

## FREEDOM IN THE WORLD

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# Egypt

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### OVERVIEW:

**President Hosni Mubarak was forced to resign on February 11, 2011, after nearly 30 years in power, as a result of 18 days of popular protests and a harsh government crackdown that caused more than 800 deaths. A military council that took over after Mubarak's ouster was initially welcomed but soon faced criticism for continuing human rights violations, harassment of activists and nongovernmental organizations, and its apparent attempts to postpone a transfer to civilian rule. Three-round parliamentary elections, monitored by the judiciary and featuring previously outlawed political parties, began in late November but were not scheduled to be completed until early January.**

Egypt formally gained independence from Britain in 1922 and acquired full sovereignty following World War II. After leading a coup that overthrew the monarchy in 1952, Colonel Gamal Abdel Nasser 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 roughly \$2 billion in aid annually. U.S. military aid eventually decreased to about \$1.3 billion a year as of 2011.

Following Sadat's 1981 assassination, then vice president Hosni Mubarak became president and declared a state of emergency, which has been in force ever since. In the midst of an Islamist insurgency in the 1990s, the 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 and struggled with Egypt's dire socioeconomic problems.

Economic growth in the late 1990s temporarily alleviated these problems, but the country experienced a downturn in 2001. Popular disaffection with the government spread, and antigovernment demonstrations were harshly suppressed by security forces.

The government sought to recast itself as a champion of reform in 2004. Mubarak appointed a new cabinet of young technocrats and introduced 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 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 by Kifaya and other opposition groups continued in 2005, but met with a heavy-handed response from the authorities.

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 then 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. Voter turnout was low, and attacks on opposition voters abounded. Judges criticized the government's conduct and refused to certify the results, prompting the authorities to suppress judicial independence in 2006.

After postponing the 2006 municipal elections by two years, the government renewed a crackdown on the Muslim Brotherhood. 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

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elections that June were marred by irregularities, and the Muslim Brotherhood was prevented from campaigning freely or winning any seats. When the postponed municipal elections were finally held in 2008, the Brotherhood was again marginalized, and many senior members were sent to prison.

Political tension rose in 2010 amid rumors of Mubarak's failing health and growing uncertainty over his successor. In February, former International Atomic Energy Agency director general Mohamed ElBaradei and several opposition leaders formed the nonpartisan National Association for Change to advocate for electoral reform, particularly the removal of restrictions on presidential candidates. Popular support for reform and dissatisfaction with the regime swelled after parliamentary elections in November, in which the NDP was officially credited with 420 seats in the lower house. Six small parties won a total of 15 seats, and independents—none of whom were affiliated with the Muslim Brotherhood and all of whom reportedly cooperated with the NDP—took the remainder. The campaign period was seriously marred by an array of state abuses, and the results were seen as blatantly rigged. Increases in state violence, including the brutal 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 deposed by a popular revolution. An 18-day protest against Mubarak and the NDP began on January 25, with demonstrators occupying Tahrir Square in downtown Cairo and similar public spaces across the country. The Mubarak regime initially responded with brute force, deploying police and hired thugs to assault protesters and shutting down the internet to prevent organizers from communicating with each other and the outside world. However, the protests continued. Mubarak finally stepped down on February 11, and the Supreme Council of the Armed Forces (SCAF), a group of senior army officers, took over, promising an orderly transition to civilian rule. In a referendum held on March 19, voters overwhelmingly approved a set of amendments to the 1971 constitution. The changes included a reduction in the requirements for presidential candidacy, the restoration of judicial supervision of elections, establishment of presidential term limits, and a restriction of the conditions under which a state of emergency can be declared.

The months after Mubarak's ouster were marked by rising sectarian tensions and periodic protests aimed at ending military rule. In October, security forces killed 28 civilians in front of the state television building in Cairo, known as Maspero, following a Coptic Christian protest over a recent church burning. The military leadership, which had already faced criticism for ongoing human rights abuses and the trying of thousands of civilians in military courts, was denounced for using live ammunition and excessive force in the incident, during which two military vehicles appeared to deliberately run over and kill 10 protesters.

Many observers questioned the military's commitment to a transition to civilian rule, as the SCAF postponed elections, renewed the oppressive Emergency Law, and sought to reserve significant power and autonomy for itself in any future civilian government. Delayed parliamentary elections began at the end of November, with the third and final round scheduled to be held in early January. Initial results indicated a strong showing by Islamist parties—most notably the Muslim Brotherhood's Freedom and Justice Party and the Al-Nour Party, which represented ultraconservative Salafi Muslims—even as the military suggested that it would temper parliamentary authority with its own informal veto power. These statements, the security forces' brutal handling of ongoing protests, state harassment of nongovernmental organizations (NGOs) advocating democratic reforms, and a mounting economic crisis all served to increase public discontent with military rule at year's end.

