

FREEDOM IN THE WORLD



Egypt

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OVERVIEW:

Political instability and protests continued throughout 2012, as a contentious transition from military to civilian rule was followed by heated debate over the unilateral actions of the new Islamist-dominated government. Elections for the People's Assembly, Egypt's lower house of parliament, were completed in January 2012, with nearly 70 percent of the new chamber held by Islamist parties that were illegal before the ouster of authoritarian president Hosni Mubarak in early 2011. However, the People's Assembly was dismissed in mid-June, after various electoral laws were ruled unconstitutional in what many described as a power struggle between the judiciary and the political establishment. Mohamed Morsi of the Muslim Brotherhood won a presidential runoff later in June, and in November he claimed extensive executive powers in a decree that he defended as necessary to ensure the adoption of a new constitution in a chaotic political environment. The resulting constitution, which opponents criticized as a highly problematic document written by an unrepresentative and overwhelmingly Islamist constituent assembly, was approved in a mid-December referendum, but its passage failed to quell deep mistrust and tensions between liberal and Islamist political factions at year's end.

Egypt formally gained independence from Britain in 1922 and acquired full sovereignty in 1952. After leading a coup that overthrew the monarchy, Colonel Gamal Abdel Nasser ruled until his death in 1970. The constitution adopted in 1971 under his successor, Anwar al-Sadat, established a strong presidential system with nominal guarantees for political and civil rights that were not respected in practice. Sadat signed a peace treaty with Israel in 1979 and built an alliance with the United States, which subsequently provided the Egyptian government with substantial military and other aid payments on an annual basis.

Following Sadat's 1981 assassination, then vice president Hosni Mubarak became president and declared a state of emergency, which remained in force until 2012. Amid an Islamist insurgency in the 1990s, authorities jailed thousands of suspected militants without charge and cracked down on dissent. Although the armed infrastructure of Islamist groups was largely eradicated by 1998, the government continued to restrict political and civil liberties.

Economic growth in the late 1990s temporarily alleviated dire socioeconomic problems, until a 2001 downturn. Disaffection with the government then spread, and antigovernment demonstrations were harshly suppressed.

Mubarak sought to recast himself as a reformer in 2004, with a new cabinet of young technocrats and market-friendly economic changes. However, associates of the president's son Gamal, a rising star in the ruling National Democratic Party (NDP), received key portfolios, stoking suspicions of an

2013 SCORES

STATUS

Partly Free

FREEDOM RATING

5.0

CIVIL LIBERTIES

5

POLITICAL RIGHTS

5

impending hereditary succession.

In December 2004, Kifaya (Enough), an informal movement encompassing a broad spectrum of secular and Islamist activists, held the first-ever demonstration calling for Mubarak to step down. Similar protests in 2005 were met with official brutality.

A Mubarak-initiated constitutional amendment allowing Egypt's first multicandidate presidential election required candidates to be nominated by licensed parties or a substantial bloc of elected officials. All major opposition groups denounced the measure and boycotted the May 2005 referendum that approved it. Mubarak subsequently won 88 percent of the vote in the September presidential election. His main opponent, Al-Ghad (Tomorrow) Party leader Ayman Nour, took just 8 percent and was later sentenced to five years in prison on fraud charges.

The banned Muslim Brotherhood, whose candidates ran as independents, increased its representation in the NDP-dominated lower house sixfold in the 2005 parliamentary elections, securing 88 of 454 seats. However, judges criticized the government's intimidation of opposition voters and refused to certify the results, prompting the authorities to suppress judicial independence in 2006.

In 2007, constitutional amendments passed in an opposition-boycotted referendum limited judicial election monitoring and prohibited the formation of religious political parties. The referendum and upper house elections held that June were marred by irregularities and tighter restrictions on the Muslim Brotherhood.

Political tension rose in 2010, amid rumors of Mubarak's failing health and growing uncertainty over his successor. Popular dissatisfaction with the regime swelled after parliamentary elections in November, in which almost no opposition representatives were elected. The campaign period featured an array of state abuses, and the results were seen as blatantly rigged. Increases in state violence, including the police murder of Alexandria-based blogger Khaled Said in June, exacerbated animosity between the population and the authorities.

This tension erupted into protests in January 2011, shortly after longtime Tunisian president Zine el-Abidine Ben Ali was popularly deposed. An 18-day protest against Mubarak and the NDP began on January 25, as demonstrators occupied Cairo's Tahrir Square and other public spaces across the country. The Mubarak regime responded with brute force, assaulting protesters and shutting down the internet to prevent organizers from communicating. However, the protests continued. Mubarak stepped down on February 11, and the Supreme Council of the Armed Forces (SCAF), a group of senior army officers, took over, dissolving the NDP-controlled legislature and promising an orderly transition to civilian rule.

