases where offenders have been prosecuted, the fines imposed were often as small as \$3.25 (LE 20) and thus had questionable deterrent effect. Regulations proposed in 2003 under the revised labor law, however, sharply increased the minimum fines in child labor cases to \$81 (LE 500). The increased

penalties did not appear to have any impact during the year.

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 also worked with the MOMM, ETUF, ILO, World Food Program, UNICEF, and various government ministries to formulate a national strategy to combat child labor and eliminate the worst forms of child labor; trained police officers on children's rights and working with juveniles coordinated with the Ministry of Education to incorporate study of the CRC into curricula; and 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.

The MOMM increased child labor inspections in governorates with high dropout rates. On September 13, MOMM spokesman Sameh Mohamed stated that the ministry's 2,000 labor inspectors across the country have cited 72,000 violations during 2006 and 2007 related to the application of the child labor law, although the MOMM did not specify the nature of the violations.

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. For example, from October 29 to November 2, First Lady Suzanne Mubarak hosted at least 43 African Union ministers responsible for children's issues in Cairo to discuss, among other issues, elimination of the worst forms of child labor.

#### e. Acceptable Conditions of Work

The working hours for government and public sector employees was determined by the National Council of Wages and differed among sectors. The law stipulates that 48 hours is the maximum number of hours that may be worked in one week. Overtime for hours worked beyond 36 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 while workers should receive 200 percent for work on national holidays. The government did not set a formal private sector minimum wage, although general public sector compensation practices were followed. The nationwide minimum wage generally was enforced effectively for larger private companies; however, smaller firms did not always pay the minimum wage. The 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 Ministry of Labor sets worker health and safety standards, which also apply in the EPZs; however, enforcement and inspections were uneven.

The 2003 labor 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 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.



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