## **POLITICAL RIGHTS AND CIVIL LIBERTIES:**

Egypt is not an electoral democracy. For most of 2011, the SCAF exercised executive powers, appointing a series of short-lived, interim civilian cabinets. The existing parliament was dissolved in February, and a new legislature was not scheduled to be seated until the completion of parliamentary elections in early 2012.

The 508-seat People's Assembly (Majlis al-Sha'b), the parliament's lower house, has traditionally exercised only limited policy influence, as the executive branch initiated almost all legislation. According to new rules enacted by the SCAF in September, 166 members of the People's Assembly are elected through individual candidacy, 332 are elected through a party-list system, and the remaining 10 are appointed by the president. (The SCAF will make such appointments until a civilian president is elected.) All members serve five-year terms.

The 270-seat upper house, the Consultative Council (Majlis al-Shura), has functioned solely in an advisory capacity. The president (currently the SCAF) appoints 90 of its members, 60 are elected through individual candidacy, and the remaining 120 are elected through party lists. The next Consultative Council elections were scheduled to begin in late January 2012.

The SCAF initiated a series of electoral reforms in 2011, including the restoration of judicial supervision over elections, the lifting of severe restrictions on political parties, and key changes to the voter registry. Early reports on the first rounds of the lower house elections, which began on November 28, indicated that they broadly met international standards regarding election-day conduct.

However, the Supreme Electoral Commission (SEC) lacked comprehensive authority to enforce election laws. Full compliance with such laws appeared to be lacking, as extensive campaigning took place outside polling sites in direct contravention of regulations. In addition, the participation of Al-Nour appeared to violate the ban on explicitly religious parties. Observers noted insufficient preparation and late, ad-hoc decisions on ballot distribution and security, staff supervision and instructions, and other key logistical issues.

The open participation of 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 dissolved the NDP, though many figures affiliated with the party remained active in politics. A law on political corruption, designed to ban participation of such individuals, was issued by the SCAF in November 2011 but was not yet in effect for the parliamentary elections that started later that month.

Corruption remains pervasive at all levels of government. Egypt was ranked 112 out of 183 countries surveyed in Transparency International's 2011 Corruption Perceptions Index. In April 2011, former president Hosni Mubarak was arrested on charges of corruption and abuse of power, including the use of force against civilians during the protests that led to his downfall. Mubarak's two sons, Alaa and Gamal, were also arrested on corruption charges. The trials of all three were ongoing at year's end.

Freedom of the press improved slightly after Mubarak's ouster in early 2011, particularly through an increase in independent television stations and other media, but it continues to be restricted in law and practice. The September 2011 renewal of the Emergency Law included the criminalization of spreading false news and information. Dozens of journalists were called in for questioning by military prosecutors during the year, and in September police conducted multiple raids on offices of the Qatar-based satellite television station Al-Jazeera, during which they confiscated equipment. Press freedom groups documented harassment of dozens of journalists and bloggers, particularly those who had criticized military rule. Among other prominent cases, blogger Maikel Nabil Sanad was sentenced in December to two years in prison for criticizing the military; his health was in severe peril due to a hunger strike and authorities' refusal to provide him with heart medication. Blogger Alaa Abd el-Fattah, arrested after criticizing the military's role in the Maspero incident, was initially charged in a military court with inciting violence against the military and stealing automatic weapons from troops during the clashes. After a public outcry over the case, Fattah was transferred to civilian court and released in December.

Censorship, both official and self-imposed, remained widespread during the year. A weekly English-language affiliate of the newspaper *Al-Masry al-Youm* was suspended in December following an internal dispute over the removal of an article on possible dissent within the military. The influence of state media decreased, but they were criticized for imploring "honorable citizens" to defend the army from what they claimed was an attack by Copts during the Maspero incident. There were also multiple reports of state raids on television stations that aired live feeds of the violence at Maspero.

Islam is the state religion. Some reforms were initiated in 2011 to decrease state involvement in religious institutions, but the SCAF said it would continue monitor religious extremism. 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.

Interreligious bloodshed has been increasing, with Christians suffering the brunt of the violence. The trend continued in 2011, which began with an Alexandria church bombing that killed 23 people. In the Maspero incident in October, members of the Coptic community marched to the state television building to protest the burning of a church. The protesters were then attacked by security forces and armed civilians; ultimately, 28 people were killed and more than 300 were injured.

Academic freedom improved somewhat in 2011. Senior university officials are no longer appointed by the government, and a series of Mubarak-era education officials resigned during the year, sometimes following faculty strikes.