The months after Mubarak's ouster were marked by rising sectarian tensions and periodic protests demanding an end to military rule. The military leadership faced criticism for ongoing human rights abuses and the trials of thousands of civilians in military courts. In October, security forces killed 28 civilians while crushing a largely Coptic Christian protest near the state television building in Cairo.

Delayed elections for the People's Assembly, the lower house of parliament, were held in three rounds between November 28, 2011, and January 11, 2012. The Democratic Alliance, led by the Muslim Brotherhood's Freedom and Justice Party (FJP), won 235 of the 498 elected seats, and a bloc led by the Salafist party Al-Nour won 123 seats. A coalition of liberal parties, the Egyptian Bloc, won 34 seats, and the center-right Wafd party won 38. Several smaller groups took the remainder. Including the 10 members nominated by the SCAF in its role as de facto executive, there were just 10 women and 13 Coptic Christians in the new assembly.

Elections for the 270-seat upper house, the Consultative Council (Majlis al-Shura), were held on January 29 and February 7. The FJP's Democratic Alliance won about 60 percent of the elected seats, with a total of 105 seats. Al-Nour's bloc placed second with 45 seats, or 25.5 percent of elected spots,

followed by Wafd with 14, the Egyptian Bloc with 8, and small parties and independents with the remainder.

Ongoing judicial interventions in the political process started in January, when the Supreme Constitutional Court (SCC) declared unconstitutional a SCAF-initiated draft law for presidential elections. Over the next several months, the SCC disqualified three presidential candidates on questionable grounds, disbanded a constituent assembly appointed by the parliament to draft a new constitution, and dismissed the People's Assembly in June after finding legal flaws in its election. Critics charged that these moves were orchestrated by sympathizers of the Mubarak regime in reaction to the positive electoral performance of Islamist parties.

Nevertheless, amid rising public demands for a transition to civilian rule, a two-round presidential election was held in May and June. FJP candidate Mohamed Morsi led the first round on May 23–24, taking over 24 percent of the vote. Mubarak-era prime minister Ahmed Shafik placed second with roughly 23 percent. In the June 16–17 runoff, Morsi won the presidency with 51.7 percent of the vote.

The transition to civilian rule continued on August 12, when Morsi fired the head of the SCAF, Defense Minister Mohamed Tantawi, in addition to the acting chiefs of the branches of the Egyptian military. Morsi also annulled SCAF-issued decrees that reduced executive power, in a move toward greater civilian authority over the military.

Following indications that the judiciary would disband the second constituent assembly, and capitalizing on international and domestic praise after helping to broker a ceasefire between Israel and Hamas, Morsi issued a presidential decree on November 22 that declared his decisions to be above judicial review and immunized the constituent assembly and Consultative Council from judicial dismissal. Morsi defended the decree as necessary to protect the constitutional drafting process, but it was widely criticized as a power grab.

Mass demonstrations, both for and against Morsi's action, ensued immediately and continued for weeks. Morsi attempted to clarify the broadly worded decree's implications and thereby quell the negative response, but antigovernment protesters were undeterred. A coalition of opposition parties demanded the reversal of the presidential decree and the replacement of the constituent assembly with a more representative group.

The protests peaked in early December, when the opposing sides converged at the presidential palace. Members of the Muslim Brotherhood allegedly detained and beat at least 49 antigovernment protesters. Another 10 demonstrators, most of them Muslim Brotherhood members, were killed in the clashes, and more than 700 were injured.

Morsi eventually agreed to rescind his decree, but pushed ahead with a December 15 vote on the draft constitution, which the constituent assembly had rushed to complete. While the document contained some welcome provisions limiting executive powers, detractors argued that it was drafted by an unrepresentative, Islamist-dominated group, and that its vague language and lack of protections for women and minorities, press freedom, and other civil liberties constituted grave flaws.

Amid ongoing protests and declarations by many judges that they would not supervise the voting, the constitutional referendum was held on December 15 and 22. Observers criticized the polls as hasty and marred by irregularities and insufficient judicial oversight, which is required by Egyptian law. The constitution ultimately passed with 64 percent approval among the 33 percent of eligible voters who turned out.

POLITICAL RIGHTS AND CIVIL LIBERTIES:

Egypt is not an electoral democracy. The SCAF exercised executive powers through the first half of 2012, and the newly elected lower house of parliament, dissolved by the judiciary in June, had not been replaced by year's end.

The 508-seat People's Assembly (Majlis al-Sha'b), the parliament's lower house, consists of 166 members who are elected through individual candidacy, 332 elected through a party-list system, and 10 appointed by the executive. All members serve five-year terms. Observers of the elections held from November 2011 through January 2012 indicated that they broadly met international standards regarding election-day conduct, with some complaints of campaigning violations and polling difficulties. However, the chamber was disbanded when the SCC ruled that members of political parties had improperly been allowed to run for the individual-candidacy seats, which were meant for independents.

The 270-seat upper house, the Consultative Council, has traditionally functioned solely in an advisory capacity. The president appoints 90 of its members, and 180 are directly elected. Elections for the council in early 2012 were marred by problems including low turnout, with less than 15 percent of eligible voters participating. President Mohamed Morsi chose the chamber's 90 appointed members in December. They included members of 17 political parties; representatives of three churches; a representative from the country's leading Islamic institution, Al-Azhar; and various artists, athletes, and judicial representatives.

Observers of the May and June 2012 presidential election, the first genuinely competitive presidential contest in Egypt's history, reported that election-day conduct was generally consistent with international standards, but criticized a number of factors in the electoral process. In April, the SCC disqualified three leading presidential candidates on what some considered to be political grounds, though the judges defended the decisions as consistent with electoral law. Significant restrictions were placed on election observers, including long delays in granting accreditation and time limits on observers' presence in polling stations. Excessive powers were vested in the Presidential Election Commission, the decisions of which were final and not subject to appeal. Other problems included violations of ballot secrecy, polling stations opening late, and additional basic procedural irregularities.

The 2012 electoral victories of Islamist groups like the previously banned Muslim Brotherhood, and the formation of several new parties from across the political spectrum, represented a clear departure from the Mubarak era, in which the legal and electoral framework was designed to ensure solid majorities for the ruling NDP at all levels of government. An April 2011 court ruling had dissolved the NDP, though many figures affiliated with the party remained active in politics. A law on political corruption, designed to ban the participation of such individuals, was issued by the SCAF in November 2011 but declared unconstitutional by the SCC on June 14, 2012, in the same ruling that disbanded the People's Assembly.

Corruption remains pervasive at all levels of government. Egypt was ranked 118 out of 176 countries surveyed in Transparency International's 2012 Corruption Perceptions Index. Deposed president Hosni Mubarak and his former interior minister, Habib el-Adly, were sentenced to life in prison in June 2012 for their roles in the deaths of unarmed protesters during the February 2011 uprising. However, judges in the same trial dismissed corruption charges against Mubarak and his sons, Gamal and Alaa, citing technicalities.

Freedom of the press improved slightly after Mubarak's ouster, particularly through an increase in independent television stations and other media. President Morsi banned the pretrial detention of journalists in August 2012, but media workers faced significant restrictions during the year, and they argued that the draft constitution lacked sufficient protections for a free press. Media advocacy groups reported attacks on journalists covering the December protests against the draft constitution, including targeted assaults on several reporters.

Censorship, both official and self-imposed, is widespread. The Consultative Council reportedly appointed the editors of several prominent state-run newspapers in 2012. A number of independent dailies, criticizing the move as an attempt to restrict negative coverage of the Morsi administration, ran blank columns on August 9 in protest.

Defamation remains a criminal offense. In October 2012, media owner and

talk-show host Tawfik Okasha was sentenced in absentia to four months in prison on charges of defaming Morsi. A number of other media figures, including Islam Afifi, editor in chief of *Al-Dustour*, and Hanan Youssef, deputy editor in chief of *Al-Messa*, also faced defamation charges following negative coverage of Morsi and his allies.

Islam is the state religion. Some reforms were initiated in 2012 to decrease state involvement in religious institutions, including a bill that would allow a group of senior scholars at Al-Azhar, rather than the president, to elect their grand sheikh. While most Egyptians are Sunni Muslims, Coptic Christians form a substantial minority, and there are a very small number of Jews, Shiite Muslims, and Baha'is. The Baha'i faith is not recognized, though a 2009 decree allowed adherents to obtain identification papers without claiming to be Muslims or Christians. Separately, a 2008 court ruling found that Christian converts to Islam were free to return to Christianity. Anti-Christian employment discrimination is evident in the public sector, especially the security services and military, and the government frequently denies or delays permission to build and repair churches.

Sectarian bloodshed has increased in recent years, with Christians suffering the brunt of the violence. In February 2012, eight families were evicted from their homes in the village of Sharbat after violent skirmishes over a rumored affair between a Christian man and a Muslim woman. In September, several Christian families fled their homes in Sinai following threats from suspected Islamist militants and a shooting at a Christian-owned shop. Throughout 2012, minority religious communities expressed concern that Islamist political power would render them more vulnerable to abuse. Coptic members of the constituent assembly resigned, claiming that their interests were not represented in the process. The referendum results reflected a sectarian divide, with very few Copts voting in favor of the charter.

Academic freedom improved somewhat after the fall of Mubarak. University leaders are no longer appointed by the government, and a series of Mubarak-era education officials have resigned.

Freedoms of assembly and association are restricted, but Egyptians continued to actively participate in large-scale demonstrations throughout 2012. Protests repeatedly turned violent or prompted police crackdowns, with many demonstrators suffering abuses and injuries.