Freedoms of assembly and association are restricted, but Egyptians participated in public demonstrations of unprecedented size and duration in 2011, beginning with the January 25 protests that led to Mubarak's ouster. In March, the SCAF instituted a ban on strikes and demonstrations, and repeatedly used excessive force, including live ammunition, in attempts to disperse protests. Security forces, and in some cases progovernment thugs, engaged in prolonged street battles with demonstrators in June, October, November, and December.

Numerous civil society activists were targeted by the authorities throughout the year, including a well-known founder of the April 6 Youth Movement, Asmaa Mahfouz, who was charged with insulting the armed forces and inciting violence against the military after she criticized the SCAF online and in an interview. Following a public outcry, the charges against Mahfouz were eventually dropped.

The Law of Associations prohibits the establishment of groups "threatening national unity [or] violating public morals," bars NGOs from receiving foreign grants without the approval of the Social Affairs Ministry, and allows the ministry to dissolve NGOs without a judicial order. Using such legislation and the Emergency Law, government officials continued to harass NGOs after Mubarak's fall, despite early and sporadic attempts by the SCAF to show a willingness to consult with civil society. Human rights groups accused the military of conducting a smear campaign against NGOs by characterizing them as representing foreign interests. In December, security forces raided the offices of 17 domestic and international civil society groups, confiscating equipment and temporarily detaining some staff.

The labor movement made important advances during and after the 2011 uprising, as workers and strikes played a significant role in increasing pressure on Mubarak to step down. Workers were granted the right to establish

independent unions and formed an independent trade union federation, ending the long-standing monopoly of the state-run federation. However, the government criminalized protests that disrupt the economy, a clear effort to limit the power of strikes, and initial investigations into corruption at the state-dominated labor movement floundered.

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. In 2011, judicial independence improved as judicial supervision of elections was restored and prosecutors pursued cases against Mubarak, his sons, and other senior NDP officials for their roles during the January 25 uprising, among other matters. Trials were ongoing at year's end.

Egypt's Emergency Law, in effect since 1981, was renewed again in September 2011, despite the fact that the abolition of the law was one of the protest movement's central demands. Under the Emergency Law, "security" cases are usually referred to executive-controlled exceptional courts that deny defendants many constitutional protections. Special courts issue verdicts that cannot be appealed and are subject to ratification by the president. Although judges in these courts are typically selected from the civilian judiciary, they are appointed directly by the president. Political activists are often tried under the Emergency Law. Individuals can be prosecuted for inciting instability, criticizing the military or government, obstructing traffic, and spreading false or misleading information in the media. In addition to its trial provisions, the Emergency Law restricts many other basic rights, empowering the government to tap telephones, intercept mail, conduct warrantless searches, and indefinitely detain suspects without charge if they are 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. More than 12,000 civilians were tried by military courts under the SCAF in 2011, and at least 13 were sentenced to death. 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.

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; while some were recaptured, many remained at large. The looting of police stations during the uprising also led to the circulation of large numbers of weapons. These factors, combined with sporadic police strikes and other difficulties related to reestablishing central control over police forces, diminished security throughout the country.

The Mubarak regime was heavily criticized for the regular use of torture and other forms of brutality by its security personnel, and the issue was one of main grievances that drove the 2011 protests. Nevertheless, police brutality appeared to continue unabated after Mubarak's ouster. Human rights groups reported on torture of those detained by the military and police, and video footage that surfaced in September showed police and army officials using electrical shocks and beatings during an interrogation. In another prominent case in October, 24-year-old civilian Essam Ali Atta, who had been sentenced to two years in prison by a military tribunal for an apparently minor crime, was allegedly tortured to death by guards after they found him attempting to smuggle a mobile-telephone card.

Although the constitution provides for equality of the sexes, 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, and a Muslim heiress typically receives half the amount of her male counterparts. 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. The government has been involved in a major public-information campaign against female genital mutilation, but it is still widely practiced.

The military was criticized throughout 2011 for its harsh and sometimes predatory treatment of female protesters, including the widely publicized stripping and beating of a woman in December, to which thousands of women responded with a march in downtown Cairo. In March, soldiers subjected women arrested at Tahrir Square to "virginity checks," in addition to beating them and photographing them after they were strip-searched. At least one general reportedly argued that the examinations were aimed at preventing the women from making false rape allegations, and claimed that none of the detainees were virgins and therefore could not have been the victims of sexual assault in custody. Cairo's administrative court eventually banned the checks in a December ruling.

#### **TREND ARROW:**

Egypt received an upward trend arrow due to the development of a robust culture of popular protest, enhanced judicial independence, and an increase in political pluralism in connection with the ouster of longtime president Hosni Mubarak.

Credits