Numerous civil society activists were harassed by the authorities during 2012, particularly before the transition to civilian rule. In March, complaints against 12 prominent activists for slandering and "inciting hate against" the SCAF were referred for military prosecution; the cases were pending at year's end.

The Law of Associations prohibits the establishment of groups "threatening national unity [or] violating public morals," bars nongovernmental organizations (NGOs) from receiving foreign grants without the approval of the Social Affairs Ministry, and allows the ministry to dissolve NGOs without a judicial order. Government officials continued to harass NGOs after Mubarak's fall. In December 2011, security forces raided the offices of 17 domestic and international civil society groups, confiscating equipment and temporarily detaining some staff. In January 2012, 43 NGO workers were indicted on charges of operating an organization and receiving funds from a foreign government without a license. Representatives of the NGOs argued that the charges were political and that they had been operating transparently. The case was ongoing at the end of 2012.

The labor movement made important advances during and after the 2011 uprising, as strikes played a significant role in increasing pressure on Mubarak to step down. Workers were granted the right to establish independent trade unions and formed an independent union federation, ending the long-standing monopoly of the state-allied federation. Labor activists criticized the November 2012 adoption of Decree No. 97, an amendment to the 1976 labor law that increased government control over unions. Such control is most evident in a provision setting a maximum age of 60 for board members of the historically state-dominated Egyptian Trade Union Federation, which would lead to the dismissal of more than 160 of 524 members and allow the Morsi government to fill any vacancy for which there was no runner-up in the most recent election.

The provision had yet to be implemented at year's end.

The Supreme Judicial Council, a supervisory body of senior judges, nominates and assigns most members of the judiciary. However, the Justice Ministry controls promotions and compensation, giving it undue influence over the courts. The judiciary was at the center of political tensions in 2012, as judges disbanded the first constituent assembly and the People's Assembly elected in early 2012. Representatives of the judiciary defended these rulings as indications of judicial independence and the rule of law, but detractors argued that Mubarak-era judges were making politicized decisions that undermined the will of the electorate.

The state of emergency that had been in place since 1981 was lifted by the SCAF on May 31, 2012. Under the Emergency Law, "security" cases were usually referred to executive-controlled exceptional courts that denied defendants many constitutional protections. The Emergency Law empowered the government to tap telephones, intercept mail, conduct warrantless searches, and indefinitely detain suspects without charge if they were deemed a threat to national security.

Because military judges are appointed by the executive branch to renewable two-year terms, military tribunals lack independence. Verdicts are based on little more than the testimony of security officers and informers, and are reviewed only by a body of military judges and the president. Charges brought in military courts are often vague and trumped up, according to human rights organizations. They can include property damage, insulting the army, and general vandalism. Throughout 2012, human rights groups urged the SCAF and later President Morsi to release the more than 150 people held in military detention and to end military trials for civilians. Human rights advocates expressed concern that a law issued by the president on December 9—granting the military the authority to arrest and try civilians in the period before the constitutional referendum—would result in further abuses, though Morsi's office denied that the law would be used to try civilians. Furthermore, critics warned that vague wording in the new constitution would allow for military trials of civilians in cases where the government felt that military interests were harmed.

General prison conditions are very poor; inmates are subject to torture and other abuse, overcrowding, and a lack of sanitation and medical care. Thousands of inmates escaped amid the disorder surrounding Mubarak's resignation, and many avoided recapture. This led to a decrease in security following the revolution.

Some aspects of the law and many traditional practices discriminate against women. Job discrimination is evident in the civil service. Muslim women are placed at a disadvantage by laws on divorce and other personal status issues. However, Christians are not subject to such provisions of Islamic law. Domestic violence is common, as is sexual harassment on the street. Spousal rape is not illegal, and the penal code allows for leniency in so-called honor killings. Female genital mutilation is widely practiced.

The new constitution limits women's rights to those compatible with Islamic law. Women's rights advocates cautioned that the document's vague wording and lack of specific protections put women at risk, particularly in light of the political dominance of conservative Islamist leaders.

In March 2011, soldiers subjected women arrested at the Tahrir Square protests to "virginity checks," in addition to beating them and photographing them after they were strip-searched. Cairo's administrative court eventually banned the checks in a December ruling. In March 2012, a doctor accused of forcing female protesters to undergo these examinations in 2011 was acquitted. No other suspects were charged. In August, General Abdul Fattah al-Sisi, who had been criticized for defending the checks, was appointed defense minister and commander of Egypt's armed forces.

RATINGS CHANGE:

Egypt's political rights rating improved from 6 to 5, and its status improved from Not Free to Partly Free, due to the holding of a presidential election that,

although imperfect, was close to international standards, and the removal from power of the Supreme Council of the Armed Forces (SCAF).

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